

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, December 19, 1941

The Assembly met at 11 a.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated December 16, 1941, convening the Legislature of the State of California on this day in extraordinary session. ✓

Arthur A. Ohnimus, Chief Clerk of the Assembly for the Fifty-fourth Session, presiding.

ANNOUNCEMENT

Arthur A. Ohnimus, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Fifty-fourth Session of the Legislature were present and in their respective positions: Arthur A. Ohnimus, Chief Clerk; C. William Queale, Minute Clerk, and Wilkie Ogg, Sergeant-at-Arms. ✓

ROLL CALL

The Chief Clerk directed the Assistant Chief Clerk to call the roll of Assemblymen.

The roll was called by Frank Reed, Assistant Chief Clerk, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Garland, Green, Hastam, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Vogt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—73

Quorum present.

PRAYER

Prayer was offered by Rev. Thomas H. Markham, Chaplain of the Assembly for the Fifty-fourth Session

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 1

Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the Fifty-fourth (First Extraordinary) Session, with the per diem as fixed by statute:

Hon. Gordon H. Garland	Speaker
Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 1, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Riche, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None

APPOINTMENT OF SPECIAL COMMITTEE

The Chief Clerk appointed Messrs. Charles W. Lyon, Melvyn I. Cronin and James H. Phillips as a Special Committee to escort Speaker-elect Gordon H. Garland and Speaker pro tempore-elect Earl D. Desmond to the rostrum.

Speaker Presiding

At 11.15 a.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

OATHS OF OFFICE ADMINISTERED

Hon. Gordon H. Garland, Speaker-elect, Hon. Earl D. Desmond, Speaker pro tempore-elect, Arthur A. Ohnimus, Chief Clerk-elect, C. William Queale, Minute Clerk-elect and Wilkie Ogg, Sergeant-at-Arms-elect, took and subscribed to the following oath administered by Charles J. Hagerty, Assistant Secretary of State:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office to which I have been elected to the best of my ability.

COMMITTEE FROM THE SENATE

Senators Mayo, Breed and McBride appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

PROCLAMATIONS OF THE GOVERNOR

The Speaker directed the Chief Clerk to read the Proclamations of the Governor convening the Legislature in extraordinary session.

Whereupon the Chief Clerk read the following Proclamations:

Proclamation**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

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

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation augmenting the appropriation for the operation, maintenance, and organization of the State Guard during the Ninety-third and Ninety-fourth Fiscal Years, and amending Sections 321, 340, 395, and 555, of the Military and Veterans Code, with respect to the pay, privileges, allowances, and rights for the State Guard.

2. To consider and act upon legislation augmenting the appropriation to the emergency fund specified in Item 216 of the Budget Act of 1941.

3. To consider and act upon legislation authorizing the use of public funds by counties, cities, and cities and counties, to meet emergencies caused by war or other public disaster.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State

Proclamation**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, December 19, 1941**

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m., of said day; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, by virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on December 19, 1941, do issue this my Proclamation supplementing my Proclamation dated December 16, 1941, convening the Legislature to meet and assemble on December 19, 1941, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

4. To consider and act upon legislation authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations. This fourth subject is a modification of the third subject in the original call, and is added in order that legislation may be enacted under either of them, as may be deemed wise.

5. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under Sections 6, 8 and 8½, or any of them, of Article XI of the Constitution; to approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under Section 7½ of Article XI of the Constitution; and to approve or reject amendments to the charter of the City and County of San Francisco submitted to, approved and ratified by the electors of the city and county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this nineteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State

MOTION TO PRINT PRAYER IN JOURNAL

Mr Evans moved that the following prayer, delivered by Rev. Thomas H. Markham be ordered printed in the Journal:

Motion carried.

Prayer

O Almighty and Everlasting God, we turn to Thee in this hour of darkness, and beseech Thee to bless our Nation as it engages in a world conflict. Our leaders publicly invoked with the light of Thy wisdom. With full confidence in Thee, we feel confirmed in Thy justice.

We pray Thee, Oh God of Might, Wisdom and Justice! Assist with Thy Holy Spirit of counsel and fortitude the President of the United States. We pray for His Excellency, the Governor of this State, for the members of our State Legislature. We recommend likewise to Thy unbounded mercy all our fellow citizens throughout the United States, especially those noble warriors in our armed forces. We pray Thee, O Lord of Mercy to remember the souls of our heroes who have already given their lives for this cause. They have gone before us with the Sign of Faith, and may they repose in the sleep of peace.

Grant us a just and holy victory, that we may be preserved in union, and in that peace which the world can not give: and after enjoying the blessings of this life, may we be admitted to those which are eternal. Amen.

COMMUNICATIONS

The following communications were received and read, and on motion of Mr. Field, ordered printed in the Journal:

(CABLE) HONOLULU, December 19, 1941

Gordon Garland

Speaker California State Assembly, Sacramento, California

Request unanimous consent be absent special session. Am representing House on Oahu front. Spirit and morale all hands very high, and acting in accordance with highest traditions of America. Am aware of Members' hard work in legislative matters, and have the utmost confidence in everybody including the third house. Could use all of you—particularly a chaplain, a bugler, an Ex-Marine and a certain yeoman. A big cheer and God bless all of you.

COOKE

TREASURE ISLAND, SAN FRANCISCO

December 19, 1941

*The Speaker, California State Legislature
Sacramento, California*

My father, whom I left December 14th in Honolulu, has asked me to convey to you gentlemen the information that the California Legislative Detachment was well represented in the defense of Pearl Harbor.

JOHN B. COOKE, JR.

SAN FRANCISCO, December 18, 1941

*Honorable Gordon Garland, Speaker of the Assembly
State Capitol, Sacramento, California*

On account of illness, am a patient in the Southern Pacific Hospital in San Francisco and will be unable to attend the Special Session of the Legislature. With best wishes to you and the Members of the Assembly.

Sincerely,

WILLIAM I. GUNLOCK

SAN FRANCISCO, December 18, 1941

*Honorable John Edward Cain, Member of the Assembly
State Capitol, Sacramento, California*

Kindly have me excused at the Special Session of the Legislature on account of illness. Am a patient at Southern Pacific Hospital in San Francisco. With best wishes. Sincerely yours,

WILLIAM I. GUNLOCK

LEAVES OF ABSENCE FOR BALANCE OF SESSION

The following members were granted leaves of absence for the balance of the session:

Mr. Cooke, on motion of Mr. Turner.

Mr. Gunlock, on motion of Mr. Cain.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:

Mr. Fred N. Howser, on motion of Mr. Robertson.

MOTION TO SEND CABLEGRAM

Mr. Turner moved that the Chief Clerk be instructed to send a cablegram to Assemblyman Cooke and to Miss Kaydee McBride, extending Yuletide greetings from the Assembly, and notifying Assemblyman Cooke that he has been excused by unanimous consent for the balance of this First Extraordinary Session.

Motion carried.

RESOLUTIONS


The following resolution was offered:

By Mr. Maloney:

House Resolution No. 2

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session pursuant to the Proclamation of His Excellency, the Governor, dated the sixteenth day of December, 1941, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. Gordon H. Garland	Speaker
Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnumus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain


Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 2, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 2, the Speaker announced the appointment of Messrs. Lyon, Maloney and Dills, as such Special Committee.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate elected the following statutory officers:

President pro tempore	W. P. Rich
Secretary of the Senate	Joseph A. Beek
Sergeant-at-Arms	Joseph F. Nolan
Minute Clerk	Robert G. Alderman
Chaplain	H. W. Opperman

J. A. BEEK, Secretary of the Senate


RESOLUTIONS

The following resolution was offered:

By Mrs. Daley:

House Resolution No. 3

Resolved by the Assembly of the State of California, That a Special Committee of Five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.



Request for Unanimous Consent

Mrs. Daley asked for, and was granted, unanimous consent to take up House Resolution No. 3, at this time, without reference to committee. Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 3, the Speaker announced the appointment of Mrs. Daley, and Messrs. Dilworth, Knight, T. Fenton; Kilpatrick and Leonard, as such Special Committee.

COMMUNICATIONS

Communications from Edward Hyatt, State Engineer, on reports dated June 17, 1941, June 27, 1941, July 3, 1941, July 11, 1941, July 19, 1941, July 21, 1941, July 29, 1941, August 1, 1941, August 30, 1941, September 3, 1941, September 10, 1941, October 7, 1941 and October 10, 1941, pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes of 1940, Fourth Extra Session, were received and ordered filed with the Secretary of State.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Desmond moved that a Special Committee of Three be appointed to invite the Senate to meet in Joint Convention with the Assembly at 12 noon, to hear from His Excellency, Governor Culbert L. Olson.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the motion by Mr. Desmond, the Speaker announced the appointment of Messrs. Desmond, Burns, Michael J., and Call, as such Special Committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 4

Resolved by the Assembly of the State of California, That until further notice the Standing Rules of the Fifty-fourth (Regular) Session, adopted January 14, 1941, and all amendments adopted thereto, excepting those adopted on June 14, 1941, be and the same are hereby adopted as the Rules of the Fifty-fourth (First Extraordinary) Session convened on December 19, 1941.

PERMANENT STANDING RULES OF THE ASSEMBLY FOR THE FIFTY-FOURTH FIRST EXTRAORDINARY SESSION—1941-1943**Hours of Meeting**

1. The session of Assembly, prior to the constitutional recess, shall be daily, beginning at 10 o'clock a.m. (Sundays excepted) unless otherwise ordered by a majority vote of the members present.

Following the constitutional recess, the Assembly shall meet promptly at 2 o'clock p.m., daily (Sundays excepted) and Mondays at the hour of 11 o'clock a.m., unless otherwise ordered by a majority vote of the members present.

Speaker to Call Assembly to Order

2. The Speaker, or in his absence, the Speaker pro tempore, shall take the Speaker's chair precisely at the hour appointed for meeting, and shall immediately call the Assembly to order. In the absence of both the Speaker and the Speaker pro tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

Roll Call and Quorum

3. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered on the Journal. A majority of all the members elected to the Assembly shall constitute a quorum for the transaction of business.

Order of Business

4. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Reports of Committees
6. Messages from the Governor
7. Messages from the Senate
8. Introduction and Reference of Bills
9. Business on the Daily File
10. Motions and Resolutions
11. Announcements
12. Adjournment

Pledge of Allegiance

4.5 On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading of the Previous Day's Journal

5. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

Approval of the Journal

6. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

Motion to Correct Journal

7. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

Presentation of Petitions

8. Whenever petitions, memorials or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Reports of Committees

9. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant. They shall be read and ordered printed on the Journal unless it is ordered otherwise by the Speaker or by a majority vote of the members present.

Messages From the Governor

10. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Messages From the Senate

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall

forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills Defined

12. Wherever the word bill is used, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided for in these Rules.

Introduction and Reference of Bills

13. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same shall be stricken from the file on motion of the member whose name appears thereon without such signature after the majority vote of the members. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk. When received at the Clerk's desk, it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Introduction of Bills After Constitutional Recess

14. Any member requesting permission to introduce a bill except a resolution or constitutional amendment after the constitutional recess shall send such request together with the bill to the Clerk's desk, and shall under the order of "Introduction of Bills" be referred by the Speaker to the Committee on Introduction of Bills. The committee shall ascertain if the granting of such request will exceed the limitations as set forth in Section 2 of Article IV of the Constitution, and if it will not, shall report back on the same legislative day each bill so referred to it. The adoption of the report of the committee granting permission to introduce any bill shall require an affirmative recorded vote of three-fourths of all members elected to the Assembly.

Examining of Bills by Legislative Counsel Bureau

15. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly Rule. He shall have authority to correct any clerical error such as orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, and in any other particular wherein the bill does not comply in form with law or Assembly Rule. He shall have authority to correct any error in the title of an amendatory bill wherein it does not enumerate the sections added or amended of a particular act or code.

If in the opinion of the Legislative Counsel, any correction made by him under the authority of this Rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this Rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this Rule for any period longer than two legislative days.

Daily File

16. There shall be printed an Assembly Daily File for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Motions and Resolutions

17. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly Rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

18. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

Duties of Assembly Officers

Duties of the Speaker

19. The Speaker shall possess the powers and perform the duties herein prescribed:

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole.

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants and subpoenas issued by order of the Assembly.

Duties of the Speaker Pro Tempore

20. The Speaker pro tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

21. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matter as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Duties of the Sergeant-at-Arms

22. The duties of the Sergeant-at-Arms shall be as follows

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Members' Decorum and Privileges

Order in Speaking to Questions

23. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding except that the author of a bill or resolution, or the mover of a question shall have the right to close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and 5 minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than 5 minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Speaker to Decide Who Is Entitled to Floor

24. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

Members Called to Order for Transgressing Rules

25. If any member in speaking or otherwise, transgresses the Rules of the Assembly, the Speaker shall, or any member may call the offending member to order. The member so called to order shall immediately take his seat, unless permitted to explain; if called to order by a member, such member shall immediately state the point of order. The point of order shall be decided by the Speaker without debate. If the decision of the Speaker be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall be required to keep his seat. Every such decision by the Speaker shall be subject to an appeal to the Assembly.

Members Called to Order for Offensive Words

26. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

Members Voting

27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this Rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this Rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

28. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or by viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

29. When once begun, voting shall not be interrupted, except that any member may have the total pending vote flashed on the visible vote recorder and except that any member may move a call of the Assembly, after the completion of the roll and prior to the final recording and announcement of the vote.

Changing Vote

30. Prior to the announcement of the vote, the Speaker shall inquire if all members have voted. After the vote is announced, no member shall be allowed to change his vote, or have his vote recorded.

Members at Clerk's Desk

31. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

32. In case of an equal division, or tie vote, the question shall be lost.

Call of the Assembly

33. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

Leave of Absence

34. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

35. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

36. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Assignment of Desks to Members

37. Members shall be assigned to desks by the Superintendent of Capitol Buildings and Grounds, and, so far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Motions and Questions*Precedence of Motions During Debate*

38. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

First—To adjourn;

Second—To recess to a time certain;

Third—To lay on the table;

Fourth—For the previous question;

Fifth—To set as a special order;

Sixth—To postpone indefinitely;

Seventh—To refer or re-refer;
Eighth—To amend.

Questions of Order Decided Without Debate

39 All incidental questions of order, arising after a motion is made for any of the questions named in Rule No. 38 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

40. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal can not be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal can not be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

To Adjourn

41. A motion to adjourn is not debatable and can not be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken, shall be entered on the Journal. Such a motion to adjourn must be adopted by a majority vote of the members present.

When such a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. Such statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

42. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

43 A motion to lay on the table is not debatable and can not be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

44. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

45. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

46 A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order

Motion to Postpone Indefinitely

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone

indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

Motion to Amend

48. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this Rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 43.

Amendment to Be Germane

49. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

50. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

51. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Consideration of Motions

52. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

53. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Resolutions

54. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Withdrawal of Motions

55. After a motion is stated by the Speaker, or a bill, resolution or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

56. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Bills Reported Back to Assembly

57. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this Rule.

Motion to Withdraw and Recall Bills

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the File except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From Calendar

59. A motion to strike from the File any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

60. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Reference of Bills to Committee

61. Immediately following its first reading the Speaker shall refer each bill to a committee, unless upon a motion, the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Record of Bills

62. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be indorsed upon such bill.

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

63. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Second Reading of Bills

64. All bills shall be read the second time in the order of their appearance upon the Second Reading File. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

65. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading File, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills.

Committee on Engrossment and Enrollment

67. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, ordered or considered engrossed by the Assembly with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Engrossment and Enrollment shall be in order at any time.

Engrossing and Enrolling Bills

68. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the Assembly.

Bills Transmitted to the Senate

69. Upon the final passage of any bill, if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Last Seven Days

70. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

Concurrence in Senate Amendments

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

72. If the Assembly refuse to concur in the Senate amendments to any Assembly bill, the Chief Clerk shall notify the Senate of such refusal and request the Senate to recede from its amendments. If the Senate so recede and notify the Assembly, the bill shall be forthwith ordered enrolled.

Committee on Free Conference

73. Should the Senate refuse to recede from its amendments and so notify the Assembly, the Speaker shall thereupon appoint three members as a Committee on Free Conference. If there be a minority vote on concurrence, two of such members shall be selected from those voting against concurrence and the third member shall be selected from those voting for concurrence. The Chairman of the Senate Committee on Free Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Free Conference to agree upon a report and the report shall be submitted to both the Senate and Assembly. Such report is not subject to amendment and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill. The presentation and consideration of any report of a Committee on Free Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any free conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any free conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such free conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Enrollment

74. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Section 539 of the Political Code. The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered on the Journal.

Committees*Standing Committees*

75. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Aviation and Aircraft, to consist of 11 members.
3. A Committee on Banking, to consist of 9 members.
4. A Committee on Building and Construction, to consist of 7 members.
5. A Committee on Building and Loan Associations, to consist of 7 members.

6. A Committee on Civil Service, to consist of 9 members.
7. A Committee on Commerce and Navigation, to consist of 9 members.
8. A Committee on Constitutional Amendments, to consist of 13 members.
9. A Committee on Contested Elections, to consist of 5 members.
10. A Committee on Corporations, to consist of 9 members.
11. A Committee on County Government, to consist of 15 members.
12. A Committee on Crime Problems, to consist of 7 members.
13. A Committee on Direct Legislation, to consist of 7 members.
14. A Committee on Education, to consist of 13 members.
15. A Committee on Elections, to consist of 11 members.
16. A Committee on Engrossment and Enrollment, to consist of 5 members.
17. A Committee on Exhibitions and Fairs, to consist of 7 members.
18. A Committee on Federal Relations, to consist of 7 members.
19. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
20. A Committee on Fish and Game, to consist of 15 members.
21. A Committee on Governmental Efficiency and Economy, to consist of 15 members.
22. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
23. A Committee on Hospitals and Asylums, to consist of 11 members.
24. A Committee on Insurance, to consist of 13 members.
25. A Committee on Introduction of Bills, to consist of 5 members.
26. A Committee on Irrigation, to consist of 17 members.
27. A Committee on Judiciary Codes, to consist of 17 members.
28. A Committee on Judiciary General, to consist of 15 members.
29. A Committee on Labor and Capital, to consist of 13 members.
30. A Committee on Libraries, to consist of 5 members.
31. A Committee on Live Stock and Dairies, to consist of 9 members.
32. A Committee on Manufactures, to consist of 7 members.
33. A Committee on Medical and Dental Laws, to consist of 13 members.
34. A Committee on Mileage, to consist of 5 members.
35. A Committee on Military Affairs, to consist of 9 members.
36. A Committee on Mines and Mining, to consist of 9 members.
37. A Committee on Motor Vehicles, to consist of 15 members.
38. A Committee on Municipal Corporations, to consist of 13 members.
39. A Committee on Oil Industries, to consist of 13 members.
40. A Committee on Natural Resources, to consist of 11 members.
41. A Committee on Prisons and Reformatories, to consist of 11 members.
42. A Committee on Public Charities and Corrections, to consist of 9 members.
43. A Committee on Public Health and Quarantine, to consist of 13 members.
44. A Committee on Public Morals, to consist of 11 members.
45. A Committee on Public Utilities, to consist of 11 members.
46. A Committee on Revenue and Taxation, to consist of 15 members.
47. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members.
48. A Committee on Roads and Highways, to consist of 15 members.
49. A Committee on Rules, to consist of 9 members, including the Speaker.
50. A Committee on Social Service and Welfare, to consist of 15 members.
51. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
52. A Committee on State Grounds and Parks, to consist of 7 members.
53. A Committee on State Colleges, to consist of 7 members.
54. A Committee on Unemployment, to consist of 13 members.
55. A Committee on Universities, to consist of 7 members.
56. A Committee on Ways and Means, to consist of 21 members.
57. A Committee on Reapportionment, to consist of 21 members.

Committee Quorum

76. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Meetings of Standing Committees

77. All standing committees shall meet at the hour provided by schedule, unless otherwise ordered by the Assembly. Committees may hold such additional meetings as the chairman of the committee may deem necessary; provided, that no committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee by a majority vote of its entire membership shall order an executive session.

Standing Committee Rules

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire

membership, such additional Rules as it may deem necessary for the conduct of any business referred to such committee.

Signing Bills Out of Committee

79. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee Expenditures

80. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

Appointment of Attaches

81. The Committee on Rules shall recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

Committee on Ways and Means

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly.

Whenever requested by the Assembly, the Chairman of the Committee on Ways and Means shall report the exact condition of legislation involving appropriations and the aggregate amount of all proposed appropriations pending before the committee. The committee may also report whenever necessary, their opinion as to the condition of the State revenues and expenditures.

Committee of the Whole

83. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole. The Rules of the Assembly shall be observed in the Committee of the Whole so far as they may be applicable, except that the ayes and noes need not be taken.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered on the Journal except upon motion and a majority vote of the members present.

Reconsideration of Vote

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the Unfinished Business File, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly. The notice of motion to reconsider may be called up by any member on the next legislative day after the notice of reconsideration of the bill, constitutional amendment, concurrent or joint resolution has been given.

Any member voting on any motion, amendment, concurrence, recedence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected Assembly membership, except that constitutional amendments to be so reconsidered shall require an affirmative recorded vote of two-thirds of the entire Assembly elected membership.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Printing

Authority for Printing

85. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly Rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

86. Unless otherwise restricted by law or by Assembly Rule, the style and form of all printing, the quality of paper to be used, and the number of copies to be printed of each order, shall be decided by the Chief Clerk and approved by the Speaker or Chairman of Committee on Rules. All requests by members for additional copies of bills, documents or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

87. The Chief Clerk shall cause to be compiled and printed during the constitutional recess, a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint and house resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

Printing of Maps

88. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Rules

Adoption of Standing Rules

89. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Parliamentary Rules

90. Roberts Rules of Order shall be the recognized authority on all occasions when the Assembly Rules are not applicable.

Suspension of Rules

91. Unless otherwise specifically provided by law or Assembly Rule, any Standing Rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

92. No Standing Rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly and one day's notice must be given on the motion thereof.

Temporary Rule

93. The Committee on Rules may at any time report a temporary Rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary Rule shall have the effect for the time being, of a Standing Rule. If such temporary Rule shall be in conflict with a Standing Rule, it shall supersede such Standing Rule only for the time being.

A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

Miscellaneous

Press Privileges

94. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks; also the necessary rooms for the exclusive use of such accredited press representatives.

Privilege of Addressing the Assembly

95. No person other than a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

Smoking in Assembly Chamber

96. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

Fees for Witnesses

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars (\$5) for each day such witness shall be required to appear, and the sum of three and one-half cents ($\$0.03\frac{1}{2}$) for each mile he shall travel in coming to and going from the place of examination.

Use of Assembly Chamber

98. The Assembly Chamber shall not be used for any public or private business other than legislative matters, during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber

100. All persons appearing, or being, or desiring to appear, or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Assembly, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This Rule shall not apply to members of either house of the Legislature, to elected State officers, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Assembly Chamber, or any committee room of the Assembly, for the purpose of advocating the adoption or defeat of any bill, measure or resolution, without first having registered and secured the certificate, as herein provided.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session; and any person transgressing this Rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this Rule. This Rule can not be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Speaker Explains Order of Business

101. The Speaker may, on his own motion or upon the motion of any member of

the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes

Admission to Assembly Chamber

102. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

LYON, Chairman

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 4, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Cam, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Helsing, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced that the standing committees of the Fifty-fourth (Regular) Session would be the standing committees of the Fifty-fourth (First Extraordinary) Session.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

House Resolution No. 5

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

<i>Commencing Friday, December 19, 1941</i>	<i>Per day</i>
Arthur A. Ohnimus, Chief Clerk	\$10 00
Frank Reed, Assistant Chief Clerk	9 00
C. William Queale, Minute Clerk	9 00
Charles W. Robbins, Engrossing and Enrolling Clerk	7 00
Harold Lewright, Assistant Clerk	7 00
Juanita L. Dependener, Assistant Clerk	7 00
Nina Ronstadt, Assistant Clerk	7 00
Irene Mosher, Assistant Clerk	7 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Rev. Thomas H. Markham, Chaplain	4 00
Leonora Trethowan, Stenographer	5 00
Clare Foot, Stenographer	5 00
Pete Finney, Assistant Sergeant-at-Arms	5 00
Ed. Nathan, Assistant Sergeant-at-Arms	5 00
William C. Coffman, Page	2 50
Louis Desmond, Page	2 50

Resolved, further, That the compensations of the above named attaches shall be on a seven-day per week basis.

LYON, Chairman
Committee on Rules

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hustain, Heisinger, Houser, Frederick F., Johnson, Kellemis, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalishch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

By Mr. Pfaff:

House Resolution No. 6

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same.

District	Name	Address	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	Michael J. Burns	Eureka, Humboldt County	312		312	624	\$31 20
3	Lloyd W. Lowrey	Rumsey, Yolo County	23	36	59	118	5 90
4	Seth Millington	Gridley, Butte County	86	14	72	144	7 20
5	Ernest C. Crowley	Suisun, Solano County	48			96	4 80
6	Allen G. Thurman	Colfax, Placer County	37	17	54	108	5 40
7	Richard H. McCollister	Mill Valley, Marin County	105	8	113	226	11 30
8	John Edward Cain	Sacramento, Sacramento County					
9	Earl D. Desmond	Sacramento, Sacramento County					
10	Harold F. Sawalishch	Richmond, Contra Costa County	62	22	84	168	8 40
11	Charles M. Weber	Stockton, San Joaquin County	48			96	4 80
12	James E. Thorp	Lockeford, San Joaquin County	48	3	45	90	4 50
14	Randal F. Dickey	Alameda, Alameda County	89	5		178	8 90
15	Bernard A. Sheridan	Oakland, Alameda County	84			168	8 40
16	Arthur W. Carlson	Piedmont, Alameda County	84			168	8 40
17	Henry P. Meehan	Oakland, Alameda County	84			168	8 40
18	James H. Phillips	Oakland, Alameda County	84			168	8 40
19	Gardner Johnson	Berkeley, Alameda County	84	1	83	166	8 30
20	Thomas A. Maloney	San Francisco, San Francisco County	90			180	9 00
21	John D. Welch	San Francisco, San Francisco County	90			180	9 00
22	George D. Collins, Jr.	San Francisco, San Francisco County	90			180	9 00
23	Dan Gallagher	San Francisco, San Francisco County	90			180	9 00
24	Edward F. O'Day	San Francisco, San Francisco County	90			180	9 00
25	Melvyn I. Cronin	San Francisco, San Francisco County	90			180	9 00
26	Edward M. Gaffney	San Francisco, San Francisco County	90			180	9 00
27	Albert C. Wollenberg	San Francisco, San Francisco County	90			180	9 00
28	Robert Miller Green	San Francisco, San Francisco County	90			180	9 00
29	Harrison W. Call	Redwood City, San Mateo County	119			238	11 90
30	Byrl R. Salsman	Palo Alto, Santa Clara County	128	18	146	292	14 60
31	M. G. Del Mutolo	San Jose, Santa Clara County	128			256	12 80
32	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	91	182	9 10
33	George A. Clarke	LeGrand, Merced County	114	15	129	258	12 90
34	Jacob M. Leonard	Hollister, San Benito County	173			346	17 30
35	Fred Weybret	Soledad, Monterey County	208	44	252	504	25 20
36	Hugh M. Burns	Fresno, Fresno County	169			338	16 90
37	S. L. Heisinger	Fresno, Fresno County	169			338	16 90
38	Gordon H. Garland	Woodlake, Tulare County	206	16	222	444	22 20
39	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460			920	46 00
41	Rodney L. Turner	Delano, Kern County	278	30	248	496	24 80
42	Everett G. Burkhalter	North Hollywood, Los Angeles County	447			894	44 70
43	C. Don Field	Glendale, Los Angeles County	447	10	437	874	43 70
44	John B. Pelletier	Los Angeles, Los Angeles County	447			894	44 70
45	Thomas J. Doyle	Los Angeles, Los Angeles County	447			894	44 70
46	Jack B. Tenney	Inglewood, Los Angeles County	447	10	457	914	45 70
47	Eleanor Miller	Pasadena, Los Angeles County	447	13	460	920	46 00
48	T. Fenton Knight	La Canada, Los Angeles County	447	16	463	926	46 30
49	Lee T. Bashore	Glendora, Los Angeles County	447	26	473	946	47 30
50	Gerald C. Kepple	Whittier, Los Angeles County	447	15	462	924	46 20

Distance	Name	Address	Distance from county seat	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
52	William H. Poole	Bell, Los Angeles County	447	8	455	910	\$45 50
53	Frederick F. Houser	Alhambra, Los Angeles County	447	9	456	912	45 60
54	John B. Knight	Los Angeles, Los Angeles County	447	--	--	894	44 70
55	Vernon Kilpatrick	Los Angeles, Los Angeles County	447	--	--	894	44 70
56	Norris Poulson	Los Angeles, Los Angeles County	447	--	--	894	44 70
57	Franklin J. Potter	Los Angeles, Los Angeles County	447	--	--	894	44 70
58	Frank J. Waters, Jr.	Los Angeles, Los Angeles County	447	--	--	894	44 70
59	Charles W. Lyon	Los Angeles, Los Angeles County	447	--	--	894	44 70
60	Jesse Randolph Kellems	Los Angeles, Los Angeles County	447	--	--	894	44 70
61	Ernest O. Voigt	Los Angeles, Los Angeles County	447	--	--	894	44 70
62	Augustus F. Hawkins	Los Angeles, Los Angeles County	447	--	--	894	44 70
63	Don A. Allen	Los Angeles, Los Angeles County	447	--	--	894	44 70
64	Roger Alton Pfaff	Los Angeles, Los Angeles County	447	--	--	894	44 70
65	John W. Evans	Los Angeles, Los Angeles County	447	--	--	894	44 70
66	Jack Massion	Los Angeles, Los Angeles County	447	--	--	894	44 70
67	Cecil R. King	Los Angeles, Los Angeles County	447	--	--	894	44 70
68	Vincent Thomas	San Pedro, Los Angeles County	447	23	470	940	47 00
69	Ralph C. Dills	Compton, Los Angeles County	447	18	465	930	46 50
70	Lorne D. Middough	Long Beach, Los Angeles County	447	22	469	938	46 90
72	Godfrey A. Andreas	Upland, San Bernardino County	508	22	530	1060	53 00
73	Frank C. Russell	Crestline, San Bernardino County	508	15	523	1046	52 30
74	Clyde A. Watson	Orange, Orange County	481	--	--	962	48 10
75	Sam L. Collins	Fullerton, Orange County	481	--	11 470	940	47 00
76	Nelson S. Dilworth	Hemet, Riverside County	512	34	546	1092	54 60
77	Harvey E. Hastain	Brawley, Imperial County	661	--	15 646	1292	64 60
78	Jeanette E. Daley	San Diego, San Diego County	573	--	--	1146	57 30
79	Paul A. Richie	San Diego, San Diego County	573	--	--	1146	57 30
80	Charles W. Stream	Palm City, San Diego County	573	13	586	1172	58 60

Name	Address	Distance from county seat	Distance from county seat, less	Mileage one way	Total mileage	Amount at 10 cents per mile
Arthur A. Ohnimus	San Francisco, San Francisco County	--	--	90	180	\$18 00
C. William Queale	Fullerton, Orange County	481	11	470	940	94 00

Request for Unanimous Consent

Mr. Pfaff asked for, and was granted, unanimous consent to take up House Resolution No. 6, at this time, without reference to committee Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

By Mr. Lyon:

House Resolution No. 7

Resolved, That the Controllor be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred fifty dollars (\$150), said amount being for the payment of postage, telegraphing, expressage and incidental expenses of the Chief Clerk's Office.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 7, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Turner, ordered printed in the Journal:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS

WASHINGTON, July 5, 1941

Mr. Arthur A. Ohnimus, Chief Clerk

Assembly, California Legislature

Assembly Chamber, State Capitol, Sacramento, California

DEAR MR. OHNIMUS: The Department has received by reference from the White House your letter of June 18, 1941, together with a copy of Assembly Joint Resolution No. 33, adopted on June 13, 1941, by the California State Legislature, urging the President and Congress to make available Federal funds for the extension of existing flood control works along the Los Angeles River.

I am pleased to inclose herewith for your convenient reference a copy of House Document No. 838, Seventy-sixth Congress, Third Session, which contains the Department's report dated June 11, 1940, on its authorized investigation for flood control on the Los Angeles and San Gabriel Rivers and their tributaries and Ballona Creek. You will note by reference to the map at the back of the inclosed document a number of improvements recommended by the Department as extensions to the existing project for flood control in that area. These extensions are shown by angled cross-hatching.

Although this report recommending extensions to the existing project for flood control in the Los Angeles County Drainage Area has been submitted to Congress, the Department does not at the present time have the necessary Congressional authority for the construction of those extensions. I am pleased to inform you, however, that the Flood Control Bill, H. R. 4911, which was introduced in the House of Representatives on May 29, 1941, by Representative Will M. Whittington of Mississippi contains an item approving the general comprehensive plan for flood control and other purposes in the basins of the Los Angeles and San Gabriel Rivers and Ballona Creek as set forth in House Document No. 838, and authorizing \$25,000,000 for the partial accomplishment of that plan, in addition to previous authorizations. As you may know, that bill was passed by the House of Representatives on June 20, 1941, and is now before the Senate Commerce Committee.

The Department appreciates the interest of the California State Legislature in its flood control work in the Los Angeles area. You may be assured that when the authorization contemplated by the bill, H. R. 4911 is provided, this Department is fully prepared to undertake the construction of the works recommended by it in the aforementioned report as rapidly as funds for that purpose are made available by Congress.

For the Chief of Engineers:

Very respectfully,

MILES REBER, Major, Corps of Engineers
Assistant Chief, Construction Section

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that all bills, as introduced, would be read the first time, and then referred to the Legislative Counsel Bureau to determine whether or not they be within the scope of the Governor's Proclamation.

There being no objection to this procedure, such was the order.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, read the first time, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 1: By Messrs. Pfaff, Voigt, Kellems, Maloney, Burns, Michael J., Knight, John B., Thomas, McCollister, Green, Hastain, Call, Dickey, Salsman, Crowley, Leonard, Poulson, Waters, Thurman, Phillips, Gallagher, Wollenberg, Collins, George D., Gaffney, Johnson, Cronin, Tenney and Mrs. Daley—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 2: By Messrs. Middough, Tenney and Evans—An act to add Section 554.5 to the Military and Veterans Code, relating to the use of the State Guard, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 3: By Messrs. Middough, Tenney, Kellems and Evans—An act to add Section 553.5 to the Military and Veterans Code, relating to membership in the State Guard, declaring the urgency hereof and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 4: By Mr. McCollister—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

APPOINTMENT OF JOINT COMMITTEE CHAIRMAN

The Speaker announced the appointment of Mr. Millington as Chairman of the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 1: By Mr. Doyle—Relative to punishment for felonies.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 2: By Messrs. Carlson, Dickey, Phillips, Johnson, Sheridan, Meehan, Middough, Tenney, Garland and Kellems—Relative to the death of James M. Cassidy.

Request for Unanimous Consent

Mr. Carlson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy.

Resolution read and adopted unanimously

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 3: By Messrs. Gallagher, Green, Cronin, Maloney, Welch, Gaffney, Collins, George D., Wollenberg and O'Day—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941

Request for Unanimous Consent

Mr. Gallagher asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pellerier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salzman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

RECESS

At 12 m., the Assembly was declared at recess to meet with the Senate in Joint Session.

JOINT SESSION

ASSEMBLY CHAMBER, SACRAMENTO

Friday, December 19, 1941

At 12 m., the Senate and the Assembly met in Joint Convention
Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

APPOINTMENT OF COMMITTEE OF ESCORT

Hon. Ellis E. Patterson, President of the Senate, appointed Senators Judah, Kenny and Cunningham to escort His Excellency, Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

Hon. Gordon H. Garland, Speaker of the Assembly, appointed Assemblymen Daley, Leonard, Dilworth, Knight, T. Fenton and Kilpatrick to escort His Excellency Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

REPORT OF COMMITTEE OF ESCORT

The Senate and Assembly Committee of Escort appeared at the platform in company with His Excellency, Culbert L. Olson, Governor.

REMARKS BY SPEAKER GARLAND IN PRESENTING GOVERNOR OLSON

The Speaker addressed the Joint Convention as follows:

Governor Olson, Lieutenant Governor Patterson, President of the Senate William Rich, Members of the Senate, Members of the Assembly, our guests and friends:

Many times in the past, the Legislature of this State has met in extraordinary session to consider serious and weighty problems, but never before has the Legislature been called upon to consider matters which so vitally affect the welfare of every one of us and the well being of every home in this State and Nation. This is a time when those of us who are charged with the responsibility of passing the laws under which we must live must lay aside any petty political or partisan differences we may have had in the past and we must stand united and be of one accord in the protection of our Country.

I know from talking with practically every Member of the Legislature that we are prepared to make whatever personal sacrifice seems necessary in order to thoroughly consider the matters which the Governor has proposed in his Proclamation. As we approach our duty, in the consideration of these matters, I am sure there will be no serious contention among us, but rather that we will all be imbued with the spirit of cooperation and that we are possessed of a keen desire to do that which is necessary and essential to the welfare of our State and Nation.

Let us remember that we come to Sacramento to perform our duty as American citizens and not as members of any political party. There is only one party in America today and that is the American Party.

Never in the history of our Country has leadership been needed more than now; leadership coupled with efficiency and competency will result in unity of the people. Our President has already given a splendid exhibition of fine leadership in the manner in which he is handling the difficult problems arising from the crisis.

The people of California are a courageous people. They have met emergencies in the past. We can recall catastrophes which have occurred in this State such as the fire and earthquake in San Francisco when that city Phoenix-like rose from its ruins to a finer and more beautiful city than before; we witnessed the breaking of the dam in Ventura County and the many deeds of heroism performed during that catastrophe. These and many other experiences have given us just cause to be proud of being Californians. That same spirit prevails today and it is that spirit which will see us through the present conflict. No man or group of men is big enough to fight this war alone. It is in the spirit of a people united that I am sure this Legislature approaches the duty which lies ahead.

INTRODUCTION OF GOVERNOR CULBERT L. OLSON

Governor Culbert L. Olson was then presented to the Joint Convention by Hon. Gordon H. Garland, Speaker of the Assembly.

REMARKS BY GOVERNOR OLSON

Governor Culbert L. Olson addressed the Joint Convention as follows:

Governor's Message to Legislators

Members of the Senate and the Assembly of the California Legislature

Protection of life and property in California by agencies of the State Government in the present serious state of emergency required the calling of this special session of the Legislature. The need of funds to support the State Guard, a large portion

of which is now in service, and for augmentation of the State Emergency Fund, is so urgent that I did not dare risk delay in calling you into extraordinary session to appropriate funds for these emergency needs.

State Guard: Your Act of June 17, 1941, directed the Governor "to organize and maintain a State Guard with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe." This act was passed in recognition of the fact, as stated in its urgency clause, that "An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. A large rearmament program is also under way, in which the manufacturing, airplane, shipbuilding and other plants of this State are taking their part. The National Guard, which has heretofore been available to this State as an organization for the defense and for the guarding of such plants and other places of strategic and Military value is being called into the service of the United States and many units thereof have already left the State in such service. It is therefore necessary that steps be taken to provide troops to take their place and to make the unorganized Militia more readily available for defense in this emergency and for the guarding of such plants and places of Military and strategic value." And under Section 554 of the Military and Veterans Code, the Guard may be called into active service of the State for the causes and purposes for which the Governor could call the National Guard into service before it was inducted into the Federal Army.

Pursuant to direction of the Act of June 17, 1941, I caused the State Guard to be organized with volunteer enlistments until its numerical strength exceeded 10,000 persons. On the seventh of this month, the date our Country was drawn into actual war by the Japanese attack, the numerical strength of the Guard was approximately 15,000 persons. On that same day I was requested by the War Department of the United States to call the Guard into service to provide troops for the guarding of plants and places of Military and strategic value in this State. At the same time I called for volunteers of 10,000 additional men, and within a week that additional number had enlisted in the Guard, and applications made by additional thousands for enlistment. The present strength of the Guard is, therefore, now 26,500 officers and men. Guard troops have been furnished, and a large portion of the personnel of the Guard is now on duty in the protection of plants and places of Military and strategic value, and resources and utilities vital to civilian welfare and public safety. Such requests for Guard protection have come not only from United States Army and Navy sources, but also from local governments for the protection of vital municipal utility supply plants. Response to these emergency calls for the services of the State Guard may, for an indefinite period, require the calling of all of its present personnel to active duty. Whether the full present strength of the Guard will be required on duty throughout the next year or during the rest of this biennium, or when, if at all, the Federal Government may make provision for guard duty at plants and places of Military and strategic value in this State, I do not know. Nor could anyone know definitely at this time. But it is certain that plants and places of Military and strategic value are also plants and places of great value to the State, as well as are other plants and places requiring protection from destruction.

I have called upon The Adjutant General to furnish me a budget of the financial requirements for the maintenance of the Guard, and he has furnished me with such a budget, predicated on activation of the full present strength of the Guard for a period of one year. The total amount of this budget is \$37,090,881; \$5,478,000 of which is predicated upon amendments to the Sections of the Military Code mentioned in Item 1 of your call to this special session. Under the present Military Code, officers of the Guard, while on duty, are entitled to the same pay and allowance as officers of equal rank in the Army and Navy of the United States. All other personnel, including noncommissioned officers, as well as privates, are entitled to receive \$2 per day while on duty. Proposed amendments of these sections of the Military Code, would provide a step up in the pay allowances to the ranks of noncommissioned officers above that allowed privates, ranging from \$720 per year to privates, to \$1,080 per year for first sergeants, and would provide for allowances to dependents, measured by that provided for dependents of enlisted men in the United States Army.

I am hoping and anticipating that the full present strength of the Guard may not be required on full-time duty throughout the coming year. I am hoping and anticipating, too, that the Federal Government will realize, before the end of the year, that it would be calling too severely on the financial resources of California to provide a military guard for all of our resources, plants and utilities, and that as we settle down to continuing war conditions, provision may be made by the Federal Government for a large part of such guarding service. I have already taken this matter up with the War Department and the President, and it is receiving their attention.

Therefore, I recommend that at this time the Legislature appropriate, for pay allowances and maintenance to the State Guard, while in service, and for any substantial allowance that may be provided by amendments to the Military Code of the sections mentioned in the call, and for equipment, a total of at least \$17,500,000, to be used as may be needed during the rest of the current biennium.

An appropriation for active duty by the Guard is in the nature of emergency appropriation, because the Guard is in no sense to be maintained as a standing Army. It is an organized part of the State Militia, ready to be called to active duty as emergencies require, and to receive allowances for maintenance only while on active duty.

And I recommend that you also appropriate the further sum of \$9,250,000 to the regular State Emergency Fund. The appropriation to this fund for the current biennium in Item 216 of Section 2 of the Budget Act of 1941, was \$1,000,000 of which \$750,000 remains unexpended or unallotted.

It is impossible at this time to state the exact amounts required by any department or office of the State to meet war emergency needs for an expansion of its services. Provision must be made to purchase items of equipment which will require time to fabricate. The exact volume of such equipment can not be determined precisely at the moment. The element of time and the readiness required to act, providing for the needs of this type as they become manifest, do not allow for delay in making funds available.

Some of the more important emergency needs, now known to exist or which seem probable to suddenly develop, but which can not be measured by any specific appropriation and which are in excess of the provisions of the 1941-1943 Budget, are as follows:

Department of Natural Resources: The Division of Forestry has imposed upon it by the conditions of war an emergency duty of the very first order and importance; namely that of fire prevention and suppression in the State's unincorporated area outside of National forests and parks. Experience abroad and, during the First World War, in this Country teaches us to expect a marked increase in the incidence of fires in forest, grain and brush lands as a result of sabotage attempts during war conditions. It may be anticipated, therefore, that the task of the Division of Forestry in suppressing many fires on scattered fronts will be substantially increased and greatly complicated. Additional equipment and manpower over and above the present budget will undoubtedly be required. In accordance with the State Fire Disaster Plan, approved by the State Council of Defense, this division has been called upon to man its 250 fire trucks throughout the winter months with a minimum crew of two, and to bring such equipment down out of the mountains into areas of higher hazard where it can serve as a highly mobile force of trained fire fighters and equipment. It is intended, under the plan, that the Division of Forestry facilities will be used as a standby force to replace city and suburban fire departments which may be called upon to suppress "disaster" fires, and actually to assist in the suppression of such fires when local facilities prove inadequate. It may also become necessary to place the division's fire dispatching service on a 24 hour basis, and to extend dispatching service to areas not now served, if rural fire fighting equipment is to be mobilized and controlled on a State-wide basis in meeting the fire disasters which, according to competent Military and fire fighting authorities, may be anticipated during war time.

Department of Public Health: The activities of this department are planned as an important part of the Civilian Defense Program in public health and welfare services, and for that reason the Director of Public Health was, by the State Council of Defense Act, made a member of that council. Funds must be made available to the Department of Health when needed for its services in epidemics, for any large evacuations of civilian populations. Its activities must be intensified in the protection of water supplies through the prevention of stream pollution, supervision of sewage disposal, inspection of food and drugs, rodent control and mosquito abatement, and general regulation of sanitation conditions. The vast expansion of industrial plants for defense production in California has increased the volume of work required of the Bureau of Industrial Hygiene. An increasing volume of work is being placed upon the Division of Laboratories and the Division of Vital Statistics. An increasing amount of services will be required by this department in the diagnosis of communicable diseases and in providing blood tests for the Selective Service. It may be necessary to extend the facilities of its laboratories, the manufacture of vaccines, and the examination of water supplies, chemical analysis of food products, and other laboratory services that will safeguard public health in wartime.

The Division of Vital Statistics is now being flooded with requests for birth certificates for men entering the Army or Navy, war industries, and communication services. It must search its files for certificates for American-born Japanese required to prove their citizenship.

State Department of Agriculture: Under the present "Food for Defense Program" as promulgated by the United States Department of Agriculture, the importance of greater production of foodstuffs and agricultural commodities is stressed. Every bureau within the State Department of Agriculture may be called upon for increased services in the attainment of the heavy production goals established by the United States Department of Agriculture for this State. Estimates of the amount of funds which may be needed to meet such requirement obviously can not be made at this time.

Department of Industrial Relations: Increase in employment generally in the State, as a result of the Defense Program and the war, has greatly exceeded all expectations upon which the budget for the Department of Industrial Relations was based. There have been increases in the occurrences of accidents in the war defense industries, and the necessity of providing additional safety engineers and inspectors in the Accident Prevention Bureau of the Division of Industrial Accidents and Safety, as may be required, may properly call upon allocations from the State Emergency Fund. And the Division of Fire Safety is being called upon for extraordinary work, far exceeding the capacity of the present staff.

Floods: The occurrence of floods during the high water periods always presented needs for emergency assistance from the Division of Water Resources, which now has no funds for that purpose. Many parts of California are threatened by and suffer from flood conditions each year, for the relief of which emergency funds have been properly allocated.

Social Welfare: In the event it should become necessary to remove civilian populations from coastal defense areas to interior points, emergency services would be required of the Department of Social Welfare in providing care for evacuees.

State Council of Defense: The State Council of Defense must be placed upon an adequate basis as to technical staff, personnel and equipment. This council, which has been engaged in the formulation of Civilian Defense Plans in cooperation with the National Office of Civilian Defense, and for the organization of local defense councils, is now required to carry those plans into effect and to supervise and direct a multitude of tasks incident thereto, involving a large amount of detailed work on the part of its staff. It has already been necessary to make allotments to the work of this council from the existing Emergency Fund. Additional funds are now required, a budget for which can not be immediately and fully determined upon by the council. The necessary staff can not be presently predicted. It must be based upon actual need as the work of the council progresses.

The State Budget for 1941-1943, as drafted and approved, contemplated our Nation at peace during the two-year period which it covered. Now we are at war, and California has become a domestic front in this conflict.

A cursory review of the State Budget for 1941-1943 indicates that in some items, expenditures will be less than the amounts anticipated, while in other State services, emergency expenditures in excess of the appropriations now authorized will be required. Certain school costs will be less than the amounts estimated a year ago. Attendance at State colleges, junior colleges, and the University has fallen markedly below the budget estimates, and there has been some increase in high school enrollment. Although special vocational courses have been expanded in practically all schools as a result of the Defense Training Program, the increased cost for these classes will be more than offset by curtailed enrollment in regular secondary schools. State expenditures for aid to the needy aged, blind, and children will be below the budget estimates, to the extent of at least \$2,500,000.

On the other hand, the emergencies of war will make imperative expansions of certain services of other State governmental agencies. The safety and welfare of the civilian population of this State demands that moneys be made available to meet every emergency that may arise in the changed and still changing conditions resulting from a state of war.

In peace time, as much as \$8,545,000 has been appropriated as emergency funds in a biennium. Surely in war time, fraught with its perils to the safety of life and property in the State, an Emergency Fund of at least \$10,000,000 should be provided.

Supplementing my recommendation for appropriation of funds for the State Guard, it is further recommended that legislation be adopted to provide that enlisted men in the State Guard, when called into active service, shall receive an allowance for the support of their actual dependents.

It is also recommended that no change be made in the provisions concerning officers and that the private or apprentice seamen continue to receive \$2 per day but that for each step in rank above private or apprentice seamen, enlisted men shall receive a 10 per cent increase in base pay.

Section 340 of the Military and Veterans Code now provides that where members of the National Guard or Naval Militia not in active service of the United States are killed or injured in active service, such member or his dependents shall be entitled to receive benefits under the Workmen's Compensation Act. Section 395 of such code now provides that public officers or employees who are members of the National Guard or Naval Militia and who are called into active duty as such members shall be entitled to absent themselves while engaged in the performance of ordered Military or Naval duty. Such provisions should be made applicable to members of the State Guard, and I so recommend.

Doubt exists as to the authority of counties, cities, and cities and counties, to expend public funds either unbudgeted or budgeted for other purposes to meet expenses necessarily arising during a state of war. In order to provide ample authority to make needed expenditures, the third item of the original Proclamation for this session of the Legislature was made. Conferences concerning legislation to be adopted in regard to such subject revealed the fact that there was also a

doubt as to the authority of various local districts and other local public agencies to make expenditures for war purposes, and that there was also doubt as to the authority of all local public agencies to use or permit the use of their property for war purposes. Such public agencies are being continually requested to make various of their facilities and property available for the use of the Army and other defense forces, and so, prior to the convening of this extraordinary session of the Legislature a Supplementary Proclamation was issued to permit legislation granting the authority mentioned to all such public agencies, and I recommend that you adopt such legislation.

I have also included in the call, as amended, the consideration of ratification of charter amendments of local governments.

Your State Council of Defense joins me in making these recommendations.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 12.40 p.m., the Speaker of the Assembly declared the Joint Convention adjourned.

IN ASSEMBLY

At 12.41 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 4: By Messrs. Sawallisch and Burns, Hugh M.—Relative to re-employment and compensation of members of the State Guard called into active service.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 5: By Mr. Lyon—Relative to commending Fred E. Stewart, member of the State Board of Equalization for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Referred to Committee on Rules.

Assembly Joint Resolution No. 1: By Messrs. Welch, Wollenberg, Maloney, Cronin, Gallagher, Green, Gaffney and Sawallisch—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Referred to Committee on Rules.

Assembly Joint Resolution No. 2: By Mr. Bashore—Relative to sporting events held in the State of California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Knight, John B., Allen and Hastain:

House Resolution No. 8

WHEREAS, The Assembly Fact-Finding Committee on Un-American Activities in California has courageously done thorough and outstanding work in bringing to the attention of the public the activities of subversive un-American groups; and

WHEREAS, As a result of the action of this committee, the Federal Government has secured evidence and been able to arrest and confine such subversive elements; and

WHEREAS, The prompt, thorough, and courageous activity of this committee has brought to public attention the patroles granted to certain communistic murderers, Connor, King, and Ramsey; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact-Finding Committee on Un-American Activities is hereby commended and complimented upon its thorough and important work in safeguarding this State; and be it further

Resolved, That it is the sense of the Assembly that the committee should continue its work and is hereby encouraged and urged to do so, thoroughly, completely and exhaustively.

Resolution read, and referred to Committee on Rules.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Call, ordered printed in the Journal:

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE, WASHINGTON, June 27, 1941

Hon. Arthur A. Ohnimus
Chief Clerk of the Assembly
California Legislature
Sacramento, California

MY DEAR MR. OHNIMUS: Receipt is acknowledged of your letter of June 21st with which you inclosed a copy of Assembly Joint Resolution No. 60 adopted by the California Legislature on June 12, 1941. This resolution is similar to the draft thereof presented to the Fish and Wildlife Service by the President of the Willows Chamber of Commerce. It protests the condemnation action filed in the Federal District Court of Sacramento, California, on May 21, covering 9,273.95 acres of land in Glenn and Colusa Counties, California, as an addition to the Sacramento National Wildlife Refuge.

Negotiations for the acquisition of a suitable addition to the Sacramento Refuge have been under way for several years, and in 1939 the Migratory Bird Conservation Commission approved a project for 22,500 acres, of which the above-mentioned lands are a part. It has been impossible to conclude a final satisfactory agreement for the acquisition of the lands in question with the Bondholders Committee or the Provident Irrigation District, the record owner. In the reorganization of the District with the aid of the Reconstruction Finance Corporation, the area under consideration was excluded from the plan, as the lands involved are not susceptible of such irrigation development as would warrant an RFC loan thereon. The condition of title to the lands also necessitates condemnation proceedings, as was the case in connection with the lands for the existing Sacramento Refuge.

It is our understanding that the lands in question long have been tax-delinquent and, as such, the Counties of Glenn and Colusa are not receiving any tax returns therefrom. We also understand that there is under consideration the organization of a private gun club on a portion of the area under condemnation, and that public shooting, heretofore enjoyed by the sportsmen of the State, would thereby be excluded from the area. In these circumstances, the lands in question apparently are destined to be in the waterfowl picture, as they have been in the past, whether or not they are taken over by the Government.

The objections of the club to the acquisition of these lands by the Federal Government are that such action will deprive its members of their shooting grounds. The board objects to the program on the premise that the addition of these lands to the existing Sacramento National Wildlife Refuge may increase the number of birds in that vicinity and may cause damage to the surrounding farms. I may point out here that both refuges and shooting grounds must be of such character as to attract birds if they are to be of any value for these purposes. It is a normal phenomenon for migratory waterfowl during their migration and wintering activities to stop in sections of the country presenting an abundant source of palatable foods, particularly where water areas are also available. The domestic rice fields in the vicinity of the Sacramento Refuge have provided an attractive, abundant food supply for migratory waterfowl and, judging from the number of complaints that have come to the Service, this situation has existed for many years prior to the establishment of the Sacramento Refuge. The problem of damage to crops, therefore, is not of recent origin, and the establishment of the Sacramento Refuge has had little aggravating effect upon it. The area under consideration and the Sacramento Refuge were used as club grounds for hunting purposes prior to the establishment of the refuge and were, therefore, maintained in an attractive state for waterfowl.

The function of the Sacramento Refuge is primarily that of providing for the enormous waterfowl concentrations that winter in the Sacramento Valley, and the

contemplated addition to this refuge is essential to meet the requirements for feeding areas in order to relieve pressure on adjoining farmlands. The Sacramento Refuge is strategically located in the wintering grounds of the Pacific Flyway and even when finally developed will not adequately provide for the refuge needs of the Sacramento Valley. The proposed addition will greatly enhance the facilities for meeting the seasonal requirements of the waterfowl populations in this vicinity and should be of particular value in providing feeding and resting grounds for the overflow population of waterfowl from the present Sacramento Refuge and in relieving waterfowl pressure on adjoining farmlands.

The tract included in the condemnation proceeding has been determined to be the most satisfactory area that can be added to our existing refuge.

Sincerely yours,

W. C. HENDERSON, Acting Director

MOTION TO PRINT REMARKS BY SPEAKER GARLAND IN JOURNAL

Mr. Heisinger moved that the remarks by the Speaker, in the presentation of the Governor to the Joint Convention, be ordered printed in the Journal.

Motion carried.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

By the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Pursuant to your instructions, the following named persons have filed their credentials, and are duly recognized as representatives of the publications set opposite their names:

The Associated Press—W. A. Wells, M. B. Spencer, Morrie Landsberg, Roger Barr

International News Service—Ed Labowitch, Robert C. Weakley, Harry Donoho, Robert Nystedt.

United Press Association—John W. Dunlap, T. M. Bright, J. F. McLaughlin, David N. Johnson, Delbert Evans.

California Real Estate Magazine—Gleenn D. Willaman.

Capital News Service—James M. Sims

Los Angeles Examiner—Joseph Timmons

Los Angeles Times—Chester G. Hanson.

Oakland Tribune—Wesley E. Robbins.

Sacramento Bee—Herbert L. Phillips, Johnson Hill, Bert Vaughn, Joseph Barber

Sacramento Union—Neil Shaw.

San Francisco Chronicle—Earl C. Behrens, Arthur Eggleston.

San Francisco Examiner—Royal W. Jimeison, Jack Welter, William H. Jordan.

San Francisco News—Brooke Clyde

Woodland Record—Phil Hamilton.

San Jose Mercury-Herald—Peggy Ferris

ARTHUR A. OHNIMUS, Chief Clerk

RECESS

At 1 25 p.m., on motion of Mr. Lyon, the Assembly recessed until 5 p.m.

REASSEMBLED

At 5 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

J. A. BEEK, Secretary of the Senate

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 2

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 5

Senate Concurrent Resolution No. 6

Senate Concurrent Resolution No. 7

Senate Joint Resolution No. 3

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary**FIRST READING AND REFERENCE OF SENATE BILLS**

The following resolutions were read:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Wagv.

Without reference to committee.

Senate Concurrent Resolution No. 6—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Referred to Committee on Rules

Senate Concurrent Resolution No. 7—Relative to enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Referred to Committee on Rules.

Senate Joint Resolution No. 3—Relative to sporting events held in the State of California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered :

By Mr. Allen :

House Resolution No. 9

WHEREAS, That valiant band of men, whose motto is "Semper fidelis" and whose battle song is "From the Halls of Montezuma to the Shores of Tripoli," who have so gallantly kept the Flag of the United States flying over Wake Island, in reply to questions if there was anything further they wanted, so typical of the grand organization to which they belong, make this reply, "Send Us More Japs," a remark which has now become synonymous with those other classic mottoes of our Nation, "Don't give up the ship," "Damn the torpedoes," and "Remember the Maine"; and

WHEREAS, This reply will ring down in history and remain emblazoned on the hearts of our free people and be an inspiration to all Americans; and

WHEREAS, If the Japanese army and navy ever gaze on Heaven's scenes, they will be pushed up and down the cobblestones by the United States Marines; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Legislature express their praise and honor of these brave men and of their courage and loyalty which still keeps the Stars and Stripes waving in the Pacific breezes of little Wake Island; and be it further

Resolved, That copies of this resolution be suitably prepared and sent to the Department of the Pacific, United States Marine Corps, to be distributed to the men at Wake Island; and be it further

Resolved, That the Marine Corps be requested that this recognition and commendation of the valorous conduct of these men be inscribed on their record books.

Resolution read, and referred to Committee on Rules.

By Mr. Lyon :

House Resolution No. 10

WHEREAS, Repairs must be made to two microphones which are a part of the public address system of the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of fifty dollars (\$50) is hereby made available from the Contingent Fund of the Assembly to be expended by Frank N. Killam, Superintendent of State Buildings and Grounds, for the purposes above mentioned; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant upon the Contingent Fund of the Assembly in favor of Frank N. Killam in the sum of fifty dollars (\$50) and the State Treasurer is hereby directed to pay the same.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hاستain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Speaker Pro Tempore Presiding

At 6 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered :

By Messrs. McCollister, Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins,

George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Garland, Green, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret and Wollenberg:

House Resolution No. 11

Relative to the election of the Honorable Melvyn I. Cronin to the bench of the Municipal Court of San Francisco.

WHEREAS, The Honorable Melvyn I. Cronin has rendered distinguished service to the people of the State of California as a Member of the Legislature of the State continuously since January 7, 1929; and

WHEREAS, The statesmanship, personality, and abilities of our colleague have won him the respect, admiration, and affection of all of the Members of the Assembly; and

WHEREAS, The people of San Francisco have recently determined to avail themselves of the exceptional legal and judicial talents of Melvyn I. Cronin by electing him to the bench of the Municipal Court of San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, That we hereby extend our felicitations and sincere best wishes to our associate, Melvyn I. Cronin, in his new work, and our congratulations to the people of San Francisco upon the election of a man who has in the highest degree all those qualities of training, capacity, experience, and temperament that eminently fit him to serve in a judicial capacity; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably engrossed copy of this resolution to the Honorable Melvyn I. Cronin.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up House Resolution No. 11, at this time, without reference to committee.

Resolution read and adopted unanimously.

SPECIAL COMMITTEE APPOINTED

The Speaker announced the appointment of all members of the San Francisco, San Mateo and Marin County Delegations as a Special Committee to present the engrossed copy of House Resolution No. 11 to the Honorable Melvyn I. Cronin on the day he assumes office on the Municipal Bench in San Francisco.

REQUEST FOR UNANIMOUS CONSENT

Mr. Gallagher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley,

Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastam, Hawkins, Hersinger, Houser, Frederick F. Johnson, Kellems, Kepple, Kilpatrick, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Turner asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Expressing regret at the illness of Honorable J. I. Waggy.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 1

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 5

House Resolution No. 8

House Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 1

Assembly Joint Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, as amended.

LYON, Chairman

Speaker Presiding

At 6.15 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read.

Motion to Amend

Mr. Doyle moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed resolution, strike out all of lines 11 to 16, inclusive.

Amendment read.

Motion to Grant Additional Time for Argument

Mr. Tenney moved that Mr. Thomas be granted further time for argument on Amendment No. 1 to Assembly Concurrent Resolution No. 1.

Mr. Watson seconded the motion.

Motion carried.

Amendment adopted

Request for Unanimous Consent

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 1, as Amended

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Richie, and Thomas—2.

Resolution ordered transmitted to the Senate.

Explanation of Vote

In voting in favor of this resolution we do so, realizing that the language does not call upon the Parole Board to do any more or less than it is now required by law to do. Our vote is not an expression of criticism of the activities of the Parole Board.

EDWARD F. O'DAY
GEORGE D. COLLINS

REQUEST FOR UNANIMOUS CONSENT

Mr. Bashore asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, at this time.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 2

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Resolution read.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 21, of the printed resolution, strike out "undue"

Amendment No. 2

On page 1, line 23, of the printed resolution, strike out "near panic and".

Amendments read and adopted.

Request for Unanimous Consent

Mr. Bashore asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 2, as Amended

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—Howser, F. N., Knight, T. Fenton; Miller, Pfaff, and Watson—5.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT EDITORIAL IN JOURNAL

Mr. Bashore moved that the following editorial be printed in the Journal:

Motion carried.

Editorial From Los Angeles Daily News

LOS ANGELES, Wednesday, December 17, 1941

VIEWS OF THE NEWS

By MANCHESTER BOBBY

This is an editorial view of the recent action canceling parades, football games and the Southern California winter classic—Santa Anita racing.

Ordinarily, such drastic action would precipitate an "issue."

On one side would be the relatively small group whose special interests were being threatened. On the other would be the authorities responsible for the closing orders. "In the middle" would be the public. Each side to the controversy would seek to win its support.

In the present instance, however, no such issue exists. That is because we are a united people. The heart of every mother, every father, every brother, every wife and every sweetheart is mustered into the service when the boy dons his uniform. Generals, Colonels, Majors, Captains, Sergeants and Corporals must keep that fact ever in mind.

An Army order to civilians is obeyed as enthusiastically if not as intelligently as any order issued to the Armed Forces.

Each unit of the Armed Forces very properly employs expert public relations men whose duty it is to interpret the problems, the hardships and the sacrifices inherent in the colossal job of organizing, training and directing the Military forces of the United States. These public relations men function through the newspapers and the radio.

This is an all-out total war. The civilian population is involved no less than is the Army, the Navy and the air force. In this total war the commanding officer of the Armed Forces is in command not only of the Military section, but of the civilian section as well. Should General DeWitt tomorrow make the request that everybody stay home, his order would be obeyed to the letter.

And just as the Army has found it necessary to employ the services of public relations experts in interpreting the problems of the armed section to the civilian section, so too is it necessary to employ the most appropriate means available to interpret to the Armed Forces the problems and difficulties of the civilian section.

And that is what this editorial very humbly and very sincerely is attempting to do.

We start with the assumption that the civilian section must attain the highest possible standard of morale.

Such an objective would not be difficult to achieve if the enemy were practically at one's gates. When, for instance, the Nazis overwhelmed all of Europe and pointed their thundering forces directly at England—within range of cannonball—it was not difficult to arouse the British civilian population to a state of unity

Yet, even in that unparalleled case, where total destruction of all English cities appeared to be only a matter of weeks—or at best months—it became necessary in the interests of civilian morale to reopen and extend football schedules; boxing matches, sporting tournaments and to announce the running of the famous English horse races.

Within six weeks after war began, racing was being conducted at Newmarket with full fields of horses and a daily attendance of upwards of 20,000 people.

In April, 1940, the Grand National at Aintree was run before a crowd estimated by qualified observers as being more than 200,000. In May of 1940, the Jockey Club stewards set up a program of racing for June, July and August—the peak of the Nazi bombing season.

On May 27, 1940, a London turf writer observed: "In the face of the most momentous battle ever to take place on Flanders Field, racing is being conducted at Newmarket in a satisfactory and successful manner."

The fact that the people of England could thus carry on under the very guns of the Nazi forces thrilled the entire world—(outside Germany, Italy and Japan)

Newsreels of the huge crowds were exhibited wherever they could be shown; special photographs were dispatched to free newspapers throughout the world; and radio commentators, speaking from London, devoted their entire time to describing the amazing spectacle of a people—unafraid and undismayed—carrying on "as usual" in the face of the greatest threat that the Axis Powers have ever made.

There may be special, undisclosed reasons as to why we, in Southern California, the winter playground of the Nation, must abandon scheduled events.

If there are, no one will presume to question the closing orders.

Speaking in behalf of the civilian sector in this war, however, we must point out that in the absence of anything but the most general reasons, a thousand and one "explanatory" rumors have already been put into circulation.

Our editorial offices are being bombarded with messages, not only from elsewhere in the United States, but from news agencies serving allied countries (particularly in South America), inquiring if the situation is really as desperate as such orders would indicate.

No one during these times would even suggest putting on a false front of security, or in any other manner concealing facts. But to go to unnecessary extremes in the other direction would be equally harmful.

The feature of the closing orders which is most devastating to civilian morale is the assumption that all plans and programs for the future must be abandoned. At least seven functions scheduled for charity purposes are today hanging in the balance, with their sponsors completely bewildered.

Diversion and entertainment are just as important in the ranks of the civilian sector in all-out war as they are for the armed sector itself.

Would it not be possible to establish a policy of canceling events on any particular day or days when, in the opinion of Military authorities, such action would appear to be necessary?

Or, must we start this long, hard war under a blanket order canceling diversion and entertainment events for weeks and even months in advance?

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 1

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Masson, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—71.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRESENT BILLS TO LEGISLATIVE COUNSEL BUREAU

Mr. Lyon moved that all bills be presented to the Legislative Counsel Bureau before being read in the Assembly to determine their being within the scope of the Governor's Proclamation.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to reemployment and compensation of members of the State Guard called into active service.

Resolution read.

Motion to Amend

Mr. Sawallisch moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed measure, strike out "and compensation".

Amendment read and adopted.

Request for Unanimous Consent

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 4, as Amended

Assembly Concurrent Resolution No. 4—Relative to reemployment and compensation of members of the State Guard called into active service.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Masson, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Relative to commending Fred E. Stewart, member of the State Board of Equalization for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cam, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellem, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Potter, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. John B. Knight asked for, and was granted, unanimous consent to take up House Resolution No. 8, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 8**House Resolution No. 8**

WHEREAS, The Assembly Fact-Finding Committee on Un-American Activities in California has courageously done thorough and outstanding work in bringing to the attention of the public the activities of subversive Un-American groups; and

WHEREAS, As a result of the action of this committee, the Federal Government has secured evidence and been able to arrest and confine such subversive elements; and

WHEREAS, The prompt, thorough, and courageous activity of this committee has brought to public attention the paroles granted to certain communistic murderers, Connor, King, and Ramsey; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact-Finding Committee on Un-American Activities is hereby commended and complimented upon its thorough and important work in safeguarding this State; and be it further

Resolved, That it is the sense of the Assembly that the committee should continue its work and is hereby encouraged and urged to do so, thoroughly, completely and exhaustively.

Resolution read.

Roll Call Demanded

Messrs. O'Day, Heisinger and Richie demanded a roll call.

The roll was called, and House Resolution No. 8 adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Houser, Frederick F., Johnson, Knight, John B., Leonard, Lyon, Maloney, McCollister, Miller, Potter, Poulson, Salsman, Sawalisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—42.

NOES—Andreas, Burkhalter, Collins, George D., Del Mutolo, Gaffney, Hawkins, Heisinger, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—15.

REQUEST FOR UNANIMOUS CONSENT

Mr. Welch asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66
NOES—None.

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, read the first time, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 5: By Messrs. Cain, Green, Collins, George D., and O'Day—An act making an appropriation for providing facilities for The Adjutant General and the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 6: By Mr. Middough—An act to add Section 193 to the Military and Veterans Code, relating to expenditure of money for uniforms and equipment, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

COMMUNICATIONS

The following communications were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnismus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 5, relating to State Guard

DEAR SIR: We have examined this measure, pursuant to the motion by Mr. Lyon, and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Deputy

CC. Honorable John Edward Cain

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

Honorable Arthur A. Ohnumus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

SUBJECT: A.B. 6, relating to State Guard

DEAR SIR: We have examined this measure, pursuant to the motion by Mr. Lyon, and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Deputy

Copy to Honorable Lorne D. Middough

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 6: By Messrs. Maloney, Cronin, Houser, Frederick F., Call, Green and Garland—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellers, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pfaff, Phillips, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 7: By Mr. Hugh M. Burns—Relative to adjournment out of respect to the memory of the late Senator Morris Bedford Harris.

Request for Unanimous Consent

Mr. Hugh M. Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Senator Morris Bedford Harris.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 8: By Messrs. Kilpatrick, Burkhalter, King, Cain, Lowrey, Meehan, Gaffney and Hawkins—Relative to National unity.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. O'Day, Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Garland, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret and Wollenberg:

House Resolution No. 12

WHEREAS, On November 4, 1941, the electorate of San Francisco voted into the office of Supervisor, two of the distinguished Members of the Assembly of the State of California in the persons of Dan Gallagher and Robert Miller Green; and

WHEREAS, This honor bestowed by the people of San Francisco upon these two Legislators was in recognition of their outstanding public service in the California State Legislature; and

WHEREAS, The Members of this House know intimately these two outstanding public servants, their high qualifications and splendid records; now, therefore, be it

Resolved that the Assembly of the State of California. Does hereby congratulate our colleagues, Dan Gallagher and "Bob" Green, on their splendid victory in the recent election in San Francisco; and be it further

Resolved. That copies of this resolution be forwarded to Supervisor-elect Dan Gallagher and Supervisor-elect Bob Green.

Request for Unanimous Consent

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 12, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam. Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

Motion to Present Resolution

Mr. O'Day moved that the engrossed copy of House Resolution No. 12 be presented to Messrs. Gallagher and Green upon their induction into office as Supervisors of San Francisco County by the San Francisco, Marin and San Mateo County Delegations

Motion carried.

RECESS

At 7.20 p.m., the Speaker declared the Assembly recessed until 7.25 p.m.

Mrs. Edward F. O'Day was presented to the Members of the Assembly.

REASSEMBLED

At 7.25 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Joint Resolution No. 3: By Mr. Hawkins—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Referred to Committee on Rules.

ADJOURNMENT

At 7.35 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Saturday, December 20, 1941, out of respect to the memory of the late Assemblyman James M. Cassidy, and to the memory of the gallant men who lost their lives in the conflict at Pearl Harbor.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY
SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, December 20, 1941

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Masson, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—75.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Clarke.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:

Mr. Allen, on motion of Mr. Evans.

RESOLUTIONS

The following resolutions were offered:

By Mr. Pfaff:

House Resolution No. 13

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund

in favor of the following named member of the Assembly for the amount set opposite his name, and the State Treasurer is hereby directed and ordered to pay the same.

Amount at 5 cents per mile-----	Total mileage-----	Mileage one way-----	Distance from county seat, less-----	Distance from county seat, more-----	Distance from county seat-----	Address	Name	District-----
\$46 90	938	469	--	22	447	Long Beach, Los Angeles County-----	Fred N Howser-----	71

Request for Unanimous Consent

Mr. Pfaff asked for, and was granted, unanimous consent to take up House Resolution No. 13, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Cain, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gallagher, Green, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—None.

By Mr. Voigt:

House Resolution No. 14

Relative to the passing of former Assemblyman Charles W. Dempster.

WHEREAS, The Members of the Assembly have learned with deep regret of the sudden passing on July 21, 1941, of Charles W. Dempster; and

WHEREAS, Charles W. Dempster served as a Member of this Assembly during the Forty-ninth and Fiftieth Sessions of the Legislature, and is affectionately remembered by many persons now serving in the Assembly; and

WHEREAS, The termination of the life and activities of Charles W. Dempster constitutes an irreparable loss, not only to his family, his friends, and his brother Masons, Shriners, Elks, Odd Fellows and Eagles, but also to the people of the State of California whom he so well served; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former colleague, Charles W. Dempster, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Assembly adjourns this day it do so out of respect to the memory of the late Charles W. Dempster; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the widow of our departed colleague, Mrs. Grace Dempster, and to his four sons, Charles W. Dempster, Jr., Barton Dempster, Wesley Dempster, and Thomas Dempster.

Request for Unanimous Consent

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 14, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Kepple:

House Resolution No. 15

Relative to the death of the Honorable Harry F. Sewell.

WHEREAS, The Members of the Assembly have recently been saddened by news of the end of the life and career of the Honorable Harry F. Sewell, former Superior Court Judge, and Member of the Assembly from 1925 to 1931; and

WHEREAS, Judge Harry F. Sewell will long be remembered not only for his service to the State as a Member of the Legislature but also for his brilliance in his

profession as attorney and jurist, and for his contributions to the jurisprudence of California; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day, it do so out of respect to the memory of the late Harry F. Sewell, and that we do hereby extend to the members of his family our deepest sympathy; and be it further

Resolved, That the Chief Clerk is hereby directed to transmit suitably engrossed copies of this memorial resolution to the children of the late Harry F. Sewell, and to his widow, Mrs. Mary Virginia Platt Sewell.

Request for Unanimous Consent

Mr. Kepple asked for, and was granted, unanimous consent to take up House Resolution No. 15, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, December 18, 1941

*To Speaker of Assembly Honorable Gordon Garland
California State Assembly, Sacramento, California*

Following is a resolution unanimously passed by acclaim at the regular executive board meeting of Local 14 at Fresno, December 13, 1941. We would appreciate your reading of the following resolution:

WHEREAS, A National emergency exists in the United States and a state of war exists between our gloriously democratic Nation and the dictator nations of Japan, Germany and Italy;

WHEREAS, The American Federation of State, County and Municipal Employees Union Local 14 of California, comprised of California State employees, desire to do all in their power to aid their great State and Country; be it

Resolved, That the American Federation of State, County and Municipal Employees Union pledge its membership's services to the Governor and to the State and tender its wholehearted support and cooperation to any defense efforts in which they may be used.

Sincerely yours,

CALIFORNIA STATE EMPLOYEES LOCAL 14
JOHN W. LINTON, Vice President

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 9: By Mr. Doyle—Relative to distribution of legislative publications by the State Printer.

Referred to Committee on Rules

RESOLUTIONS

The following resolution was offered:

By Messrs. Call, Cain and Dickey:

House Resolution No. 16

Relative to the strength of the American Naval Forces in the Pacific Ocean

WHEREAS, The failure of "expert" newspaper analysts and high-powered radio commentators in their estimates of the vital factors which will determine the outcome of the war in the Pacific to recognize one factor which the Members of this Assembly believe outweighs all other assets of our Nation in its struggle for Naval supremacy in the Orient, indicates that adequate publicity and prominence has not been given to the presence of Commander John B. Cooke, Member of the Assembly from the Fortieth District, at Honolulu or thereabouts in the Under-sea Service of the Navy; and

WHEREAS, Commander Cooke in numerous battles in this Assembly adequately demonstrated not only his fighting qualities but his sterling ability as a tactician,

particularly respecting that maneuver which he described frequently as "concentrated fire"; and

WHEREAS, The Members of this Assembly are justly proud of Commander Cooke and of the services he performed on behalf of his Country and this State, which services date back to and include the christening of the "Fireboat Sacramento"; and

WHEREAS, The Members of the Assembly earnestly believe that if adequate publicity is given to the fact that Commander Cooke is defending the Pacific Ocean it will tend to reassure the people of the State of California that adequate measures have been taken for their safety, inasmuch as the members of this house know well that if the Commander fights against the Japs in the same way that he fought on the Assembly floor he can lick their Navy singlehanded; now, therefore, be it

Resolved by the Assembly of the State of California, That it is the sense of this Body that full and complete information should be made public throughout the State regarding the fact that Commander Cooke is defending our shores; and be it further

Resolved, That a copy of this resolution be transmitted to Commander John B. Cooke with the best wishes of every Member of the Assembly.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 16, at this time, without reference to committee.

Resolution read and adopted unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 10: By Messrs. Howser, Fred N., Middough, Evans, Knight, John B., Call and Stream—Relative to early closing of retail establishments during war.

Request for Unanimous Consent

Mr. Fred N. Howser asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relative to early closing of retail establishments during war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burus, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thorp, Turner, Voigt, Waters, Welch, Weybret, and Mr. Speaker—55.

NOES—Richie, and Watson—2.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 11: By Mr. Desmond—Relative to holding the State Fair in 1942.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 12: By Mr. Desmond—Relative to the removal of William Ryan as Captain of the Guard at Folsom State Prison.

Referred to Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

Assembly Concurrent Resolution No. 11—Relative to holding the State Fair in 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

By the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Pursuant to your instructions, the following named person has filed his credential, and is duly recognized as representative of the publication set opposite his name:

California Briefs—Jack Salt.

ARTHUR A. OHNIMUS, Chief Clerk

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy

And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of December, 1941, at 10.45 a. m.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communications were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 1, relating to Emergency Fund

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Roger Alton Pfaff

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 2, relating to State Guard

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Lorne D. Middough

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 3, relating to State Guard

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Lorne D. Middough

RECESS

At 11 a.m., on motion of Mr. Field, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable C. Don Field, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: *Glendale Armory*
REQUEST. No. 4586

DEAR MR. FIELD: We transmit herewith a bill to appropriate \$100,000 for the construction and equipment of an armory and necessary facilities in the City of Glendale.

In our opinion, this bill is within the scope of the Proclamation convening this special session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a proposed Assembly bill entitled, "An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately" and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Roger Alton Pfaff.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled "An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1, Division 2, of the Military and Veterans Code, relating to suspending enforcement of certain civil liabilities of persons in the Military service of the State and providing for the reinstatement in employment of such persons upon their completion of Military service, to take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Ernest C. Crowley

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled "An act making an appropriation to the Emergency Fund to be used in State defense for the installation of two-way radio communication facilities in automotive equipment operated by county peace officers, declaring the urgency hereof, to take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable S. L. Heisinger

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled "An act to add Section 556.5 to the Military and Veterans Code, relating to employment rights of public employees called into active service with the State Guard, to take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harvey E. Hastain

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled "An act to add Section 2.25 to the School Code, relating to the education of public school pupils, declaring the urgency thereof and providing that this act shall take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Eleanor Miller

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Sections 21429 and 2999 to the School Code, and to amend Sections 320, 330, 338, 394, 3223, 4721, 4740, 4751 and 4752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Eleanor Miller

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act making an appropriation to pay certain expenses of units of the State Guard, declaring the urgency of this act, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Everett G. Burkhalter

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 7: By Mr. Field—Making an appropriation for an Armory at the City of Glendale

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 8: By Mr. Pfaff—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

Assembly Bill No. 9: By Mr. Crowley—An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1, Division 2, of the Military and Veterans Code, relating to suspending enforcement of certain civil liabilities of persons in the Military service of the State and providing for the reinstatement in employment of such persons upon their completion of Military service, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

Assembly Bill No. 10: By Mr. Heisinger—An act making an appropriation to the Emergency Fund to be used in State defense for the installation of two-way radio communication facilities in automotive equipment operated by county peace officers, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 11: By Messrs. Hastain, Lowrey, Carlson and Sawallisch—An act to add Section 556.5 to the Military and Veterans Code, relating to employment rights of public employees called into active service with the State Guard, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 12: By Miss Miller—An act to add Section 2.25 to the School Code, relating to the education of public school pupils, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 13: By Miss Miller—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 14: By Messrs. Burkhalter and Kilpatrick—An act making an appropriation to pay certain expenses of units of the State Guard, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Joint Resolution No. 4: By Messrs. Weber and Garland—Relative to priorities for the manufacture of farm machinery.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 13: By Messrs. Johnson, Carlson and Field—Relative to the revocation of certain paroles.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 3

Assembly Joint Resolution No. 4

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Weber asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relative to priorities for the manufacture of farm machinery.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT EXTRA COPIES OF ASSEMBLY JOINT RESOLUTION NO. 4

At Mr. Weber's request, Mr. Lyon moved that 1,000 extra copies of Assembly Joint Resolution No. 4 be printed for distribution among the farm interests in California.

Motion carried.

Hon. Rodney L. Turner Presiding

At 2 35 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Distribution of legislative publications by the State Printer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kilpatrick, King, Knight, T. Fenton, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—60.

NOES—None.

Resolution ordered transmitted to the Senate

Explanation of Vote

I was out of the chambers when House Resolution No. 8 was presented and discussed. I would have voted for the resolution and intended to do so and my "no" vote was inadvertent. So that there shall be no misunderstanding, I wish to state that I am wholeheartedly in favor of the sentiments expressed by this resolution and would be recorded as voting "yes."

EVERETT G. BURKHALTER

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted.

LYON, Chairman

RECESS

At 2.40 p.m., Mr. Turner declared the Assembly recessed until 2.45 p.m.

REASSEMBLED

At 2.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

WITHDRAWAL OF ASSEMBLY BILL NO. 4

Mr. McCollister moved that Assembly Bill No. 4 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, for purpose of amendment, and re-referred to the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Motion carried.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Sections 556.5 and 556.6 to the Military and Veterans Code, relating to the State Guard,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John W. Evans

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Jesse R. Kellems, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: An act making an appropriation for self-help cooperatives not being within Proclamation for Special Session of 1941.

REQUEST No. 4556.

DEAR DOCTOR KELLEMS: This is to advise you that in our opinion an act making an appropriation to the Relief Administrator and the Relief Commission for expenditures for self-help cooperatives is within the Proclamation calling the Special Session of 1941, or the Proclamation supplementary thereto.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Assistant Counsel

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act augmenting the Emergency Fund to provide money for the support of the
Attorney General, declaring the urgency thereof, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Albert C. Wollenberg

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 15: By Mr. Evans—An act to add Sections 556.5 and 556.6 to the Military and Veterans Code, relating to the State Guard.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 16: By Mr. Kellems—An act making an appropriation for self-help cooperatives, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 17: By Messrs. Wollenberg, Carlson, Kepple, Houser, Frederick F., and Johnson—An act augmenting the Emergency Fund to provide money for the support of the Attorney General, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

RESOLUTIONS

The following resolutions were offered:

By Mr. Evans:

House Resolution No. 17

Relative to memorializing Congress to enact the Price Control Bill in its original form.

WHEREAS, The cost of living is mounting at an accelerating pace in the State of California and in the Nation; and

WHEREAS, The fixed and limited incomes of the older and other citizens who derive their incomes from pensions or other fixed amounts of increment should be protected against inflation; and

WHEREAS, Rents in defense areas should be stabilized in order to protect the permanent population and new workers in those areas; and

WHEREAS, The public interest requires that defense appropriations should not be dissipated on account of excessive prices and that no undue profits accrue from defense production; and

WHEREAS, The sound basis of the National currency should not be weakened by depreciation through unnecessary inflation; and

WHEREAS, Post-emergency crashes and depressions similar to those following the last great war should and can be largely averted; and

WHEREAS, The practical way of averting the disaster of inflation and protecting the United States in the foregoing premises is the enactment of the Price Control Bill, being either H. R. 5479 or S. 1810, in its original form; now, therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is hereby respectfully urged to enact, and the President to approve, the Price Control Bill in its original form; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, which Senators and Representatives are hereby respectfully urged to support the Price Control Bill in its original form.

Resolution read, and referred to Committee on Rules.

By Mr. Lyon:

House Resolution No. 18

Relative to expressing the regrets of Members of the Legislature on the death of
Harry Caro

WHEREAS, Word has come to the Members of this Legislature of the passing away on the tenth day of December, 1941, of Harry Caro; and

WHEREAS, Harry Caro served the Government of this State, faithfully and well, for over a decade as an Assistant Sergeant-at-Arms and Bookkeeper to the Sergeant-at-Arms of the Senate; and

WHEREAS, Harry Caro was well known and well loved by the older Members of this Legislature for his ever present kindness, loyalty, and devotion to duty; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Legislature express their sorrow at the passage from this life of Harry Caro; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitable copies of this resolution to the family of Harry Caro.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 18, at this time, without reference to committee.

Resolution read and adopted.

By Mr. Lyon:

House Resolution No. 19

Resolved by the Assembly of the State of California, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the sum of eight hundred dollars (\$800), said amount being for the purchase of postage stamps to be used by Members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding eight hundred dollars (\$800) in the aggregate, as shall be necessary for the use of the Members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one Member of the Assembly for official mail shall not exceed the sum of ten dollars (\$10).

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 19, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hawkins, Hisinger, Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63

NOES—None.

By Messrs O'Day, Collins, George D., Cronin, Gaffney, Wollenberg, Welch, Maloney, Gallagher and Green:

House Resolution No. 20

WHEREAS, San Francisco City and County is located within the First Board of Equalization District; and

WHEREAS, The Honorable George R. Reilly is the member of the Board of Equalization from this district; and

WHEREAS, It has been brought to the attention of the Members of this Assembly that the Honorable George R. Reilly has appeared in every high school and college in the First Board of Equalization District, and has explained to the faculty and the students the tax structure of this State, and the functions of the Board of Equalization in connection therewith, and has thereby impressed upon the coming generation the importance of economy in government; now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable George R. Reilly is hereby commended and complimented upon his industry, and intelligence in so presenting the problems of the State of California to the future citizens; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable George R. Reilly by the Chief Clerk of this Assembly.

Request for Unanimous Consent

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 20, at this time, without reference to committee.

Resolution read and adopted

WITHDRAWAL OF ASSEMBLY BILL NO. 2

Mr. Middough moved that Assembly Bill No. 2 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs for the purpose of amendment, and re-referred to the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Joint Resolution No. 3

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 4

Assembly Bill No. 4—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read second time.

Motion to Amend

Mr. McCollister moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1, 2 and 3, and insert "An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State"

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 22, inclusive; and on page 2, strike out lines 1 to 37, inclusive, and insert:

"SECTION 1 Section 555.1 is hereby added to the Military and Veterans Code, to read as follows:

555.1. Within 30 days after the effective date hereof, any member of the State Guard may upon five days notice in writing to his commanding officer withdraw and resign therefrom on the ground of unreasonable hardship for any of the following causes:

- (a) marriage and the existence of one or more dependents
- (b) inability to serve outside the county of enlistment, because of unreasonable business or financial loss
- (c) inability to render full time service because of unreasonable business or financial loss
- (d) physical inability to perform full time duties
- (e) such other reason, as may be approved by the battalion and regimental commanders
- (f) employment as a National defense worker.

Authority is also hereby created, for the 30 day period of effect of this legislation, for any company commander of any unit of the State Guard to recommend the retirement or withdrawal from the State Guard of any men within his command whose services are known to be of greater value in civil occupation, or who should retire to other defense organization work, and the Adjutant General of the State Guard shall, in accordance with the intent of this legislation, effect the release of men so recommended.

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

A state of war exists between the United States of America and the Governments of Japan, Germany and Italy. Units of the State Guard have been called into active service and other units may be called from time to time. Many of the members of the State Guard by reason of the existence of dependents, business and financial conditions and physical disabilities would be subjected to unreasonable hardships and losses if compelled to serve for full time and in distant communities. Many other persons who are not subject to such hardships and losses are anxious to fill vacancies in the State Guard. In order to increase the efficiency of the State Guard without impeding the industrial activity of the State, it is necessary to stabilize the membership of the State Guard. It is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered reprinted, engrossed, and re-referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Lyon, ordered printed in the Journal:

OFFICE OF STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 17, 1941

To the Members of the California Legislature

RE: Progress made in application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors

Believing that you would be interested in a brief account of what has occurred since enactment of Senate Bill No. 484 (Chapter 831, Statutes of 1941), and Assembly Bill No. 1433 (Chapter 836, Statutes of 1941), relating to the taxable status of transactions with government contractors under the sales, use, and motor vehicle fuel tax laws, I am pleased to submit this progress report

Board's View Upheld by Supreme Court

On November 10, 1941, the United States Supreme Court held that Alabama sales and use taxes applied with respect to sales to and use of materials furnished to cost-plus-a-fixed-fee contractors engaged in performance of construction of National defense facilities (*State of Alabama vs. King and Boozer*, 62 Sup Ct 43, 86 L Ed (Adv. Op.) 1, and *Curry vs. United States*, 62 Sup Ct 48, 86 L Ed (Adv. Op.) 6). It was ruled that purchases of tangible personal property made by such a contractor were his own and not those of the United States, so that they were subject to the

Alabama sales tax. It was also held that materials bought by the contractor were used by him and not by the United States, so that the Alabama use tax was applicable. You will recall that this was precisely the position urged by the State Board of Equalization when similar questions with respect to California taxes were being considered by you at the last legislative session.

Application of Supreme Court Decisions to California

What the Supreme Court decided seemed controlling as to California taxes. Realizing, however, that large amounts were involved and that the Federal authorities would not concur in this view unless thoroughly convinced as to its soundness, I proceeded to Washington, D. C., shortly after the decisions were announced. I am happy to report that after several days of lengthy negotiations with numerous Federal authorities concerned, I was able to secure rulings from the United States Maritime Commission and the War and Navy Departments to the effect that the United States Supreme Court decisions above cited are applicable here. Copies of these memoranda are attached for your convenient reference.

Tax Moratorium Terminated on Current Transactions

Such action on the part of the Federal administrative agencies is deemed to have terminated the deferment under Chapters 681 and 836, Statutes of 1941, applying to the payment of sales, use, and gasoline taxes. The moratorium remains effective only when sellers have refrained from securing tax reimbursement because of the insistence of those representing the United States. That insistence has now been withdrawn. As to all current deliveries made to cost-plus-a-fixed-fee contractors, tax reimbursement may be included. This means that from now on tax returns and payments will be made in the usual way.

How This Benefits California

You will, I know, be as gratified as I am by the results of these negotiations, which may be summarized thus:

1. We shall enjoy the immediate benefits of the Alabama decisions without the necessity of further litigation and its attendant delays, uncertainties and cost.
2. Our industries which are furnishing materials and supplies to the contractors are relieved of any further anxiety as to the status of current and future transactions.
3. The contractors are relieved of such anxiety and know that they will now be reimbursed by the Government for costs incident upon the application of State sales, use, and gasoline taxes.
4. The way is left open for amicable and equitable adjustment of taxes accrued with respect to past transactions and in view of the fairness of the attitude of the Federal authorities, we may anticipate a satisfactory answer to the problems involved.
5. The discrimination which would otherwise have existed between contractors engaged in construction work on a cost-plus-a-fixed-fee basis and those doing such work on a lump sum basis has been removed, to the end that all are required to secure their materials and supplies on the same basis, viz., at prices which are inclusive of sales, use, and gasoline tax reimbursement.

Substantial Revenues Involved

It is impossible to state accurately at this time how much revenue will accrue to California as a result of the agreement by the Federal authorities that the decisions on the Alabama taxes are controlling. It will be noted that the memoranda issued by the War and Navy Departments have specific reference to our State. United States officials have estimated that on the basis of existing contracts or those definitely contemplated, additional revenue of not less than \$9,000,000 should accrue to California. When the possibility of collection of taxes on transactions already closed is taken into consideration, it will be seen that most substantial revenues are involved.

Moratorium Legislation of Material Aid

You are to be congratulated upon your foresight in enacting the moratorium provisions found in Chapters 681 and 836, Statutes of 1941. Without these, my task of securing the cooperation of the Federal authorities as evidenced by the attached memoranda would have been impossible of accomplishment. Our position was materially strengthened by the provisions of the acts. The fair attitude of the State as demonstrated by the waiver of penalties and interest, as well as the deferment of tax collections, did much to impel the Federal authorities to recognize the validity of our taxes without further controversy.

Legislative Support and Cooperation Appreciated

May I take this opportunity to thank you personally for your support in these matters and for the confidence expressed by your acceptance of our recommendations as to the desirability of legislation of this kind. Through your cooperation we have been enabled to secure large revenues to which the State is justly entitled and have

avoided hardship on individual taxpayers which might otherwise have resulted. At the same time, we have preserved most friendly relations with the Federal Government with whom we now have common cause against those who are attempting to assault our Democracy.

Sincerely yours,

FRED E. STEWART

State Taxation of Cost-Plus-a-Fixed-Fee Contractors

In a letter to the General Counsel, Maritime Commission, dated November 17, 1941, Samuel O. Clark, Jr., Assistant Attorney General, stated the position of the Department of Justice in connection with State Taxation of Cost-Plus-a-Fixed-Fee Contractors in the light of *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.*, decided by the Supreme Court of the United States on November 10, 1941.

"On Monday, November 10, 1941, the Supreme Court of the United States reversed the decisions of the Supreme Court of Alabama in the two cases, *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.* In both cases the court held that the relationship between cost-plus-a-fixed-fee contractors and the War Department was not such as would entitle the contractors to share the constitutional immunity of the United States from State taxation. Specifically the court held in the former case that purchases of materials made by the cost-plus-a-fixed-fee contractor were purchases made by the contractor and not by the United States and therefore were subject to the Alabama sales tax imposed upon purchases made within the State. In the latter case the court held that materials purchased by the contractor outside of the State for use in construction work under the contract were used by the contractor and not by the United States, and that such use was subject to the Alabama use tax.

In appraising the extent to which these decisions settle the question of immunity as to cost-plus-a-fixed-fee contractors with other departments or agencies of the Government, whose contracts may differ in some particulars from the War Department contract which was before the court, it should be noted that the contract in question contained broad provisions that title to all articles should vest in the Government upon delivery at the site, and upon inspection and acceptance; that the purchase orders directed the supplier to ship the material to the United States Quartermaster; and that in the former case the inspection of the materials was made and title vested in the Government at the supplier's mill, rather than at the site of the work. The factor considered by the court as determinative was that the contractor, rather than the United States was liable for the cost of the materials. Accordingly, it appears that no constitutional immunity attaches to purchases made through the medium of contractors. This does not mean, and the court did not decide, that purchases of materials which are purchased and paid for directly by the United States are subject to State taxation.

The court expressly refused to consider the question whether such sales or uses would be constitutionally immune from State taxation if consummated upon a Federal reservation over which the United States had acquired exclusive taxing jurisdiction through cession of such jurisdiction by the State and acceptance by Congress. This question was raised by the pleadings in *John C. Curry vs. United States and Dunn Construction Company, Inc.*, but was not considered by the Alabama courts, since their decisions were based upon broader grounds. The Supreme Court remanded the case to the Supreme Court of Alabama for further consideration of this point. It is expected that the Supreme Court of Alabama will in turn remand it to the trial court. However, it is probable that Public No. 819, c. 787, 76th Cong., 3d Session, permits taxation of the contractors by the State on and after January 1, 1941.

With respect to motor fuel taxes, our study indicates that the acts in more than three-fourths of the states contain exemptions or provisions for refund, in one form or another, where consumption occurs off the highways. These exemptions can be made the basis for very substantial savings and it is therefore suggested that contractors or distributors be instructed to file appropriate claims."

Respectfully,

(Signed)

For the ATTORNEY GENERAL
SAMUEL O. CLARK, JR.
Assistant Attorney General

December 2, 1941

MEMORANDUM FOR The Chief of the Air Corps, The Chief, Chemical Warfare Service, The Chief of Coast Artillery, The Chief of Engineers, The Chief, National Guard Bureau, The Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General

COPY TO: The Judge Advocate General

SUBJECT: California State Taxes

1. A number of inquiries have been received from cost-plus-a-fixed-fee contractors and from contracting officers supervising the administration of such contracts on projects in the State of California, concerning the reimbursable character of invoices presented by materialmen to cost-plus-a-fixed-fee contractors, where the materialman includes in the price of his goods retail sales, and/or use taxes imposed by the Statutes of California upon the vendor or materialman.

2. Pending further instructions, and subject to the provisions of applicable directives concerning direct purchases in relation to State taxes, contracting officers will inform fixed-fee contractors that such taxes, imposed with respect to purchases made on or after the date of this memorandum, will be reimbursed to the fixed-fee contractor in cases where such taxes have formed a part of the price paid by the fixed-fee contractor. Reimbursement will also be made to cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them for gasoline purchases made after the date of this memorandum.

3. Retail sales and/or use taxes, although forming part of the total price of the goods, must be separately listed on the materialman's or supplier's invoice. The statement now required to be stamped or otherwise placed upon all vendor's invoices, "State or local sales taxes are not included in the amounts billed," should be deleted, and there will be added in its place the following:

"In case it shall ever be determined that the foregoing tax was not required to be paid by the vendor, the vendor agrees to make prompt application for the refund thereof, to take all proper steps to procure the same, and when received, to repay the same to the United States."

4. Contracting officers will require that fixed-fee contractors take advantage for the benefit of the United States of all statutory tax exemptions and refunds, including among others, the exemption of or refund of the tax on gasoline used elsewhere than on the highways.

By direction of the Under Secretary of War:

JOHN W. N. SCHULZ, Brigadier General, U. S. Army
Director of Purchases and Contracts

FROM: The Secretary of the Navy

TO: All Bureaus and Offices, The Compensation Board, and Commandants of the Eleventh and Twelfth Naval Districts

SUBJECT: California State sales or use taxes

1. The United States Supreme Court Decisions of November 10, 1941, in the cases of the *State of Alabama vs. King and Boozer* and the *State of Alabama vs. Curry*,¹ have necessitated the modification of existing instructions with regard to State and local taxation which may be required in connection with cost-plus-a-fixed-fee contracts.

2. The California State Board of Equalization contends that the California sales and use taxes are applicable to certain purchases or uses, as the case may be, by cost-plus-a-fixed-fee contractors. While there are a few legal questions to be determined in connection with the application of the California tax, it appears that there is sufficient justification at the present time for allowing some taxes as reimbursable items of cost. In order to prevent delays in the acquisition of needed materials by cost-plus-a-fixed-fee contractors, and controversies with State tax officials, contracting officers are hereby advised that cost-plus-a-fixed-fee contractors should be informed that they will be reimbursed for the amount of sales or use taxes that have been added to the purchase price, or levied on account of the use of material or property purchases or used by such cost-plus-a-fixed-fee contractors on or subsequent to November 10, 1941, if a certification in the form set forth in paragraph 3 is obtained, and provided that such material or property has not been purchased directly by the United States for the account of a cost-plus-a-fixed-fee contractor or by the cost-plus-a-fixed-fee contractor in the name of and for the account of the United States.

3. Cost-plus-a-fixed-fee contractors, on requests for bids, are now required to obtain on the bids and on invoices, a certificate stating that in the prices set forth therein "State or local taxes are not included." This statement on the certificate

¹No doubt the intended citation is *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6

may be deleted, and cost-plus-a-fixed-fee contractors are authorized to pay invoices, if otherwise correct, containing the following statement:

"The amount of State or local sales, use, occupational, gross receipt, or other similar taxes or license fees imposed on the vendor or vendee by reason of this transaction is \$----- The vendor or vendee, as the case may be, agrees upon direction of the United States to make appropriate claim for refund and in the event of any refund, to pay the amount thereof to the United States."

4. Rule No. 73 of the California State Board of Equalization, effective October 1, 1937, requires that retail sales or use taxes, although forming part of the total price of the goods must be separately listed on the material man's or supplier's invoice.

5. Taxes claimed due on transactions prior to November 10, 1941 shall not be paid by contractors, but in each instance a complete statement of circumstances in the nature of a claim shall be forwarded by the cost-plus-a-fixed-fee contractor through regular channels to the Secretary of the Navy for disposition.

6. Materials and supplies purchased for shipment to points outside the State of California, or passing through the State of California are not subject to California taxes, and invoices should clearly indicate that no California tax is included thereon.

7. Reimbursement will also be made to the cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them.

8. Contracting officers will require that cost-plus-a-fixed-fee contractors take advantage, for the benefit of the United States, of all statutory exemptions and rights for refund. In the case of gasoline used elsewhere than on the highway, this refund represents the difference between the gasoline tax and the sales tax.

9. Necessary instructions shall be issued to field forces to put the foregoing into effect.

10. Specific instructions regarding the tax situation in other States will be issued separately.

RESOLUTIONS

The following resolution was offered:

By Messrs. Burns, Hugh M., Kellems, Dilworth, Phillips and Tenney:

House Resolution No. 21

Relative to an additional appropriation from the Contingent Fund for the Assembly Fact-Finding Committee on Un-American Activities in California.

WHEREAS, By House Resolution No. 277 of the Fifty-fourth Regular Session of the Legislature, the Assembly Fact-Finding Committee on Un-American Activities in California was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of five thousand dollars (\$5,000) is hereby appropriated to the Assembly Fact-Finding Committee on Un-American Activities in California from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 3

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronm, Crowley, Daley, Del Mufolo, Desmond, Diekev, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Helsing, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 2

Assembly Bill No. 2—An act to add Section 554.5 to the Military and Veterans Code, relating to the use of the State Guard, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Middough moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 8, inclusive, and insert "service shall be stationed in the home district in which the several units were recruited, unless the battalion commander consents to the units under his command being stationed elsewhere."

Amendment read and adopted.

Bill ordered reprinted, engrossed, and re-referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 14: By Messrs. Desmond and Burns, Hugh M.—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Referred to Committee on Rules.

CONSIDERATION OF HOUSE RESOLUTION NO. 21

House Resolution No. 21

Relative to an additional appropriation from the Contingent Fund for the Assembly Fact-Finding Committee on Un-American Activities in California.

WHEREAS, By House Resolution No. 277 of the Fifty-fourth Regular Session of the Legislature, the Assembly Fact-Finding Committee on Un-American Activities in California was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of five thousand dollars (\$5,000) is hereby appropriated to the Assembly Fact-Finding Committee on Un-American Activities in California from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—Kilpatrick, and Massion—2.

REQUEST FOR UNANIMOUS CONSENT

Mr. Field asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

Senate Concurrent Resolution No. 6—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Resolution read.

The roll was called, the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hastain, Hesinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Collins, George D., King, and Riche—3.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 22

Resolved, That the Controller be and he is hereby authorized to draw his warrants on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Edward A. Grebitus, Jeweler (Repairing Assembly Clock)----- \$7 50

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 22, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellams, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 15: By Mr. Lyon—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

MESSAGES FROM THE GOVERNOR

A message from the Governor inclosing a communication from the War Department was received.

Motion to Read Message

Mr. Maloney moved that the message from the Governor and the inclosed communication from the War Department be now read.

Motion carried.

Message from the Governor read.

Reading of Communication

During the reading of the communication from the War Department a point of order was raised that the communication was of a confidential nature.

Communication Referred to Committee on Rules

The Speaker referred the communication from the War Department and the message from the Governor to the Committee on Rules.

**FURTHER CONSIDERATION OF ASSEMBLY CONCURRENT
RESOLUTION NO. 15**

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

Demand for Previous Question

Messrs. Collins, Sam L., Knight, John B., Stream, Field and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 15.

The roll was called, and the resolution adopted by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—42.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Del Mutolo, Dills, Doyle, Evans, Gaffney, Hawkins, Houser, Frederick F., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Richie, Robertson, Russell, Tenney, Thomas, and Welch—28

Resolution ordered transmitted to the Senate.

Explanation of Vote

I did not wish to vote to recess until I had heard the letter from Lieutenant General De Witt read, as I wished to be sure that the letter had no bearing on our recessing.

T. J. DOYLE

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Poulson, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT
SAN FRANCISCO, September 11, 1941

*Honorable Norris Poulson, Member of Assembly, Fifty-sixth District
3729 Tracy Street, Los Angeles, California*

DEAR SIR: I have your letter of August 21, 1941, wherein you ask to be advised whether the State Controller has the power and authority to audit the Department of Finance. In this connection you refer to Section 433 of the Political Code, which provides, in part, as follows:

"It is the duty of the Controller:

1. To superintend the fiscal concerns of the State.

* * * * *

14. In his discretion to inspect the books of any person charged with the receipt, safekeeping or disbursement of public moneys.

15. In his discretion to require all persons who have received moneys or securities, or have had the disposition or management of any property of the State of which an account is kept in his office to render statements thereof to him; and all such persons must render such statements at such times and in such form as he may require."

The Controller is a constitutional officer (Section 17, Article V, Constitution) and while the Constitution is silent with respect to the duties to be performed by him it must be presumed that the duties are such as pertained to that office elsewhere and as may be prescribed by the Legislature consistent therewith.

See *Love vs. Baehr*, 47 Cal. 364.

It has been held that the terms "auditor" and "controller" are synonymous and that the official designation of "controller" in a State Constitution, of its own force was a positive delegation of the powers usually incident to the office of controller, auditor, controller-general, auditor-general or any of the various names used to designate a like officer.

Lewis vs. Doron, 5 Nev. 399,
Pac. States Rep. Book 34.

In 13 *Corpus Juris* 842 "controller" is defined as

"An officer, who has the inspection, examination, or controlling of the accounts of other officers; one who keeps a counter register of accounts; a supervising officer of revenue, invested with many powers, among which is the examination and allowance of claims against the State; an auditor."

It seems clear, therefore, that even in the absence of legislative direction the constitutional power of the Controller includes the right to audit other departments of the State Government.

It is, of course, true that under Sections 658 and 679 of the Political Code the Department of Finance is given full power to examine all records, files, documents, accounts, cash, cash drawers, etc. and all financial affairs of every officer or person mentioned in Section 677 of the code. However, the fact that such power is given to the Department of Finance does not take away from the Controller the constitutional power delegated to him by virtue of his official designation.

See *Lewis vs. Doron*, *supra*.

It is to be noted that under Subdivisions 14 and 15 of Section 433 the Controller is expressly given the power in his discretion to inspect the books of any person charged with the receipt, safekeeping or disbursement of public moneys and to require all persons who have received moneys or securities or have had the disposition or management of any property of the State of which an account is kept in his office to render statements thereof to him. The power to inspect books and to require the rendering of statements, in our opinion, includes the power to audit in order that the correctness of such books or statements can be determined.

Under various provisions of law the Department of Finance is charged with the receipt of public moneys and with the disposition or management of property of the State of which an account is kept in the office of the Controller. For example, under Section 671 of the Political Code, the Director of Finance is required to invest, under certain circumstances, School Land Funds in certain kinds of bonds. Similar provision is made in Section 672 with respect to the Estates of Deceased Persons' Fund. Under Sections 674 and 674a, the director is authorized to purchase State bonds with funds at his disposal, subject to the consent of the State Board of Control. Under Section 675, the director is empowered to let State property, real or personal, under certain circumstances. Under Section 689 of the Political Code (amended by Chapter 824, Statutes 1941) the Department of Finance may fix and collect from special fund departments of the Government certain charges for insurance, rent, etc. for which the Controller is required to draw his warrant in favor of the Department of Finance. Such moneys are required to be accounted for and reported to the Controller at the end of each month.

These and other provisions contained in the law render the Department of Finance subject to the Controller's audit if, in his discretion, he deems such audit necessary or proper.

We conclude, therefore, that wherever under any statute the Department of Finance is charged with the receipt, safekeeping or disbursement of public moneys or wherever the department has received moneys or securities or has had the disposition or management of any property of the State, an account of which is kept in the Controller's Office, the Controller may, in his discretion, inspect and audit the books and accounts relating thereto.

Very truly yours,

EARL WARREN, Attorney General
By W. R. AUGUSTINE, Deputy

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Concurrent Resolution No. 12 and reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Johnson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

REQUEST TO READ COMMUNICATION

Upon the request of Mr. Lyon, Chairman of the Committee on Rules, the communication from the War Department, referred to the Committee on Rules for consideration, was read to the Assembly.

Message From the Governor and Communication From the War Department

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 20, 1941

Members of the Senate and Assembly

GREETINGS: For your information, in connection with the matters submitted to you for consideration in my Call of the present extraordinary session, and for the information of the public as to the serious need for action on the part of the Legislature as recommended in my Message to you yesterday, I respectfully call your attention to the attached communications which I have just now received from Lieutenant General J. L. DeWitt, Commanding General, Western Defense Command, Headquarters at the Presidio, San Francisco, California.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Confidential**WAR DEPARTMENT**

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY

PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

Honorable Culbert L. Olson

Governor of the State of California

Sacramento, California

DEAR GOVERNOR I can not emphasize to you too strongly the very real menace at this time to the National safety which arises from the presence in the States comprising the Western Defense Command, in which the State of California is included, of the considerable number of enemy aliens and possible fifth columnists.

Already, since the beginning of hostilities against this country, proof has mounted of fifth column activity and sabotage, particularly in Hawaii and the Philippines, which have caused serious property and Military damage and have contributed to the loss of many American lives.

Conditions which favored those activities and produced those results, exist within your State, and the opportunity for hostile activity of the kind here mentioned is increased during times when the people generally are occupied and their attention diverted by fairs, fiestas and public gatherings and occasions such as the Christmas and New Year's holiday season which is now at hand.

It is vital to the safety and well-being of all our people, as well as to the accomplishment of the mission of the Military Forces engaged in protecting them and their activities that you, through every means at your command, bring the actual and potential sources of such activities under the closest possible surveillance, and that you promptly furnish, or cause to be furnished to the Federal Bureau of Investigation or to the nearest Military authorities, information of suspicious aliens or other persons and of all suspicious activities whatsoever of the kind in question. In addition, all enemy aliens and others believed to be actually or potentially dangerous as fifth columnists or saboteurs should, as far as practicable, be denied entrance or access to sensitive areas such as oil fields, refineries and oil storage facilities, railroad and highway bridges, docks, essential utilities and industrial plants.

Specifically, and in addition to such other measures as may suggest themselves, I request that you give the widest publicity to the situation now existing through a Proclamation, reciting the existing facts, declaring the existence of an unlimited emergency, and if you have not already done so, authorizing the voluntary enrollment of State Guards and such other and additional protective forces as may be authorized by the laws of your State; that you designate some responsible and competent State official to coordinate, supervise and direct the activities of all regular peace and other law enforcement officers of your State in all matters, to coordinate all measures for State and civilian defense in cooperation with the Armed Forces of the United States, to direct and complete the Voluntary Civilian defense organization of your State and to expedite the enrollment and training of personnel for civilian protection services; and, finally, that you enjoin upon the people prompt compliance with the directives of duly constituted Military and civilian authorities.

I assure you that the measures above outlined, if promptly put into operation and carried through with energy and resolution, will immeasurably assist the protection of our people and the accomplishment of the Military mission assigned the undersigned as Commander of the Western Theatre of Operations (Western Defense Command).

I am taking all practicable steps with the troops and means under my command to insure the nonimpairment of those resources and activities essential to the National defense within the Western Theatre of Operations which comprises the States of California, Oregon, Washington, Nevada, Utah, Idaho, Arizona and Montana.

The accomplishment of the Military mission assigned, in all its ramifications, does not permit the assignment of troops for the protection of every possible place, facility or industry that is subject to sabotage and fifth column activity. The people in every State and every community of the Western Theatre of Operations have a definite responsibility in this regard; and it is in order to insure that they realize it and bring to bear every possible means for combating this insidious danger that I ask you to take the action requested herein.

I am furnishing a copy of this letter to the Military commanders responsible for the application of Military measures within your State with direction that they contact the municipal authorities within their areas to insure full cooperation and coordination between the action of the troops under their command and the civil authorities.

A letter similar to this one is being sent to the Governors of the other States named above as comprising the Western Theatre of Operations.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California

DEAR GOVERNOR: Referring to my letter to you of this date concerning measures for the prevention of fifth column activities and sabotage, I have today received a copy of the Proclamation issued by you on December 14, 1941, reciting the existence of a state of war between the United States and Japan, Germany, and Italy.

This Proclamation substantially complies with the pertinent suggestions contained in my letter above mentioned.

Your prompt and vigorous action in thus proclaiming the existing state of war and in setting in motion the defense forces of your State is a source of much gratification.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, A state of war now exists between the Government of the United States of America and the governments of Japan, Germany and Italy; and

WHEREAS, With a thousand miles of coast line along the Pacific, the geographical position of the State of California places it in the first line of defense against invasion, and this State may at any time become a Theatre of War. Already enemy reconnaissance, if not bombing, planes are known to have passed along our coast and to have covered a part of the interior areas. Our great natural resources, our huge oil supplies, our enormous agricultural and industrial production, our numerous air craft factories, shipbuilding yards, and other facilities needed to sustain our Nation in the winning of the war, are the natural objectives of attempted aggressions of our enemies; and

WHEREAS, California is thus confronted with numerous and immediate problems arising out of the existing state of war, including the need for full cooperation of its citizens in carrying out plans and directions of the Army and the Navy and other war and civilian defense agencies of the Governments of the United States and of the State and local governments in the successful prosecution of the war, and for home and civilian defense and protection of the life and property and the health and welfare of the civilian population; and

WHEREAS, The State of California has within its borders numerous extensive Military and Naval reservations and bases dependent upon its transportation and communication facilities, its port facilities, its bridges, dams, levees, utilities, essential to the successful prosecution of the war and to civilian protection, requiring in that protection the services of State and local governments; and

WHEREAS, The welfare and safety of the people of this State and the protection of its resources, utilities and facilities against sabotage and subversive activities calls for emergency actions on the part of State and local governments; and

WHEREAS, Plans are adopted by the State Council of Defense, in cooperation with the office of civilian defense of the Nation and of local councils of defense, for the purpose of meeting these requirements and responding to the needs of the people in any emergency, disaster or threat of disaster, in any part of the State; and

WHEREAS, The present emergency must be recognized by State and local governments and by the people in order that the plans and purpose of the State Government and its Council of Defense and the several local governments and their councils of defense may be successfully effectuated; now, therefore

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, Under and by virtue of the authority vested in me as Chief Executive of the State of California, and in accordance with the Constitution and laws of the State, I do hereby proclaim and declare that a state of emergency exists throughout the State of California, and I hereby designate the duly constituted officers of the State and of each city and of each city and county and of each county, as the officers to take charge of this emergency in their respective jurisdictions, and to carry into effect plans for civil protection adopted by the State Council of Defense and by local councils of defense in accordance therewith, in cooperation with the duly constituted authorities of the Government of the United States in the prosecution of the war and in provisions for civilian protection

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourteenth day of December, A. D., 1941

[SEAL]

CULBERT L. OLSON

Governor of California

Attest: PAUL PERK Secretary of State

FURTHER CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

Motion to Postpone Action

Mr. Evans moved that consideration of Assembly Concurrent Resolution No. 13 be postponed until Sunday, December 21st, at 11 a.m.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Evans, Gaffney, Kilpatrick, King, Massion, O'Day, Richie—8.
NOES—Burkhalter, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Meehan, Miller, Millington, Pfaff, Phillips, Poole, Potter, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—51

Demand for Previous Question

Messrs. Lyon, Knight, John B., Turner, Stream and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 13.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Phillips, Potter, Poulson, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43
NOES—Andreas, Evans, Hawkins, Kilpatrick, King, Massion, O'Day, Poole, Richie, and Thomas—10

Resolution ordered transmitted to the Senate.

Explanations of Vote

I did not vote on this resolution because there was no legal evidence or testimony presented before the Assembly and we were not given an opportunity to know the facts of the case involved. I do not believe that we should assume to judge the propriety of the action of the Parole Board without such evidence or testimony or the reasons of the Parole Board which took this action.

RALPH C. DILLS

I do not know the facts connected with the conviction or parole of King, Ramsay and Conner, and do not wish to sit in judgment in the matter of whether the paroles were in order.

VERNON KILPATRICK

Explanation of Refusal to Vote

Due to lack of adequate and authentic information being brought to the attention of this Body and to my personal conviction that the Legislature has no right under the Constitution to condemn parolees to reimprisonment regardless of the belief of some members as to a miscarriage of justice on the part of the Prisons and Parole Board, I refused to vote on said resolution.

(Signed)

EDWARD M. GAFFNEY

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Roger Alton Pfaff.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the protection of public property by counties, making an appropriation therefor, and providing for the supervision thereof by the State Board of Control, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Earl D. Desmond

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act appropriating public funds of this State for use by the counties thereof in meeting emergencies due to war or other public disaster, declaring the urgency hereof, and providing that this act shall take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Randal F. Dickey.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act authorizing the Department of Natural Resources to furnish to cities, counties, and cities and counties property, facilities and services of personnel to meet emergencies created by war or other public disaster, and making an appropriation,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Randal F. Dickey.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the purchase of fire equipment for defense purposes, and to provide for the utilization of such equipment, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Jack B. Tenney.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms or floods and for the cost of prevention of further damage and destruction; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Everett G. Burkhalter.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 18: By Mr. Pfaff—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 19: By Mr. Desmond—An act relating to the protection of public property by counties, making an appropriation therefor, and providing for the supervision thereof by the State Board of Control, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 20: By Mr. Dickey—An act appropriating public funds of this State for use by the counties thereof in meeting emer-

gencies due to war or other public disaster, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 21: By Mr. Dickey—An act authorizing the Department of Natural Resources to furnish to cities, counties, and cities and counties property, facilities and services of personnel to meet emergencies created by war or other public disaster, and making an appropriation.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 22: By Mr. Tenney—An act making an appropriation for the purchase of fire equipment for defense purposes, and to provide for the utilization of such equipment, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 23: By Messrs. Burkhalter and Kilpatrick—An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms or floods and for the cost of prevention of further damage and destruction; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Joint Resolution No. 5: By Messrs. Heisinger, Garland and Stream—An act relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Request for Unanimous Consent

Mr. Heisinger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 5, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 5

Assembly Joint Resolution No. 5—An act relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J. Carlson, Clarke, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastam, Hawkins, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Kilpatrick, Kug, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelleuer, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered.

Assembly Joint Resolution No. 6: By Messrs. Desmond, Knight, John B., Knight, T. Fenton; Kepple, Welch, Poulson and Wollenberg—An act relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Referred to Committee on Rules.

RECESS

At 6 p.m., on motion of Mr. Lyon, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 3
Assembly Concurrent Resolution No. 7

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 1
Assembly Concurrent Resolution No. 1
Assembly Concurrent Resolution No. 4
Assembly Concurrent Resolution No. 5
Assembly Concurrent Resolution No. 6

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to:

Assembly Concurrent Resolution No. 15

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Joint Resolution No. 2

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 2?

Amendment No. 1

On page 2, line 22, of the printed bill, strike out "an absolute necessity", and insert "absolutely necessary".

Amendment No. 2

On page 2, line 22, of the printed bill, strike out "do".

Amendment No. 3

On page 2, line 23, of the printed bill, strike out "so", and insert "curtail such activities herein mentioned".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Joint Resolution No. 2 by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Cronin, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—None.

Resolution ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 4

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 5

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Referred to Committee on Rules.

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Referred to Committee on Rules.

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project

Referred to Committee on Rules

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 16: By Mr. Welch—Relative to policemen and firemen.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Pelletier:

House Resolution No. 23

WHEREAS, The United States of America is aligned with the democracies of the world in a war to eliminate the forces which seek to annihilate all free peoples and establish a dictatorship over all the people of the world; and

WHEREAS, In these critical times it is essential that each individual recognize the solemn duty which he owes to his Nation, in order that its National life and glorious institutions may be preserved; and

WHEREAS, It is therefore fitting and proper that the American Flag be displayed on every hand as a constant reminder of our Democracy and of the American way of life; now, therefore, be it

Resolved by the Assembly of the State of California, That the public officials of this State are hereby requested to display the American Flag appropriately on all State, county, municipal, and other public buildings.

Request for Unanimous Consent

Mr. Pelletier asked for, and was granted, unanimous consent to take up House Resolution No. 23, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J. Cam, Call, Clarke, Collins, George D., Cronin, Del Muto, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybriet, Wollenberg, and Mr. Speaker—60.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 17: By Mr. Desmond—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Del Muto, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heringer, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 9**House Resolution No. 9**

WHEREAS, That valiant band of men, whose motto is "Semper felix" and whose battle song is "From the Halls of Montezuma to the Shores of Tripoli," who have so gallantly kept the Flag of the United States flying over Wake Island, in reply to questions if there was anything further they wanted, so typical of the grand organization to which they belong, make this reply, "Send Us More Japs," a remark which has now become synonymous with those other classic mottoes of our Nation, "Don't give up the ship," "Damn the torpedoes," and "Remember the Maine"; and

WHEREAS, This reply will ring down in history and remain emblazoned on the hearts of our free people and be an inspiration to all Americans, and

WHEREAS, If the Japanese army and navy ever gaze on Heaven's scenes, they will be pushed up and down the cobblestones by the United States Marines, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Legislature express their praise and honor of these brave men and of their courage and loyalty which still keeps the Stars and Stripes waving in the Pacific breezes of little Wake Island, and be it further

Resolved, That copies of this resolution be suitably prepared and sent to the Department of the Pacific, United States Marine Corps, to be distributed to the men at Wake Island; and be it further

Resolved, That the Marine Corps be requested that this recognition and commendation of the valorous conduct of these men be inscribed on their record books

Resolution read and adopted.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dilworth:

House Resolution No. 24

Relative to adjournment out of respect to the memory of the
Honorable Charles S. McKelvey

WHEREAS, The Members of the Assembly have learned with sorrow that an end has come to the long and distinguished career of their former colleague, Charles S. McKelvey; and

WHEREAS, The Honorable Charles S. McKelvey served with distinction as a Member of the Assembly from Orange County in 1895, and for some time held a commission as Major in the California National Guard, now, therefore, be it

Resolved, That when the Assembly adjourns this day it do so out of respect to the memory of the late Charles S. McKelvey; and that we do hereby extend our sincere sympathy to the members of the bereaved family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the widow of our departed former Colleague, Mrs. Elizabeth McKelvey of Los Angeles, and to his three daughters, Elizabeth McKelvey of Hemet, Helena McKelvey of Los Angeles, and Mrs. Alex Krater of Independence

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up House Resolution No. 24, at this time, without reference to committee

Resolution read and adopted.

By Mr. Dilworth :

House Resolution No. 25

Relative to adjournment out of respect to the memory of the late Archibald E. Brock

WHEREAS, Word has come to the Members of the Assembly that on August 27, 1941, in the State of New Jersey, the Honorable Archibald E. Brock laid down the cares and tribulations of this earthly existence; and

WHEREAS, Archibald E. Brock will long live in the memories of the people of the State of California for his untiring service to them as a Member of the Assembly from 1925 to 1935, and in the memories of the people of the City of Redlands for his devoted services to them as mayor of their city from 1916 to 1925; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief at the passing of our loved former Colleague, and extend to the members of his family our very sincere sympathy; and that when the Assembly adjourns this day it do so out of respect to the memory of the late Archibald E. Brock; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the two daughters of Archibald E. Brock, Mrs. Bessie McCoy of Ventura and Mrs. Jeanne Gidney of Ridgeway, New Jersey.

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up House Resolution No. 25, at this time, without reference to committee.

Resolution read and adopted

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 2

Assembly Bill No. 4

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Middough, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Jane Tucker of Long Beach.

On request of Mr. Lyon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Cadet Robert J. Finnie, U. S. Navy Air Corps, Oakland Air Base, and Miss Virginia Coffman, Sacramento.

ADJOURNMENT

At 9.25 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Sunday, December 21, 1941, out of respect to the memory of former Assemblyman Charles W. Dempster, former Assemblyman Harry F. Sewell, former Senator Morris Bedford Harris, former Assemblyman Charles S. McKelvey and former Assemblyman Archibald E. Brock.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY
THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
SUNDAY, December 21, 1941

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collus, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

On invitation of the Speaker, prayer was offered by the Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Stream.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 6

Senate Joint Resolution No. 5

Senate Concurrent Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Collins, George D., Desmond, Donnelly, Gaffney, Gallagher, King, Lyon, Maloney, O'Day, Russell, Sawallisch, Welch, and Wollenberg—13.

NOES—Bashore, Burkhalter, Call, Carlson, Clarke, Daley, Dickey, Dills, Dilworth, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kilpatrick, Knight, T. Fenton; Leonard, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Richie, Salsman, Stream, Thomas, Thorp, Turner, Watson, and Weybret—34.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 3

Senate Bill No. 4

Senate Bill No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 3
 Assembly Joint Resolution No. 4
 Assembly Concurrent Resolution No. 9
 Assembly Concurrent Resolution No. 10
 Assembly Concurrent Resolution No. 11
 Assembly Concurrent Resolution No. 13

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 6

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT STATE GUARD BUDGET IN JOURNAL

Mr. Frederick F. Houser moved that the following Budget of the California State Guard be ordered printed in the Journal:

Motion carried.

State Guard Budget

The budget for the California State Guard is predicated on the activation of
 25,000 Enlisted men
 1,487 Commissioned officers
 13 Warrant Officers

Total 26,500 men

The financial requirements for pay and allowances are outlined as follows:

13 Colonels	@ \$6,596 per annum -----	\$83,148 00
39 Lieutenant Colonels	@ \$5,700 per annum -----	222,300 00
65 Majors	@ \$5,148 per annum -----	334,620 00
312 Captains	@ \$4,032 per annum -----	1,257,984 00
478 First Lieutenants	@ \$3,348 per annum -----	1,600,344 00
580 Second Lieutenants	@ \$2,340 per annum -----	1,357,200 00
13 Warrant Officers	@ \$2,472 per annum -----	32,136 00
Total, 1,500 Commissioned and Warrant (\$3,258.49) -----		\$4,887,732 00
250 First Sergeants	@ \$1,080 per annum -----	\$270,000 00
250 Staff Sergeants	@ \$1,008 per annum -----	252,000 00
2,750 Sergeants	@ \$ 936 per annum -----	2,574,000 00
2,500 Corporals	@ \$ 864 per annum -----	2,160,000 00
6,500 Privates, First Class	@ \$ 792 per annum -----	5,148,000 00
12,750 Privates	@ \$ 720 per annum -----	9,180,000 00
Total 25,000 Enlisted men -----		\$19,584,000 00
17,000 First dependents	@ \$ 180 per annum -----	\$3,060,000 00
6,950 Other dependents	@ \$ 120 per annum -----	834,000 00
Total 23,950 Dependents -----		\$3,894,000 00
Subsistence 25,000 enlisted men @ \$216 annually -----		\$5,400,000 00
Clothing -----		1,397,946 00
Total pay subsistence and clothing enlisted men @ \$1,211.18 -----		\$30,275,946 00
Total 26,500 State Guard units @ \$1,326.93 -----		\$35,163,678 00
26,500 Men pay, subsistence, clothing -----		\$35,163,678 00
Equipment (tents, blankets, etc.) -----		853,162 00
Tentage -----		11,097 00
Medical equipment, supplies and hospitals -----		82,176 00
Chemical warfare (masks) -----		44,500 00
Ordnance (rifles, pistols, ammunition) -----		375,565 00
Miscellaneous equipment (including harness) -----		114,453 00
Communication (radio, etc.) utilities service -----		101,250 00
Transportation (gas and repairs) -----		145,000 00
Miscellaneous -----		75,000 00
		\$36,965,881 00
Administration:		
35 employees @ \$125 per month -----		\$52,500 00
Services and supplies -----		72,500 00
		\$37,090.881 00

Active Duty Expenditures for California State Guard

Subsistence—

25,000 men @ \$0 60 per day ration allowance	
\$15,000 00 per day	
450,000 00 per month	
5,400,000 00 per year	

Estimate for Pay and Allowances Enlisted Men—

Master Sergeants -----		\$3 25 per day	0
First Sgt. and Tech. -----	250 ea.	3 00 per day	\$750 00
Staff Sergeants -----	250 ea.	2 80 per day	700 00
Sergeants -----	2,750 ea.	2 60 per day	7,150 00
Corporals -----	2,500 ea.	2 40 per day	6,000 00
Privates First Class -----	6,500 ea.	2 20 per day	14,300 00
Privates -----	12,750 ea.	2 00 per day	25,500 00
Cost per day -----			\$54,400 00

Allowances for Dependents—

First dependent -----	17,000 ea. @ \$15 00 mo.	\$255,000 00
Second dependent } -----	6,950 ea. @ 10 00 mo.	69,500 00
Third dependent }		

Cost per month ----- \$324,500 00

Estimate of Pay for Officers—

Rank	Number	Rates	Amount
Colonel -----	13	\$533 00	\$6,929 00
Lieutenant Colonel -----	39	475 00	18,525 00
Major -----	65	429 00	27,885 00
Captain -----	312	336 00	104,832 00
First Lieutenant -----	478	279 00	133,362 00
Second Lieutenant -----	580	195 00	113,100 00
Warrant Officer -----	13	206 00	2,678 00

Cost per month ----- \$407,311 00

Administration for California State Guard

	Month	Year
Salaries and Wages—35 Employees @ \$125 mo. average-----	\$4,375 00	\$52,500 00
Materials and Supplies—		
Office -----	400 00	4,800 00
Printing -----	200 00	2,400 00
Service and Expense—		
Office -----	150 00	1,800 00
Traveling -----	1,500 00	18,000 00
Telephone and telegraph -----	250 00	3,000 00
Postage -----	150 00	1,800 00
Freight, cartage and express -----		7,500 00
Miscellaneous -----	100 00	1,200 00
Equipment—		
Miscellaneous curdex, filing, other office equipment -----		5,000 00
Rental of Office Space 15,000 sq. ft. @ .15¢ sq. ft. -----	2,250 00	27,000 00
Total -----		\$125,000 00

Clothing For California State Guard

Quantity	Article	Unit Price	Total
936	Aprons, bakers and cooks (6) -----	\$0 40	\$374 40
25,000	Belts, web, waist -----	14	3,500 00
25,000	Caps, field, serge 18 oz -----	48	12,000 00
936	Coats, bakers and cooks (6) -----	1 05	982 80
25,000	Coats, serge, 18 oz. -----	7 45	186,250 00
25,000	Cords, hat, Inf. -----	06	1,500 00
75,000	Drawers, wool, pr. (3) -----	96	72,000 00
25,000	Gloves, wool, O.D. pr. -----	54	13,500 00
25,000	Hats, service -----	2 24	56,000 00
	Insignias, sleeve, chevron, pr.		
39	Master Sergeant -----	14	5 46
741	First Sergeant -----	33	244 53
39	Staff Sergeant -----	27	10 53
1,170	Sergeant -----	19	222 30
1,170	Corporal -----	14	163 80
20,000	Private, First Class -----	09	1,800 00
5,000	Jumpers, working, denim -----	78	3,900 00
25,000	Leggins, canvas, dismounted M-1938 -----	62	15,500 00
25,000	Neckties, silk, black -----	26	6,500 00
25,000	Overcoats, roll collar -----	10 78	269,500 00
25,000	Raincoats, rubberized M-1938, dismounted -----	4 84	121,000 00
50,000	Shirts, flannel, olive drab (2) -----	3 81	190,500 00
50,000	Shoes, service, pr. (2) -----	3 15	157,500 00
100,000	Socks, wool, light, pr. (4) -----	18	18,000 00
936	Trousers, bakers and cooks, pr. (6) -----	1 06	992 16
50,000	Trousers, serge, olive drab, elastique 18 oz. (2) -----	3 68	184,000 00
5,000	Trousers, working denim -----	80	4,000 00
75,000	Undershirts, wool (3) -----	1 04	78,000 00

Total ----- \$1,397,945 98

Equipage—California State Guard

<i>Quantity</i>	<i>Article</i>	<i>Unit Price</i>	<i>Total</i>
25,000	Bags, barrack -----	\$0 44	\$11,000 00
17,000	Belts, cartridge, Cal. .30 dismantled -----	3 00	51,000 00
1,000	Belts, pistol M-1912 -----	1 12	1,120 00
75,000	Blankets, wool, olive drab (3) -----	6 33	474,750 00
25,000	Cans, meat, M-1910 -----	50	12,500 00
25,000	Canteens, M-1910 -----	59	14,750 00
25,000	Carriers, pack M-1910 -----	83	20,750 00
25,000	Cots, folding, canvas -----	3 44	86,000 00
25,000	Covers, canteen dismantled M-1910 -----	57	14,250 00
25,000	Cups, M-1910 -----	41	10,250 00
247	Desks, field, small company -----	6 00	1,482 00
25,000	Forks, M-1910 -----	03	750 00
25,000	Haversacks, M-1910 -----	3 40	85,000 00
25,000	Knives, M-1910 -----	11	2,750 00
125,000	Pins, shelter tent, wood -----	01	1,250 00
1,000	Pockets, magazine, double web -----	31	310 00
25,000	Poles, tent, shelter -----	19	4,750 00
25,000	Pouches, 1st aid packet, M-1924 -----	20	5,000 00
25,000	Spoons, M-1910 -----	03	750 00
25,000	Tents, shelter half -----	2 19	54,750 00
Total -----			\$853,162 00

Tentage

156	Flies, tent, wall, large -----	\$10 76	\$1,678 56
156	Poles, tent, ridge 14' -----	1 52	237 12
312	Poles, tent, upright 12' -----	71	221 52
3,000	Pins, tent, large, 24" long -----	03	90 00
200	Tents, pyramidal, M-1934 complete with pins, poles and bags -----	44 35	8,870 00
Total -----			\$11,097 20

Medical Equipment for California State Guard

25,000	20,300 Packets, 1st aid, model carlisle -----	\$0 31	\$7,750 00
390	78,440 Litter w/sling -----	6 22	2,425 80
Total -----			\$10,175 80

Chemical Warfare for California State Guard

5,000	Masks, gas, service, M1A2-IV-IIIAT, universal size -----	\$8 90	\$44,500 00
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Ordnance for California State Guard

Quantity	Article	Group	Unit Price	Total
10,000	Rifles, U. S. Cal. .30 M-1917 -----	B-1	\$7 50	\$75,000 00
10,000	Bayonets, M-1917 -----	B-1	4 13	41,300 00
10,000	Scabbards, bayonet M-1917 -----	B-1	1 65	16,500 00
10,000	Sling, gun, M-1907, leather -----	B-3	1 31	13,100 00
12,000	Depressors, follower -----	B-4	02	240 00
15,000	Helmets, steel -----	B-13	2 75	41,250 00
1,000	Chests, arm, U. S. Rifle Cal. .30 M-1917 -----	B-16	5 60	5,600 00
100	Chests, packing for bayonet M-1917 -----	B-16	4 13	413 00
500	Racks, arm, M-1920, rifle & pistol -----	B-16	26 45	13,225 00
1,000	Rods, cleaning barrack M-1916 -----	M-3	40	400 00
500	Oil, lub Class A, light, pt. -----	K-1	13	65 00
50,000	Patches, cut, flannel—ea. -----	K-1	68 per M	34 00
1,000	Pistol, auto Cal. .45 M-1911 (11) -----	B-6	26 42	26,420 00
1,000	Holsters, pistol M-1916 Cal. .45 (11) -----	B-6	1 98	1,980 00
2,000	Magazines, extra auto, pistol -----	B-6	83	1,660 00
200	Grenades, hand, gas, irritant CN-DM M6, with hand grenade igniting fuse, M200 -----	S-3	2 64	528 00
2,500,000	Cartridges, ball, Cal. .30 M-2 rounds -----	T-1	33 64 per M	84,100 00
1,000,000	Cartridges, ball, Cal. .45 rounds -----	T-2	27 75 per M	27,750 00
325	Rising Machine Guns -----		80 00 ea.	26,000 00
Total -----				\$375,565 00

Miscellaneous for California State Guard

390	Axes w/helves (2)-----	\$1 25	\$487 50
390	Buckets, G.I. (2)-----	66	257 40
780	Cans, water, G.I. large (4)-----	4 22	3,291 60
780	Cans, milk, 10-gal. (4)-----	4 75	3,705 00
156	Pickaxes w/helves-----	90	140 40
390	Rakes, steel (2)-----	75	292 50
156	Ranges, field No 1 complete-----	47 13	7,352 28
390	Shovels, short handle (2)-----	1 00	390 00
780	Lanterns comb. complete (4)-----	85	663 00
	Equipment for outfitting one battalion of ski troops—425 @-----	35 00	14,875 00
	Equipment for organizing light fire control unit-----		10,000 00
	Miscellaneous unlisted equipment-----		50,000 00
	Total -----		\$91,454 68

Harness Saddlery and Pack for California State Guard

300	Bags, feed, M-1912-----	\$1 50	\$450 00
300	Blankets, saddle olive drab-----	7 50	2,250 00
300	Bridles, Cavalry M-1909, complete-----	11 50	3,450 00
300	Saddles, McClellan Cav. M-1904-----	38 00	11,400 00
300	Saddlebags, M-1904, pr.-----	11 78	3,534 00
300	Scabbards, rifle M-1904-----	6 38	1,914 00
Total-----			\$22,998 00

Senate Bill No. 3, Chapter 11, Statutes of 1940 (Dec. 11, 1940)

An act to amend Sections 553, 554, 555 and 556 of the Military and Veterans Code, relating to the State Guard, to take effect immediately

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

SECTION 1 Section 553 of the Military and Veterans Code is hereby amended to read as follows:

553 Each member of the State Guard or a licensed Military company shall take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of this State and will obey and maintain all laws and all officers employed in administering the same.

SEC. 2 Section 554 of the Military and Veterans Code is hereby amended to read as follows:

554 Whenever the Governor deems it necessary for the public safety, he may call the State Guard or any licensed Military company into active service of the

State for the causes and purposes for which he may call the National Guard into active service. Such State Guard or Military company shall rendezvous and report for active service at such time and place and to such officer as the Governor designates, and shall enter the active service of the State and obey all lawful orders and commands issued by the Governor or any officer placed in command by his orders in the same manner as if such State Guard or Military company were a part of the National Guard.

SEC. 3. Section 555 of the Military and Veterans Code is hereby amended to read as follows:

555. The members of the State Guard or of a licensed Military company when called into active service by order of the Governor shall be subject to all Military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard, and shall receive the same pay and allowances while in active service as the members of the National Guard.

SEC. 4. Section 556 of the Military and Veterans Code is hereby amended to read as follows:

556. The Governor, when not in conflict with the provisions of the laws of the United States, may, at any time, order, authorize, or recognize, such organizations of the unorganized militia, or of designated classes thereof, or of volunteers therefrom, as he may deem to be for the public interest, and may prescribe therefor parts of the regulations governing the National Guard or the Naval Militia applicable thereto, or establish special regulations therefor, or both. The Governor may likewise, at any time, provide for the separate organization, or authorize the service and enrollment in organizations of the unorganized militia, of persons volunteering for such service, not otherwise subject to Military duty. Any such organizations of the unorganized militia when recruited, organized, ordered into service, authorized or recognized, shall constitute and be known as the State Guard.

The State Guard shall be organized and maintained under and pursuant to the laws of the United States and of the State of California and the rules and regulations prescribed by the Secretary of War or the Governor pursuant thereto. The Governor is authorized to requisition arms and equipment for the State Guard from the War Department. The State Guard may be permitted the use of armories and such other Military facilities and equipment of or in the possession of the State as may be authorized by law or regulations, and which will not in the opinion of the Governor interfere with the proper functioning of the National Guard. The Governor shall make such provisions through The Adjutant General's Office as may be necessary or convenient to properly organize and administer the State Guard, and may make provision for necessary incidental expenses therefor.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. The National Guard which has heretofore been available to the State as a defense organization is being called into the service of the United States and it is necessary that provision be made to make the unorganized militia more readily available for defense in case of necessity. A part of the National Guard of California has already been called into Federal service and it is necessary that provision be immediately made to make available part of the unorganized militia and in order to provide necessary troops and means of defense, and it is therefore necessary that this act take effect immediately.

SEC. 6. If any part or provision of this act should, by reason of the provision of Article IV, Section 1 of the Constitution, be delayed from taking immediate effect, the remainder of such act shall go into immediate effect notwithstanding the fact that some provisions may not become effective until 90 days following final adjournment of the session enacting this law.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the acquiring of defense equipment or personnel or both by cities, counties, and cities and counties, making an appropriation therefor, and providing for the supervision thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable F. N. Howser.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act making an appropriation for an Armory in Contra Costa County, declar-
ing the urgency hereof, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harold F. Sawallisch.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Sections 395.6 and 395.7 to the Military and Veterans Code,
relating to reemployment and other privileges of members of the State Guard,
declaring the urgency of this act and that it shall take immediate effect,"
and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Harold F. Sawallisch.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the furnishing of defense equipment to cities, counties, and
cities and counties through the California State Council of Defense and making an
appropriation therefor, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Dan Gallagher.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act augmenting the Emergency Fund to provide money for the support of the
office of the Controller, declaring the urgency of this act, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Norris Poulson.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 24: By Messrs Howser, F. N., Stream, Kellems, Middough and Robertson—An act relating to the acquiring of defense equipment or personnel or both by cities, counties, and cities and coun-

ties, making an appropriation therefor, and providing for the supervision thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

Assembly Bill No. 25: By Mr. Sawallisch—An act making an appropriation for an Armory in Contra Costa County, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

Assembly Bill No. 26: By Messrs. Sawallisch, Lowrey, Hastain and Dickey—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

Assembly Bill No. 27: By Messrs. Gallagher, Maloney, Green, Welch, Cronin, Wollenberg, O'Day, Collins, George D., and Gaffney—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 28: By Mr. Poulson—An act augmenting the Emergency Fund to provide money for the support of the office of the Controller, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 26

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of two hundred fifty dollars (\$250) in favor of Arthur A. Ohnumus, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, traveling expenses, and other incidental expenses in connection with completing the work of the Fifty-fourth (First Extraordinary) Session of the Assembly of the State of California. Vouchers and receipts of all expenditures to be furnished to the Controller.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 26, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick

F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—62.

NOES—None.

By Mr. Lyon:

House Resolution No. 27

Resolved, That Arthur A. Ohnumus, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to ~~adjournment or~~ recess of the Fifty-fourth (First Extraordinary) Session of the Legislature, and all indexing, correcting, comparing and proofreading, and otherwise preparing the Journal of the Assembly of the Fifty-fourth (First Extraordinary) Session of the Legislature, and making the information therein contained readily available for the use of the Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-fourth (First Extraordinary) Session, and of compiling, preparing and having printed after adjournment or recess, a Final Calendar of the legislative business of the Fifty-fourth (First Extraordinary) Session, said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the Fifty-fourth (First Extraordinary) Session.

When said Final Calendar is prepared, the said Arthur A. Ohnumus, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each Member of the Assembly, and one copy of the complete unbound chapters to each Member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to ~~retain~~ such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 27, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62

NOES—None.

MOTION TO PRINT BILL IN JOURNAL

Mr. Bashore moved that Senate Bill No. 3, Chapter 11, Statutes of 1940 (Dec. 11, 1940), be printed in the Journal immediately following the Budget of the California State Guard.

Mr. Frederick F. Houser seconded the motion.

Demand for Previous Question

Messrs. Robertson, Collins, Sam L., Howser, F. N., Kellems and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the motion to print Senate Bill No. 3, Chapter 11 of the Statutes of 1940, in the Journal immediately following the Budget of the California State Guard.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Messrs. Tenney and Potter:

House Resolution No. 28

Relative to the services of Arthur Ungar, Editor of the Daily Variety, leading to the conviction of Willie Bioff and George Browne

WHEREAS, It was principally through the efforts of Mr. Arthur Ungar of Hollywood, California, Editor of Daily Variety, that Willie Bioff and George Browne, the notorious labor racketeers, were prosecuted and convicted in the Federal Courts; and

WHEREAS, In assisting in the securing of these convictions Mr. Ungar and the Daily Variety have performed an outstanding service; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby congratulates and thanks Mr. Arthur Ungar and the Daily Variety for their efforts leading to the conviction of Willie Bioff and George Browne; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to send a suitably prepared copy of this resolution to Mr. Arthur Ungar, Editor of Daily Variety, Hollywood, California.

Request for Unanimous Consent

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 28, at this time, without reference to committee.

Resolution read.

Motion to Table

Mr. Evans moved that House Resolution No. 28 be laid on the table.

Mr. Heisinger seconded the motion.

The roll was called, and the motion lost by the following vote:

AYES—Burkhalter, Collins, George D., Dills, Evans, Heisinger, Kepple, Kilpatrick, King, Knight, T. Fenton; O'Day, Thomas, and Voigt—12.

NOES—Burns, Michael J., Call, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Donnelly, Field, Green, Hastain, Houser, Frederick F., Johnson, Kellems, Knight, John B., Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Salsman, Sawallisch, Stream, Tenney, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—39.

The question being on the adoption of House Resolution No. 28.

Resolution adopted.

MOTION TO PRINT EDITORIALS IN JOURNAL

Mr. Field moved that the following editorials be printed in the Journal:

Motion carried.

Sacramento Bee Editorial of December 18, 1941

Does State Need Standing Army to Cost Many Millions?

The California Legislature will meet in Sacramento in special session tomorrow to consider, among other subjects, an appropriation for the support of the State Home Guard.

The formation of such guard units was authorized by Congress in 1940 when the National Guard was called into the Federal service. The State Legislature followed suit with the necessary validating act so far as California is concerned.

Up to this time, however, the Guards have furnished their own uniforms and enlisted men are paid \$2 a day plus subsistence while on duty.

With the attack on Hawaii, Governor Olson issued a call for volunteers to bring the strength of the Guard up to 10,000 men. Plans now are afoot to increase this to 25,000 officers and enlisted men.

And it also is proposed to furnish all equipment, as well as to provide rates of pay, while on duty, which are considerably higher than those current in the Regular Armed Forces of the United States. Privates would receive approximately \$61 per month and first sergeants \$1,080 a year.

The estimates of the cost range from \$30,000,000 to \$50,000,000 annually. Probably the latter figure is closer to the actual cost.

And once the policy of State support of a Home Guard is established by the Legislature it will require \$30,000,000 or \$50,000,000 a year from the Treasury, a staggering expenditure should the war last four or five years, for maintenance.

Californians are ready without stint to do whatever is actually necessary for home defense.

But they want to be sure the necessity exists before being rushed hysterically into a program which would plant a heavy financial burden on their shoulders.

This thought is well expressed by Assemblyman Earl Desmond of Sacramento County, who, in commenting on the Governor's call for the special session, said:

There are many questions in my mind over proposals that the State maintain a Standing Army.

There is good reason to doubt that it can be done properly when all able bodied men are being drafted in the Army. It is not a question of willingness of the Legislature. I believe we will gladly spend all the money that is necessary for proper protection of the State—but it is a question of exactly what should be done and the right way to do it.

There are many other patriotic citizens who echo Desmond's sentiments.

In fact, the whole situation should be considered thoroughly and weighed carefully by the Legislature before jumping to conclusions.

Politics or past differences between Governor Olson and the Legislature should be forgotten in arriving at a decision.

Important questions for the Legislature to answer are these:

Should the State of California, at an expense of from \$30,000,000 to \$50,000,000 per year, establish her own army or should the matter of defending California, which has been declared to be within the West Coast Combat Area, be left to the Federal Government?

Is a Home Guard of State troops really needed, except as an emergency, in view of the concentration of Regular Army Forces in California? Of course, the Army undoubtedly would accept the aid of State Troops if their maintenance were paid for by the people of California, a super contribution, as it were, to defense.

How is the line to be drawn to define where the defense of California ceases to be a Federal and becomes a State responsibility? After all this is a National not a State war, even although California gladly will do her part, and more, too, toward conquering the enemy.

In this connection, it was Mayor F. H. LaGuardia of New York, Director of the Office of Civilian Defense, who said, while in California recently:

It is urged on the people that they view the situation calmly and not become panic stricken.

That is good advice to the Legislature, no matter how much it apparently has been ignored by some of those in authority on the Pacific Coast.

Sacramento Union Editorial of December 19, 1941

Section 4 of Article 4 of the U. S. Constitution reads: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened) against domestic violence." We call this portion of the Constitution to the attention of the Legislators as they gather here today, meeting as they do in the midst of talk about forming a State Guard and expending some \$40,000,000 to see that California is adequately protected during World War II.

Any State Guard organized along Military lines will be immediately absorbed by the Federal Government. It is not the duty of the State to protect itself. It is the duty of the Federal Government to protect this State and all the other States. In time of war the Militia, or California section of the National Guard is made a part of the Regular Army by the Federal authorities. The same thing would happen to a State Guard. California might augment its State Highway Police System, or provide a civilian army, but when it goes Military the organization passes automatically into the hands of the Federal authorities to protect all the States.

The talk of formation of a State Guard sounds like an attempt to build up another political machine. The idea, as originally expounded, was to place officers and men in service at the same rate of pay as those in the Federal Army. That would be grossly unfair to the men who are fighting with their lives in the Military Service of the Nation. The regular officers and men are targets for any attack and must go wherever the President, their Commander-in-Chief, sends them. What right has California to set up a political army to remain securely at home and collect the same pay as a fighting army?

In all this hysteria of preparedness and defense, during a war emergency forced upon this Nation by Japan by her treacherous attack on Hawaii and Pearl Harbor, the politicians at the State Capitol have been running around in circles and been talking about doing big things for California's protection. That is all well and good, except that the job of protecting the State happens to rest with official Washington and not with the State Government. This would be a messed up Nation indeed if 48 separate armies were formed by 48 separate States to attempt to wage war independently of each other as protection for their own commonwealths.

California needs to be guarded against two things—air raids by the Axis powers and sabotage at its defense plants. The raids will come when least expected and will strike at vital Military objectives. Only by use of defense planes and anti-aircraft batteries can invading bombers be driven off. That is a job for the Army, Navy, Marines and the Coast Guard. Sabotage is a local problem, but even here the Military assumes control. If violence becomes widespread the State need only ask for additional Federal Troops to act as guards. Already private and public defense plants have stationed adequate guards at all vulnerable spots. The public utilities, the manufacturing concerns, the Government-operated plants, the airfields—every form of industry or business that might be damaged or attacked has taken the necessary steps for self-protection.

Blackouts and other local forms of precaution can be handled by city and county authorities. They don't need a superstructure of State personnel put in control over them. We aren't arguing against the State doing everything sound and practical to see that California is adequately prepared for defense against whatever attack may come—and we realize that many important branches of the State Government will have to be augmented during the crisis. But we argue everything should be done on a practical and not a political basis. The Legislature must remove the politics and eliminate the waste. All the State needs to do is follow out the same program that was developed in 1917 and 1918 and augment it to meet 1941 war conditions.

Sacramento Bee Editorial of December 20, 1941

Vote Token Sum, Study the Home Guard Problem

The probability appears to be increasing that the special session of the Legislature will adjourn without voting the large sum recommended by Governor Culbert L. Olson for the full time maintenance of a Home Guard of 26,500 men in California.

The obvious fact is that many of the Legislators have not been convinced that the present situation demands the immediate appropriation of \$17,500,000 to support the Home Guard.

This does not mean that these Legislators are not 100 per cent for doing everything absolutely necessary to protect private property in California against enemy sabotage, etc., or to aid in any way to bring victory to American arms.

But it does mean that these Legislators prefer to wait until some of the hysteria generated by the surprise attack on Hawaii subsides and cool, calculating thinking is restored.

When the Legislators first began to arrive in Sacramento the leaders of both houses were informed that \$37,090,881 was the sum the Guard executives declared would be needed to maintain an organization of 26,500 men on a full time basis for one year.

However, in his message to the Legislature yesterday Governor Olson cut the budget prepared by his Military advisers from \$37,090,881 to \$17,500,000, a slash of \$19,590,881.

Certainly that action by the Governor didn't make for confidence.

Rather it gave rise to the query: Which figure is guess work and which is fact?

The contrasting sums strongly suggest that the situation is in such a fluid state that no one can say with any degree of certainty what will be the duties of the Home Guard or how many actually will be required on full time service.

So, all in all, it would appear to be the sensible thing for the Legislature to vote a stopgap appropriation to meet real emergency requirements and then to recess to give the Legislators time to think over the problem calmly, dispassionately and without resort to political considerations.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—An act relative to memorializing Congress to oppose federalization of State unemployment insurance and employment services.

Resolution read.

Demand for Previous Question

Messrs Lyon, Call, Dilworth, Collins, Sam L., and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Joint Resolution No. 6.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Clarke, Collins, Sam L., Daley, Desmond, Diekev, Dilworth, Field, Green, Hastam, Heisinger, Howser, E. N., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, O'Day, Pfaff, Phillips, Potter, Poulson, Robertson, Sawallisch, Stream, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Cain, Carlson, Collins, George D., Crowlev, Dills, Donnelly, Gaffney, Gallagher, Hawkins, Houser, Frederick F., Johnson, Kilpatrick, King, Lowrey, Mason, Meehan, Middough, Poole, Russell, Salsman, and Thomas—21

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 18: By Messrs. Middough, Pfaff, Tenney, Houser, Frederick F., Hastam, Doyle, Poole and Evans—Relative to the purpose and function of the State Guard.

Referred to Committee on Rules.

Assembly Joint Resolution No. 7: By Mr. Richie—Relative to the accomplishments of the armies of the U. S. S. R.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters;

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colm P. Kelly, Jr.;

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Morris Bedford Harris;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11 30 a m

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities;

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11 30 a m

JOHN B. KNIGHT, Chairman

RECESS

At 12 35 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

MOTION TO EXCUSE COMMITTEE MEMBERS

Mr. Millington moved that the members of the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs be excused to hold a committee meeting.

Substitute Motion for Committee of the Whole

Mr. Dills moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing bills now pending.

RECESS

At 2.55 p.m., on motion of Mr. Field, the Assembly recessed until 3 30 p.m.

REASSEMBLED

At 3.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies;

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941;

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11.30 a m.

JOHN B. KNIGHT, Chairman

RESOLUTIONS

The following resolutions were offered:

By Messrs. Thomas, Dills and King:

House Resolution No. 29

Relative to adjournment out of respect to the memory of the Honorable Lee Geyer

WHEREAS, His fellow citizens of the State and Nation mourn the passing of the Honorable Lee Geyer, Member of the House of Representatives from the Seventeenth District, educator, and former Member of this Assembly; and

WHEREAS, The unceasing labors of our former Colleague in support of liberal legislation and legislation to strengthen the educational system of the State have won him a place of honor in the roll of those men and women who have built into California their own vision, strength, and nobility; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of the Honorable Lee Geyer, and that we do hereby extend to the members of his family our deep sympathy in a loss shared by all of the people of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the family of the late Lee Geyer.

Request for Unanimous Consent

Mr. Thomas asked for, and was granted, unanimous consent to take up House Resolution No. 29, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Tenney and Middough:

House Resolution No. 30

Relating to the holding of county, district and citrus fairs in 1942

WHEREAS, The excitement and confusion incident to the first days following the entrance of the United States into the Second World War have given rise to a rumor that it may be necessary to cancel county, district and citrus fairs scheduled to be held during 1942; and

WHEREAS, The holding of these fairs is of great value in the furtherance and improvement of agriculture, by means of the dissemination of useful information concerning the production policies of the Nation and the demonstration of new techniques and tools; and the maintenance of agriculture in a flourishing state of ever-increasing productivity is no less essential to the successful prosecution of the war than to the prosperity of the Nation after victory is attained; and

WHEREAS, The holding of these fairs at their accustomed times and places will contribute to the morale of the civilian population by continuing an established institution which provides the people of the State with the opportunity for needed relaxation and diversion, as well as information and education; now, therefore, be it

Resolved by the Assembly of the State of California, That the board of directors of the agricultural districts and county fair boards and citrus associations and the State Department of Finance are hereby urged to proceed with plans for holding these fairs in 1942, and not to abandon their plans for these fairs, nor to cancel these fairs except upon the request or command of the Military authorities.

Request for Unanimous Consent

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 30, at this time, without reference to committee.

Resolution read and adopted.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, California, December 21, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR OHNIMUS: We have examined a measure entitled
"An act to add Section 578 to the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the State Guard or in other armed forces of the State of California, declaring the urgency thereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Earl D. Desmond.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 29: By Mr. Desmond—An act to add Section 57.8 to the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the State Guard or in other armed forces of the State of California, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Dilworth, ordered printed in the Journal:

December 20, 1941

*Honorable Franklin D. Roosevelt, President of the United States
The White House, Washington, D. C.*

Responding to your telegram of yesterday, you may be assured of my full cooperation in carrying out its request that the State Employment Service be transferred to the United States Employment Service, and that procedure for making this transfer with present personnel, records and facilities required for the operations of the United States Employment Service, is receiving the consideration of our State Employment Commission and its Executive Officer, whose report I have asked for immediately.

CULBERT L. OLSON
Governor of California

WASHINGTON, D. C., December 19, 1941

Hon. Culbert L. Olson, Governor, Sacramento, California

Now that this country is actually at war it is more than ever necessary that we utilize to the fullest possible extent all of the manpower and womanpower of this Country to increase our production of war materials. This can only be accomplished by centralizing recruiting work into one agency. At present, as you know, the United States Employment Service consists of 50 separate State and Territorial employment services whose operations are loosely coordinated by the Federal Government. In order that there may be complete responsiveness to the demands of National defense and speedy uniform effective action to meet rapidly changing needs, it is essential that all of these separated employment services become a uniformly and of necessity Nationally operated employment service. I have, therefore, given instructions to the proper Federal officials that the necessary steps be taken to accomplish this purpose at once. I ask that you likewise instruct the proper officials of your State to transfer to the United States Employment Service all of the present personnel records, and facilities required for this operation. Inasmuch as the Federal Government is already paying practically 100 per cent of the cost of operation and the State personnel has been recruited on a merit basis, there will be no difficulty in transferring State employees into the Federal service. These employment offices will continue

to serve the unemployment compensation agency so that there will be no need to set up duplicate offices. I shall appreciate your advising me at once of your full cooperation so that the conversion of the present employment service into a truly National service may be accomplished without delay.

FRANKLIN D. ROOSEVELT

RESOLUTIONS

The following resolution was offered:

By Messrs. Gaffney and Collins, George D.:

House Resolution No. 31

Relative to the conservation of electrical power

WHEREAS. The existence of the present state of war between the United States and the governments of Germany, Italy and Japan necessitates the utmost degree of conservation of electric and other forms of power; and

WHEREAS, Great and immediate assistance in the attainment of this objective can be realized by the voluntary cooperation of the employers of this State in commencing work one hour earlier than is usual and customary; now, therefore, be it

Resolved by the Assembly of the State of California. That this Assembly requests the State Council of Defense to consider the question of manufacturing and mercantile establishments and all other places of employment commencing and finishing work one hour earlier than at present and urging such establishments and employers to cooperate in such plan; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the State Council of Defense.

Resolution read, and referred to Committee on Rules.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Desmond, ordered printed in the Journal:

Telegram to President Roosevelt Referred to by Assemblyman Desmond During Discussion of Assembly Joint Resolution No. 6

"As Governors of the six New England States we respectfully and earnestly plead with you to withhold your approval from current proposals for federalizing unemployment compensation and employment services. Our States have handled this job well. We have materially liberalized our laws. We have done our utmost to cooperate in executing the policies of the Social Security Board in Washington. We have accumulated substantial trust funds to provide security for our workers in any periods of unemployment that may occur. Conditions of living and employment in our States may vary from those in other sections of the Country. It seems unfair to our workers and employers to pool trust funds for distribution elsewhere when the funds may be needed badly here. Administration of this service is essentially a field for local government, best carried on locally with advice and assistance from Washington, rather than directed in detail from Washington for the Country as a whole. In this critical period there is need to stimulate, rather than discourage local initiative and individual effort. There is need for a greater call upon the States and their facilities rather than less. In our considered opinion the proposal is bad in principle and doubly inadvisable now, when far more pressing defense efforts require our fullest attention.

"The system of unemployment compensation is still experimental. It can and must be further developed. But can not the experiments be best worked out in the laboratories of the individual States? Mistakes there can be corrected more easily and safely than in a centralized department where the entire Nation will be involved. We believe that any changes in the Unemployment Compensation System along the lines of federalization should receive most careful study and that the views of the several States should be given great weight."

SUMNER SEWELL, Governor of Maine
ROBERT O. BLOOD, Governor of New
Hampshire
WILLIAM H. WILLIS, Governor of
Vermont

J. HOWARD MCGRATH, Governor of
Rhode Island
ROBERT A. HURLEY, Governor of
Connecticut
LEVERITT SALTONSTALL, Governor
of Massachusetts

REPORTS OF STANDING COMMITTEES**Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs**

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy and Military Affairs, to which were referred:

Assembly Bill No. 8

Assembly Bill No. 18

Assembly Bill No. 26

Senate Concurrent Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Pfaff asked for, and was granted, unanimous consent to take up Assembly Bill No. 8, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Pfaff:

Resolved, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McColhster, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 1 and 2 of the title of the printed bill, strike out "553.5 and 553.6", and insert "and 553.5".

Amendment No. 2

On page 2 of the printed bill, strike out lines 27 to 38, inclusive, and insert "SEC. 7. This act is hereby declared to be an urgency".

Amendments read and adopted.

Bill ordered reprinted and engrossed.

REQUEST FOR UNANIMOUS CONSENT

Mr. Pfaff asked for, and was granted, unanimous consent to take up Assembly Bill No. 18, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 18

Assembly Bill No. 18—An act to add Section 4316 5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Pfaff:

Resolved, That Assembly Bill No. 18 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—61.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 18

Assembly Bill No. 18—An act to add Section 4316 5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—61.

NOES—None.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Pfaff moved a call of the Assembly.

Motion carried. Time, 5.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY
UNANIMOUS CONSENT**

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined **Assembly Concurrent Resolution No. 13**—Relative to the revocation of certain paroles;

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color;

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 5 p.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined **Assembly Concurrent Resolution No. 9**—Relative to distribution of legislative publications by the State Printer;

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war;

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 5 p.m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER. Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation Be adopted.

LYON, Chairman

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 18

Assembly Concurrent Resolution No. 18—Relative to the purpose and function of the State Guard.

Resolution read.

Demand for Previous Question

Messrs Tenney, Howser, F. N. Turner, Lyon and Call demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 18.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M. Burns, Michael J. Call, Carlson, Clarke, Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Field, Green, Hastain, Houser, Frederick F. Howser, F. N. Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Watson, Welch, Weybret, and Mr. Speaker—50.

NOES—Burkhalter, Cam. Collins, George D. Cronin, Donnelly, Gaffney, Gallagher, Heisinger, Kilpatrick, King, Lowrey, Richie, and Wollenberg—13

Resolution ordered transmitted to the Senate

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 8: By Messrs. Garland, Doyle, Meehan, Green, Sawallisch, Burns, Hugh M., Tenney, Turner, Desmond, Richie and Maloney. Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Referred to Committee on Rules

COMMUNICATIONS

A communication from Rosalie Gouely of Los Angeles, relative to continuance of SRA, was received, and ordered filed with the Secretary of State

A communication from John Green, Sacramento, relative to financing circulars, was received, and ordered filed with the Secretary of State.

Hon. Rodney L. Turner Presiding

At 5.17 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Bill No. 26, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 26

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Sawallisch:

Resolved, That Assembly Bill No. 26 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Evans, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N. Johnson, Kellems, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch,

Sheridan, Stream, Tenney, Thomas, Thorp, Waters, Welch, Weybret, and Wollenberg—55.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Green, Hustam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kilpatrick, King, Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—55

NOES—None.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, and Wollenberg—62

NOES—None.

Bill ordered transmitted to the Senate

Speaker Presiding

At 5.55 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 18

At 6 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called.

RECESS

At 6.05 p.m., on motion of Mr Lyon, the Assembly recessed until 8 30 p.m.

REASSEMBLED

At 8 30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohmimus at the desk.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER Your Committee on Rules, to which were referred,

Assembly Joint Resolution No. 8

Senate Joint Resolution No. 4

Senate Joint Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 8

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy and Military Affairs, to which were referred:

Assembly Bill No. 4

Assembly Bill No. 13

Senate Bill No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

CONSIDERATION OF ASSEMBLY BILL NO. 4

Assembly Bill No. 4—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read second time.

Motion to Amend

Mr. McCollister moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 47, of the printed bill, as amended, strike out "Marriage and".

Amendment No. 2

On page 3, line 11, of the printed bill, as amended, after "shall", and before the comma, insert "forthwith".

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 21, 1941

*Honorable Arthur A. Ohnismus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Section 555.8 to the Military and Veterans Code, relating to pay and allowances of the members of the State Guard, including allowances for uniforms, declaring the urgency hereof, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Nelson S. Dilworth

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 30: By Mr. Dilworth—An act to add Section 555.8 to the Military and Veterans Code, relating to pay and allowances of the members of the State Guard, including allowances for uniforms, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 5
Assembly Joint Resolution No. 6
Assembly Concurrent Resolution No. 17

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day rescinded its action whereby Assembly Concurrent Resolution No. 15 was refused adoption, and respectfully request your honorable body to return said resolution to the Senate

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Assembly Concurrent Resolution No. 15 Returned to Senate

Pursuant to the request from the Senate, Assembly Concurrent Resolution No. 15 was ordered returned to the Senate.

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1
Senate Bill No. 2
Senate Bill No. 5
Senate Bill No. 6
Senate Bill No. 7

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 9

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 13

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 7

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5 and 555.6 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Joint Resolution No. 7—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellemis, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Mid-dough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Miss Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 1, 2 and 3 of the title of the printed bill, strike out "to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code", and insert "to amend Section 3.93 of the School Code".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and on page 2, strike out lines 1 to 19, inclusive; and in line 20, strike out "Sec. 4", and insert "Section 1".

Amendment No. 3

On page 2 of the printed bill, strike out lines 33 to 52, inclusive; on page 3, strike out lines 1 to 52, inclusive; on page 4, strike out lines 1 to 30, inclusive; and in line 31, strike out "Sec 12", and insert "Sec 2".

Amendments read and adopted.

Bill ordered reprinted and engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Motion to Amend

Mrs. Daley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, after "city and county," insert "or".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "or other".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "public agency"

Amendments read and adopted.

Bill ordered reprinted.

**MOTION TO EXPUNGE RECORD AND RESCIND ACTION
ON ASSEMBLY BILL NO. 18**

Mr. Pfaff moved to expunge the record, and rescind the action whereby Assembly Bill No. 18 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Green, Hastain, Hawkins, Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalbsch, Sheridan, Stream, Teuney, Thorp, Thutman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

RESOLUTIONS

The following resolution was offered:

By Messrs. Garland and Lyon:

House Resolution No. 32

WHEREAS, Robert J. Finnie has been accepted as a Cadet in the United States Navy Air Corps, and is now stationed at the Oakland Airport while training to become an officer in the United States Navy Air Corps; and

WHEREAS, Robert J. Finnie has faithfully and diligently served the Legislature of the State of California at the Regular Session of 1939, during the Extraordinary Sessions of 1940, and the Regular Session of 1941, as an Assistant Clerk; now, therefore, be it

Resolved by the Assembly of the State of California, That this House and each Member thereof with great pleasure and from personal knowledge recommend Robert J. Finnie as a loyal and patriotic young citizen of high moral character and integrity; and be it further

Resolved, That this House and each of its Members feel certain that Robert J. Finnie will serve his Country and the Navy Air Corps in the present emergency, loyally, diligently, and courageously; and be it further

Resolved, That the Chief Clerk is directed to send a properly prepared copy of this resolution to the Commanding Officer, United States Navy Air Corps, Oakland Airport.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 32, at this time, without reference to committee.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 9.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

REPORTS OF STANDING COMMITTEES

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred:

Senate Bill No 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended

FIELD, Vice Chairman

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "one million dollars (\$1,000,000)".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

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

The United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National Defense effort and other usual Emergency Fund expenses."

Amendments read.

Demand for Division of the Question

Mr. Dills demanded a division of the question.

Demand for division of the question granted.

Consideration of Amendment No. 1**Amendment No. 1**

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "one million dollars (\$1,000,000)".

Amendment read.

Demand for Previous Question

Messrs. Turner, Desmond, Waters, Burkhalter and Watson demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Burns, Hugh M., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—34.

NOES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—29.

The question being on the adoption of Amendment No. 1 to Senate Bill No. 1.

The roll was called, and the amendment adopted by the following vote:

AYES—Burns, Hugh M., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—35.

NOES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Tenney, Thomas, and Waters—27.

Explanation of Vote on Amendment No. 1 to Senate Bill No. 1

Our President and War Department have requested our cooperation in protecting lives and property in our State. This amendment turns down that help and ignores the safety of our civilian population and our Soldiers who fight at the front. It is "economy" but false, inhuman, and un-American.

AUGUSTUS F. HAWKINS

Consideration of Amendment No. 2**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

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

The United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National Defense effort and other usual emergency fund expenses."

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond,

Dickey, Dills, Dilworth, Donnelly, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "four million dollars (\$4,000,000)".

Point of Order

Mr. Lyon arose to the following point of order: That amendments to Senate Bill No. 1 having been adopted, the bill must be reprinted before consideration of further amendments.

The Speaker ruled the point of order well taken.

Senate Bill No. 1 ordered reprinted.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 32

At 11.50 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and House Resolution No. 32 adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE

Messrs. Bashore and Collins, George D., gave notice that on the second legislative day they would move to withdraw Senate Bill No. 2 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 4

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

CONSIDERATION OF ASSEMBLY BILL NO. 4

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. McCollister:

Resolved, That Assembly Bill No. 4 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 4—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote :

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

ADJOURNMENT

At 11.59 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Monday, December 22, 1941, out of respect to the memory of the late Hon. Lee Geyer, former Assemblyman and Member of the House of Representatives from the Seventeenth District.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY
FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, December 22, 1941

The Assembly met at 11 a.m.

Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—72.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Clarke.

COMMUNICATIONS

A communication from W. E. Broome, of Artesia, California, relative to State Old Age Pension Plan, was received, and ordered filed with the Secretary of State.

A communication from Fred E. Stewart, of the State Board of Equalization, relative to progress made in the application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors, was received, and ordered filed with the Secretary of State.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No. 8

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 13

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 21, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to counties, cities and counties, and cities for the furnishing of benefits to volunteer civilian defense workers, or in case of death, to their dependents, such benefits including the furnishing of medical, surgical and hospital treatment and the paying of disability benefits, burial expense and death benefits, providing for the appropriation to be disbursed by the State Compensation Insurance Fund as the adjusting agent of the counties, cities and counties, and cities, providing for a procedure to determine the rights of all claimants to such benefits and authorizing the Industrial Accident Commission to decide disputed claims or matters, declaring the urgency hereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Wm. H. Poole.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, and read the first time:

Assembly Bill No. 31: By Mr. Poole—An act making an appropriation to counties, cities and counties, and cities for the furnishing of benefits to volunteer civilian defense workers, or in case of death, to their dependents, such benefits including the furnishing of medical, surgical and hospital treatment and the paying of disability benefits, burial expense and death benefits, providing for the appropriation to be disbursed by the State Compensation Insurance Fund as the adjusting agent of the counties, cities and counties, and cities, providing for a procedure to determine the rights of all claimants to such benefits and authorizing the Industrial Accident Commission to decide disputed claims or matters, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Concurrent Resolution No. 19: By Mr. Lyon—Relative to augmentation of the membership and functions of the Joint Legisla-

tive Budget Committee, and making additional funds available for the work of the committee.

Referred to Committee on Rules.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, and Weybret—50.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lowrey:

House Resolution No. 33

Relative to adjournment out of respect to the memory of the late
John Lindsey Mendenhall

WHEREAS, On June 24, 1941, there was laid to rest the Honorable John Lindsey Mendenhall, former Member of this Assembly, and former Mayor of the City of Williams; and

WHEREAS, The hearts of the Members of this Assembly are saddened at the knowledge that they shall look no more upon the face of this loved former Colleague, and no longer profit by his experience and counsels; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our sorrow upon the occasion of the demise of our former Colleague; and that when the Assembly adjourns this day, it do so out of respect to the memory of the late John Lindsey Mendenhall.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up House Resolution No. 33, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Lowrey:

House Resolution No. 34

Relative to adjournment out of respect to the memory of the
Honorable William A. Vann

WHEREAS, That final summons which comes to all men came on November 22, 1941, to the Honorable William A. Vann, Member of this Assembly in 1893 and 1894; and

WHEREAS, William A. Vann, born March 25, 1864, in Potter Valley, Mendocino County, was for many years a leader in the political life of Northern California, serving, in addition to his membership in the Assembly, as a Delegate to the Democratic National Convention in St. Louis, Missouri, in 1896, as Colusa County Supervisor from 1904 to 1908, as Chairman of the Colusa County Democratic Central Committee in 1908, and as Chairman of the Colusa County Draft Board in 1917-1918, and participating enthusiastically throughout his life in Grange and Farm Bureau activities; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of our venerable former Colleague William A. Vann; and that we do hereby extend our sincere condolences to his bereaved family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the sons and daughter of our departed friend, Asa Vann and Max S. Vann of Williams, Hubert Vann and Postmaster Gilbert G. Vann of Arbuckle, and Mrs. Willie May Allen of Live Oak; and to his sisters, Mrs. Robert Yarbrough and Mrs. Bessie Christopher of Maxwell, Mrs. Ida Young of Sierra Madre, and Mrs. Sadie Pratt of Yountville.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up House Resolution No. 34, at this time, without reference to committee.

Resolution read and adopted unanimously.

CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Miss Miller moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "all", and insert "and to add Section 3.95 to said code, both".

Amendment No. 2

On page 2, line 32, of the printed bill, as amended, strike out "and Sunday".

Amendment No. 3

On page 2 of the printed bill, as amended, following line 34, insert "SEC. 2. Section 3.95 is hereby added to the School Code, to read as follows:
3.95 The governing board of any junior college district may, where an emergency created by war requires, provide for the maintenance of special day and evening classes on Sunday."

Amendment No. 4

On page 4, line 32, of the printed bill, as amended, strike out "SEC. 2.", and insert "SEC. 3."

Amendments read and adopted.

Bill ordered reprinted and re-engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick P., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, Meehan, Mid-dough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Riche

Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, and Welch—58.

NOES—None.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—58.

NOES—Richie—1.

The roll was called, and the bill passed by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—58.

NOES—Richie—1.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 9: By Messrs. Burkhalter, Tenney, Thomas, Kilpatrick, King, Dills and Middough—Relative to requesting the President and Congress to fix the prices of food stuffs at the level of December 7, 1941.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, Maloney, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—Collins, George D., Dills, Kilpatrick, King, Lowrey, Massion, Meehan, and Richie—8.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Johnson and Leonard:

House Resolution No. 35

Relative to the death of Louis J. Gilbert

WHEREAS, The Members of the Assembly were saddened by the news of the sudden death of Louis J. Gilbert on December 14, 1941; and

WHEREAS, for nearly 30 years, Louis J. Gilbert had left his home in Berkeley and come to Sacramento whenever the Legislature was in session, giving freely of his sagacious counsel and advice to the various Members of the Legislature; and

WHEREAS, The termination of the life of Louis J. Gilbert is an irreparable loss not only to his family and his friends, but also to all of the Members of this Body; now, therefore, be it

Resolved by the Assembly of the State of California. That we do hereby express our deep sense of loss in the passing of Louis J. Gilbert while in the prime of life, and we hereby extend to his bereaved widow our very sincere sympathy and condolences; and be it further

Resolved. That when this Assembly adjourns this day it does so out of respect to the memory of the late Louis J. Gilbert; and be it further

Resolved. That the Chief Clerk of the Assembly is hereby directed to transmit an engrossed copy of this resolution to Mrs. Louis J. Gilbert

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 35. at this time, without reference to committee.

Resolution read and adopted

By Messrs. Desmond and Garland:

House Resolution No. 36

Relating to the demise of Frank Bottaro, Senior

WHEREAS, The Members of the Assembly have learned with regret of the sudden passing of that grand old man Frank Bottaro, Senior, father of John J. ("Babe") Bottaro, Fred Bottaro, Mrs. Teresa De Costa and Mrs. Julia Gabrielli, and grandfather of Deputy District Attorney Frank Bottaro, Jr., Mrs. Evelyn Oliver and Madlyn Stetson; and

WHEREAS, Frank Bottaro, Senior, brought to Sacramento and the State of California the noble traditions of his native land, having been one of the founders of the Dante Club of Sacramento, and for 70 years lived here a life of usefulness which continued until his ninety-first year; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby extend to the family of the departed our very sincere sympathy and condolences; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the members of the family of the late Frank Bottaro, Senior.

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 36, at this time, without reference to committee.

Resolution read and adopted.

Speaker Presiding

At 12.14 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Frederick F. Houser moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "Years.", insert "Of the sum appropriated by this act, not less than five hundred thousand dollars (\$500,000), if and when expended, shall be expended only for the support, maintenance, operation, and equipment of the State Guard, the legislative intent being that provision should be made for the State Guard from this appropriation."

Amendment read and adopted

Bill read, as amended.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "one million dollars (\$1,000,000)" and insert "four million dollars (\$4,000,000)".

Amendment read

Motion to Grant Additional Time for Argument

Mr. Welch moved that Mr. Bashore be granted an additional five minutes for his opening argument on the proposed amendment to Senate Bill No. 1.

Mr. George D. Collins seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Kellems, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Watson, Weber, Welch, and Wollenberg—49.

NOES—Call, Field, Houser, Frederick F., Johnson, Knight, John B., and Weybret—6.

Demand for Previous Question

Messrs. Johnson, Waters, Knight, John B., Watson and Burkhalter demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 1.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—30.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

Senate Bill No. 1 ordered reprinted.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes;

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State unemployment insurance and employment services;

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 12.30 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO EXPUNGE RECORD AND RESCIND ACTION ON SENATE BILL NO. 3

Mr. Desmond moved to expunge the record, and rescind the action whereby Senate Bill No. 3 was passed.

The roll was called, and the motion carried by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

SACRAMENTO, CALIFORNIA, December 22, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the reimbursement of cities, counties, cities and counties,
and fire districts for purchases of defense equipment and making an appropriation
therefor, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Mr. Nelson S. Dilworth.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 32: By Mr. Dilworth—An act relating to the reimbursement of cities, counties, cities and counties, and fire districts for purchases of defense equipment and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

OAKLAND, CALIFORNIA, December 19, 1941

*Honorable Lloyd W. Lowrey, Member of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR ASSEMBLYMAN LOWREY: I have been instructed by the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California to transmit to you for consideration the inclosed resolution concerning the National emergency.

Very truly yours,

JAMES T. DREW, Secretary
Peace Officers' Association of the State of California

Resolution

WHEREAS, The existence of a state of war between the United States Government and the Axis Powers has created an emergency in the State of California and made it necessary to have comprehensive plans for Civilian Defense of our entire State; and

WHEREAS, Said plans call for mutual aid and assistance on the part of the police, fire, and health services throughout the State; and

WHEREAS, These plans call for the use of an abnormal amount of police and fire equipment as compared with the ordinary requirements of the communities of the State; and

WHEREAS, Most of the counties and cities of the State are unable, because of budgetary requirements and statutes pertaining to the spending of public moneys, to purchase such equipment; now, therefore, be it

Resolved by the unanimous vote of the Executive Committees of the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California, That the Governor and the Legislature of California be and they are hereby urged to adopt such legislation as will immediately provide the necessary means to adequately equip them and their auxiliaries for the important task of protecting our State and its political subdivisions from the dangers of fire, disorder and physical suffering which might otherwise result from widespread sabotage or bombing attacks; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor, to the Lieutenant Governor, the President pro tempore of the Senate, the Speaker of the

Assembly, the Speaker pro tempore of the Assembly and to each individual Member of the Legislature.

Adopted this seventeenth day of December, 1941.

Very truly yours,

JAMES T. DREW, Secretary

RECESS

At 12.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding

Call of the Assembly

Mr. Doyle moved a call of the Assembly.

Motion carried. Time, 2.15 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH

At 3.15 p.m., on motion of Mr. Thomas, further proceedings under the call of the Assembly were dispensed with.

The roll was called, and the following answered to their names:

Andreas, Burkhalter, Burns, Hugh M. Burns, Michael J., Cann, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Green, Hastam, Hawkins, Howser, F. N., Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Weber, Weybret, Wollenberg, and Mr. Speaker—48

Quorum present.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 14

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

FURTHER CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 2

On page 1, line 4, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 3

On page 1, line 18, of the printed bill, as amended, strike out "district or other public agency", and insert "or district".

Amendment No. 4

On page 2, line 1, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendments read and adopted.

Bill ordered reprinted.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 14

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed measure, strike out "in the lower brackets".

Amendment No. 2

On page 1, line 18, of the printed measure, strike out the comma, and strike out all of line 19, and insert "; and".

Amendment No. 3

On page 2, lines 14 and 15, of the printed measure, strike out "receiving two hundred dollars (\$200) or less per month".

Amendments read and adopted.

Resolution ordered reprinted and engrossed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Resolution read third time.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Howser, F. N., Johnson, Kellem, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Woltenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF SENATE BILL NO. 1**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Mr. Michael J. Burns.

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Bill ordered transmitted to the Senate.

Explanations of Vote

I was called to one of the State departments during the vote upon Senate Bill No. 1. Had I been present, I would have cast an "aye" vote, although I was not satisfied with the amount of the appropriation which, I believe, should have been greater.

ROBERT MILLER GREEN

The above bill is the result of cheap politics on the part of the so-called "economy block" and entirely ignores the public welfare and the common defense. However, we voted for it, because nothing better can be obtained in the face of the wilful individuals who control the Assembly.

**M. G. DEL MUTOLO
L. W. LOWREY**

I voted "yes" because not to concur would leave the California State Guard without even current funds for food requirements.

Owing to immediate perils of a state of total war facing California as a first zone of combat defense I was in favor of Governor Olson's requests for \$26,750,000 (Signed)

EDWARD M. GAFFNEY

It is evident that the \$1,000,000 appropriation provided for in this bill may sustain the status quo of the State Guard but will not be sufficient to provide for a planned program and will, therefore, delay the Defense Program. I have voted for this appropriation only because there is no opportunity to vote for an adequate appropriation.

**VERNON KILPATRICK
EVERETT G. BURKHALTER**

Although voting "yes" on Senate Bill No. 1, it is our further opinion that the Legislature should immediately, before recess, establish a clear and definite Program of State Defense and that sufficient funds be appropriated for that purpose without further delay because of the present existing dangers which face the people of our State and Nation.

**VINCENT THOMAS
HENRY MEEHAN**

REQUEST FOR UNANIMOUS CONSENT

Mr. Maloney asked for, and was granted, unanimous consent to have the following explanation of vote printed in the Journal:

Statement by Thomas A. Maloney, Assemblyman, Twentieth District, San Francisco

I came to Sacramento to the Extraordinary Session of this Legislature, with the desire to vote sufficient funds for maintenance of the State Guard created by the Statute of the 1940 Session of the California State Legislature, to vote sufficient funds for the Governor's Emergency Fund, and also to vote for appropriations so that municipalities in California that are in dire need of funds for equipment and supplies, be provided with portion of said appropriation, when distributed during this war emergency.

The majority of the Members of the Assembly have thought different than I on the question of appropriations, thereby appropriating in my opinion too small a sum to take care of the present emergency that now exists.

I vigorously protest their action and feel they are making a grave mistake in not appropriating the amount of moneys provided in the bills which were passed by the Senate of the State of California.

A grave and serious emergency in my opinion does exist at this very moment. American ships have been sunk, and fired upon by enemy submarines 200 miles outside of the Golden Gate, and 22 of our seamen have lost their lives, according to press reports.

If the enemy is that close to our front door, State Guards regardless of number, and regardless of cost, for the safety of our people should be immediately placed on active duty protecting our reservoirs, bridges, water districts, harbors, utilities, etc.

I do not think the appropriation sufficient to take care of the above mentioned wants, but pray to God that the majority of the Members were right and I was wrong.

THOMAS A. MALONEY

REQUEST FOR UNANIMOUS CONSENT

Mr. Hawkins asked for, and was granted, unanimous consent to have the following memorandum from the Legislative Counsel Bureau ordered printed in the Journal.

Memorandum

IN RE: Senate Bill No. 1, as an Immediate Effect Bill

This bill augments the appropriation for "Emergency Fund" contained in the Budget Act of 1941.

As amended, it requires the unanimous consent of the Attorney General, the Controller and the Governor to transfer from said fund moneys appropriated by this bill

QUESTIONS

(1) Could this bill be made to take effect immediately if enacted as an "urgency measure" for the immediate protection of the public peace, health and safety?

(2) Could it be made to take effect immediately if enacted as an act which "makes an appropriation for the usual current expenses of the State"?

(3) If, in the latter case, the bill does take effect immediately, will the moneys which this bill appropriates be available for the same variety of purposes as might be the case if it were to take effect immediately as an "urgency measure"?

OPINION

(1) In our opinion it could not take effect immediately as an urgency measure, because it involves a substantial change in the duties of the Attorney General.

This may not apply to the Controller and the Governor for they already have duties of a quite comparable nature

The rule is that if a bill makes a substantial change in duties it can not be an urgency measure, otherwise, it can. There is no definite, exact yardstick by which to measure the degree of substantiality.

(2) The second question presents an issue that appears not as yet to have gone to our Supreme Court for consideration and decision, but we believe the court would hold this bill an act which provides "an appropriation for the usual current expenses of the State" and as such could take effect immediately.

We base this opinion mainly upon the fact that from 1913 through 1921 each "general appropriation bill" contained an Emergency Fund item, and from 1923 to date each Budget Act has contained such an item, and that each such bill was given immediate effect as an act "providing an appropriation for the usual, current expenses of the State,"—all without any question being raised, so far as we are aware

It may be added that the so-called "Emergency Fund" is in the nature of an unbudgeted reserve, or a reserve for contingencies, and that a provision for it or an augmentation of it is not inconsistent with the concept "usual and current expenses of the State." If an increased number of fires increases the amount of money needed by the Division of Forestry to suppress the same, the added expense would not seem to be any less "usual and current" than the fire-fighting expenses previously estimated and budgeted.

The scope of the purposes for which the moneys appropriated by such a bill, is discussed in paragraph (3), below

(3) As to the third question, these are the factors:

An appropriation contained in an "urgency measure" that does take effect immediately, is in the same position as an ordinary bill after the 90-day period has elapsed, hence neither expressly nor by implication is it limited to "usual and current expense" purposes, whatever the scope of that term may be

Any bill (even the Budget Bill) which is made to take effect as a current and usual expense appropriation bill is faced with the possibility of such a limitation being read into it, and the case law does not as yet furnish a complete definition of the scope of that term

While we believe that the money appropriated by the bill in its present form would be available for the same variety of purposes as the moneys now in that fund, and that such are not limited to "usual and current" expenditure, we can not give absolute assurance of that fact, an element of doubt not present in an "urgency measure" appropriation bill so framed that it can and does take effect immediately

ARTHUR McHENRY
Deputy Legislative Counsel

Approved: FRED B. WOOD, Legislative Counsel

Hon. Albert C. Wollenberg Presiding

At 3.35 p.m., Hon. Albert C. Wollenberg, Member of the Assembly from the Twenty-seventh Assembly District, presiding.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

Explanation of Vote

As I have stated on the floor of the Assembly, this is a buck-passing move to place the responsibility on the Federal Government. Had we been sincere we would have passed my \$45 amendment to the Old Age Security Act when it was offered.

VERNON KILPATRICK

RESOLUTIONS

The following resolution was offered:

By Messrs. O'Day, Collins, George D., Gaffney and Welch:

House Resolution No. 37

Relative to asking the Emperor of Japan to defer action for a few weeks

WHEREAS, It is essential that the Legislature calmly and deliberately consider what action should be taken by the State of California in its part in the present war, and what steps be taken to guard the lives and property of citizens of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That we hereby request the Emperor of Japan not to take any action or to do anything drastic until after January 12, 1942, within which time the Legislature may make up its collective mind; and be it further

Resolved, That we hereby further request the Emperor of Japan not to attempt to emulate in California the action of Germany in going through Holland and Belgium until at least after January 12, 1942.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF ASSEMBLY BILL NO. 13**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Miss Miller:

Resolved, That Assembly Bill No. 13 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Sawallisch,

Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—38.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Sawalshch, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58

NOES—None.

MESSAGE FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 22, 1941

Members of the Senate and Assembly

GREETINGS: Please permit me to emphasize the importance of your remaining in session now and without any recess until you shall have adequately provided, and as speedily as possible, for the maintenance of the State Guard and moneys to the State Emergency Fund, for the consideration of which this session, in our present, unprecedented state of emergency, was called. As stated in my message to you at the opening of this session, I did not dare delay calling it for your action on the items providing for the maintenance of the State Guard and for the Emergency Fund in view of the perilous situation of this State, requiring immediate protection of its resources, plants and places vital to the safety and welfare of the civilian population, as well as to the strategic needs of Federal forces. Failure to take prompt action in providing ample funds for these emergency purposes might result in tremendous loss and disaster, against the possibility of which immediate measures should be taken, requiring equipment purchases and other preparations, which take time to accomplish. It would delay and hamper putting into effect the plans of the State Council of Defense and of other State agencies in preparation to guard against perils which now threaten life and property in California, and in providing to meet serious exigencies that may occur any day or night, if you make only an inadequate appropriation at this time and then recess your session to a future date. Since the enemy has already brought the war to the California coast, I desire to make it clear that any serious consequences of delayed action on your part will be your responsibility, not mine.

I again call your attention to the communication to me from General De Witt of the Western Defense Command of the United States Army, which I transmitted to you on Saturday, December 20, 1941.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following news report from the International News Service Bureau, be printed in the Journal:

SACRAMENTO, CALIFORNIA, December 22—(INS)—Governor Culbert L. Olson today canceled his original plans to declare holidays for the Friday and Saturday following Christmas.

The emergencies of wartime caused the Governor to decide against the holidays for State, city and county employees. He pointed out every hour counted in defense production and it was unwise to declare unnecessary holidays.

Olson leaves tomorrow for Los Angeles where he will spend Christmas with his family, returning to Sacramento after New Year's.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Joint Resolution No. 10: By Mr. Thorp—Relative to war between the United States and Japan and other Axis Powers.

Referred to Interim Budget Committee.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Miss Miller moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended, after "Saturday", add "and Sunday".

Amendment read and adopted.

Bill ordered reprinted and re-engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D. Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Midough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, and Welch—58.

NOES—None.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was read, and on motion of Mr. Stream, ordered printed in the Journal:

VISTA, CALIFORNIA, December 22, 1941

*Honorable Assemblyman Charles W. Stream
Sacramento, California*

Following members Vista Company, California State Guard, voluntarily enlisted with understanding Guard was purely home defense emergency unit, not State Militia. We are all married men, mostly with families. If called, would hazard

continuance of our businesses and take key men from positions in small concerns. Desire to continue service as home defense unit

EVERETT REMSBURG, newspaper; K. M. MORSE, cleaner; ABE SHELHOUP, merchant; ANDREW D. LAWHEAD, postmaster; A. L. LAVAGUE, post-office clerk; G. W. K. DALE, road foreman; LOUIS CASTELLANI, merchant; SAM FORTINER, wholesale florist; WILSON CUESH, JR., wholesale florist; BOB ELSINGER, produce shipper; HENRY A. BLOMSTROM, fruit buyer; CHESTER LAWRENCE, shoe shop; DICK MERRILL, garage; W. H. PETERS, gas company; L. HENRY MARSHALL, furniture store; ERNIE J. KLINSMITH, merchant; W. H. HAWKINS, fruit packer; STAN HAWKINS, IRA J. CLARK, M.D.; HARRY N. HALFHILL, hotel; ELMER BASKINS, farmer

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Concurrent Resolution No. 14

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

Mr. Kilpatrick moved that the following newspaper item, appearing in the Los Angeles Times of December 22d, be printed in the Journal:
Motion carried.

Immediate appropriation of funds for the California State Guard was urged on the Legislature yesterday in a resolution adopted by local American Legion officials.

The resolution, adopted by the Legion's Los Angeles County Council, asked that Members of the Legislature "place your State and Nation ahead of any political animosity."

The State Guard, it was pointed out, is California's second line of defense.

"We urge," the resolution set forth, "that immediately, without further bickering, you make an appropriation, as requested by Army officials, to keep this second line of defense functioning."

The council, headed by Commander John J. Hartsook, represents 192 Legion posts in the county, with a membership of more than 27,000 veterans.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 4

Assembly Bill No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 1

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

LEAVES OF ABSENCE FOR THE BALANCE OF THE LEGISLATIVE DAY

The following members were granted leaves of absence for the balance of the legislative day:

Mr. Crowley, on motion of Mr. Cain.

Mr. Millington, on motion of Mr. Desmond.

Mr. Allen, on motion of Mr. Kellems.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Miss Miller moved to expunge the record and rescind the action whereby Assembly Bill No. 13 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Green, Hastam, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Leonard, Lowrey, Lyon, Meehan, Miller, Pelletier, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thorp, Thurman, Voigt, Watson, Welch, Weybret, and Wollenberg—43.

NOES—Bashore, Knight, T. Fenton; McCollister, O'Day, Pfaff, and Mr. Speaker—6.

RECESS

At 6.40 p.m., on motion of Mr. Field, the Assembly recessed until 7.45 p.m.

REASSEMBLED

At 7.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Olmimus at the desk.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Maloney, Green, Gallagher, Welch, Cronin, O'Day, Collins, George D., Wollenberg and Gaffney.

House Resolution No. 38

Relative to the passing of Bernard W. Horne

WHEREAS, Mr. Bernard W. Horne, affectionately known to the Members of this Assembly as "Benny" Horne, passed away between the end of the Regular 1941 Session and the beginning of this special session of the Legislature; and

WHEREAS, Bernard W. Horne was a veteran of the First World War, during which he served with distinction, and for many years served as political editor of the San Francisco Daily News, was recently connected with the San Francisco Examiner, and is affectionately remembered by many persons now serving in the Assembly; and

WHEREAS, The termination of the life and activities of Bernard W. Horne constitute an irreparable loss, not only to his family, his friends, and to the Members of the Assembly, but also to the people of the State of California to whom he was so well known; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former friend, "Benny" Horne, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Assembly adjourns this day, it do so out of respect to the memory of the late Bernard W. Horne; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the widow of our departed friend, Mrs. Bernard W. Horne, and to his children.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 38, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Voigt:

House Resolution No. 39**Relative to the Alien Land Law**

WHEREAS, An Interim Assembly Committee on Governmental Efficiency and Economy was created by House Resolution No. 195 of the Regular Session of 1941; and

WHEREAS, This committee was vested with power to investigate the organization, functions and administration of the State Government and of each department, agency and subdivision thereof and the governments of the cities and counties of this State; and

WHEREAS, The administration, enforcement and application of the Alien Land Law (Stats. 1921, page LXXXIII) should be considered and studied by this committee; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Governmental Efficiency and Economy is hereby authorized and directed to investigate and study accurately and in detail the operation, effect, applicability, and enforcement of the Alien Land Law.

Request for Unanimous Consent

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 39, at this time, without reference to committee.

Resolution read.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Concurrent Resolution No. 15

Assembly Concurrent Resolution No. 19

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 19?

Amendment No. 1

On page 1, line 15, of the printed bill, after "Senate", insert "to the".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Concurrent Resolution No. 19 by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Houser, Frederick F., Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton, Leonard, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pfaff,

Robertson, Russell, Sawallisch, Stream, Thomas, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—George D. Collins—1.

Resolution ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 26

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 26?

Amendment No. 1

On page 2 of the printed bill, between lines 14 and 15, insert

"In case any employer fails or refuses to comply with the provisions of this section the superior court of the county in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the district attorney of the county in which such employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person so applying for such benefits."

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 26 by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Didworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 15—Relative to a recess of of the Fifty-fourth (Extraordinary) Session of the Legislature.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 15?

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 6 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the fifth day of January, 1942."

Demand for Previous Question

Messrs. Hawkins, Pfaff, Dilworth, Watson and Carlson demanded the previous question.

Demand for previous question sustained.

The question being on the concurrence in Senate amendment to Assembly Concurrent Resolution No. 15.

The roll was called, and the Assembly refused to concur in the Senate amendment to Assembly Concurrent Resolution No. 15 by the following vote:

AYES—Bashore, Burkhalter, Collins, George D. Collins, Sam L., Daley, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Howser, F. N. Johnson, Kilpatrick, King, Knight, T. Fenton; Leonard, O'Day, Pelletier, Pfaff, Russell, Thurman, Watson, Weybriet, and Wollenberg—25.

NOES—Andreas, Burns, Hugh M., Carlson, Clarke, Desmond, Donnelly, Gallagher, Houser, Frederick F., Lyon, Maloney, McCollister, Sawallisch, Voigt, Welch, and Mr. Speaker—15.

To conference.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY CONCURRENT RESOLUTION NO. 15**

The Speaker announced the appointment of Messrs. Lyon, Desmond and Field as a Committee on Conference Concerning Assembly Concurrent Resolution No. 15.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 15
Senate Bill No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 15—An act to add Section 555 15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Ways and Means.

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Voigt moved to expunge the record, and rescind the action whereby House Resolution No. 39 was laid on the table.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Messrs. King and Evans:

House Resolution No. 40

WHEREAS, Edwin W. Pauley of Los Angeles has just been appointed Secretary of the Democratic National Committee; and

WHEREAS, This is the first time that a western man has been appointed to so prominent a position within the ranks of his party; and

WHEREAS, Edwin W. Pauley is a young business man of outstanding capabilities and an honor to the position he is undertaking; now, therefore, be it

Resolved by the Assembly of the State of California, That it express to the President of the United States, its appreciation and approval of the selection of Edwin W. Pauley to position of Secretary of the Democratic National Committee; and be it further

Resolved, That Edwin W. Pauley be congratulated upon his selection to this position; and be it further

Resolved, That a copy of this resolution be properly prepared and sent to the President of the United States, Edward J. Flynn, Chairman of the Democratic National Committee, and to Edwin W. Pauley, Secretary of the Democratic National Committee.

Request for Unanimous Consent

Mr Evans asked for, and was granted, unanimous consent to take up House Resolution No 40, at this time, without reference to committee.

Resolution read and adopted

RECESS

At 9 p.m., the Speaker declared a five minute recess to hear from Lieut. Col. Lewis Stone of the First Evacuation Regiment, and Lieut. Col. Rupert Hughes, also of the First Evacuation Regiment.

REASSEMBLED

At 9.05 p.m., the Assembly reconvened.

Hon Gordon H Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO December 22, 1941

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Assembly Joint Resolution No 8

J A BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No 3

J A BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect;

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 9 p.m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Mayo, Ward and Crittenden as a Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: The Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;

Consisting of the undersigned Members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in, and that the resolution be further amended as follows.

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 11 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the twelfth day of January, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and to the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said twelfth day of January, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated."

MAYO
WARD
CRITTENDEN
Senate Committee on Conference

LYON
DESMOND
FIELD
Assembly Committee on Conference

Demand for Previous Question

Messrs. Johnson, Kellems, Watson, Dilworth and Knight, T. Fenton, demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dilworth, Field, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Knight, T. Fenton; Leonard, Lyon, McCollister, Pfaff, Robertson, Sawallisch, Stream, Thurman, Voigt, Watson, Weber, Weybret, Wollenberg and Mr. Speaker—29.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, O'Day, Russell, Thomas, and Welch—21.

The question being on the adoption of the report of the Committee on Conference Concerning Assembly Concurrent Resolution No. 15.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 10.53 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DIS- PENSED WITH ON ADOPTION OF CONFERENCE REPORT

At 10.54 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Report of the Committee on Conference Concerning Assembly Concurrent Resolution No. 15 was adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, O'Day, Pelletier, Pfaff, Robertson, Russell, Sawallisch, Stream, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—Collins, George D., Hawkins, Kilpatrick, King, Massion, Meehan, and Thomas—7.

Explanations of Vote

We, the undersigned Members of the California Legislature, have changed our vote from "No" to "Aye" on the Conference Committee Report on Assembly Concurrent Resolution No. 15, "Adjournment," for the following reasons: Although we believe that the Legislature should remain in constant session and vote sufficient appropriations to meet the defense emergency, when the motion for adjournment came up for a vote at 10.30 on Monday evening, December 22, 1941, 25 Members of the Legislature were not present, having left the Assembly Chamber, and could not be within a reasonable time returned under call of the House. That to our absolute knowledge we know that 42 members have signed an agreement to vote in favor of this resolution, and that it would only entail further expense to the State and hardship of the Members present to cause the calling back to Sacramento of Members who had left.

We, the undersigned Members of the Assembly, present when this vote was taken, regret that those Members who have left did so when such serious problems that now present themselves in this emergency should have been considered at this extraordinary session of the California State Legislature

LEE T. BASHORE
T. A. MALONEY
EDWARD F. O'DAY
DAN GALLAGHER
LLOYD W. LOWREY
HUGH P. DONNELLY
EVERETT G. BURKHALTER

ALFRED W. ROBERTSON
JOHN D. WELCH
JOHN N. EVANS
G. A. ANDREAS
JOHN EDWARD CAIN
FRANK C. RUSSELL
EDW. W. GAFFNEY

I oppose recessing during present war emergency without a definite program to safeguard lives and property in California. What happened in Pearl Harbor can happen in California. The hard, cold facts of war can not be ignored. We shouldn't expect Santa Claus to do what we were elected to do.

AUGUSTUS F. HAWKINS

I voted to recess, as I know to oppose would be futile, and only retard the immediate call to action of the committee to work out an appropriation to which there could be no opposition.

T. J. DOYLE

I agree with the Governor that we should properly and without delay dispose of the responsibilities now before us—that of providing ample funds for the State Guard and local defense. Therefore, I am opposed to a recess at this time.

VERNON KILPATRICK
VINCENT THOMAS
JACK MASSION

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning.

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

RESOLUTIONS

The following resolutions were offered

By Mr. Lyon

House Resolution No. 41

Resolved, That Arthur A. Ohnimus, Chief Clerk, be and he is hereby authorized and empowered to receipt for any warrants that may be due members, officers, or other attaches of the Assembly, during the recess of this session, or that may be drawn upon the Contingent Fund of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 41, at this time, without reference to committee.

Resolution read and adopted

By Mr. Lyon:

House Resolution No. 42

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day on December 22, 1941, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to House Resolution No. 27, adopted by the Assembly on December 21, 1941.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 42, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cam, Call, Carlson, Collins, Sam L., Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hawkins, Houser, Frederick F., Johnson, Kelless, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pelletier, Pfaff, Robertson, Russell, Stream, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—None.

By Mr. Lyon :

House Resolution No. 43

Resolved, That the Speaker appoint a Special Committee of Three to wait upon the Senate and inform it that the Assembly is ready to recess, and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 43, at this time, without reference to committee.

Resolution read and adopted

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 43, the Speaker announced the appointment of Messrs. Lyon, Stream and Maloney as such Special Committee.

RESOLUTIONS

The following resolution was offered :

By Mrs. Daley.

House Resolution No. 44

Resolved, That the Speaker appoint a Special Committee of Five to wait upon the Honorable Culbert L. Olson, Governor of the State of California, and inform him that the Assembly is ready to recess, and awaits his further pleasure

Request for Unanimous Consent

Mrs. Daley asked for, and was granted, unanimous consent to take up House Resolution No. 44, at this time, without reference to committee

Resolution read and adopted

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 44, the Speaker announced the appointment of Mrs. Daley and Messrs. Dilworth, Kilpatrick, Knight, T. Fenton, and Leonard as such Special Committee.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Sam L. Collins, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Major Karl D. Marks of Hollywood and Capt. Herman Zabel of Santa Ana.

On request of Mr. Cain, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following officers of the California State Guard: Brig. Gen. J. O. Donovan, Lt. Col. J. Pierce, Capt. P. E. Warner, Major R. K. Chappell, Major John Fahy, Col. F. R. McReynolds, Maj. John T. Coulston, Maj. A. N. Briles, Lt. Col. Muriney Mentzner, Lt. Jr. Grade Leslie Baier, Maj. Brooke Sawyer, Maj. R. H. Stockwell, Maj. Dan Miller, Maj. W. L. Dunn, Maj. M. M. McCallan, Capt. J. P. Hawthorne, Maj. T. A. Gregory, Col. Allard A. Calkins, Maj. Henry C. Huntington, Col. Jack Hastie, Jr., Lt. Col. Rupert Hughes, Lt. Col. Lewis S. Stone, Maj. Frank G. Nolan, Maj. Karl D. Marks, Col. John C. French, Capt. C. A. Powell, Lt. Chas. Wells, Lt. Col. M. J. Bullier and Lt. Jos. Fitzgerald.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

RECESS

At 11 p.m., on Monday, December 22, 1941, in accordance with the provisions of Assembly Concurrent Resolution No. 15, the Honorable Gordon H. Garland, Speaker of the Assembly, declared the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California at recess until 11 a.m., Monday, January 12, 1942, unless sooner reconvened in accordance with the provisions of Assembly Concurrent Resolution No. 15, out of respect to the memory of the late Hon. John Lindsey Mendenhall, the late Hon. William A. Vann, the late Louis J. Gilbert, and the late Bernard W. Horne.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY
TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, January 12, 1942

At 11 o'clock a.m., pursuant to the provisions of Assembly Concurrent Resolution No. 15, adopted December 22d, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Lyon.

LEAVE OF ABSENCE FOR THE LEGISLATIVE YEAR

Mr. Bashore moved that Mr. Cooke be excused for the balance of the legislative year.

Motion carried unanimously.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Clarke moved that the Speaker appoint a Special Committee of Three to notify the Senate that the Assembly has reconvened the Fifty-fourth (First Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of the motion by Mr. Clarke, the Speaker announced the appointment of Messrs. Clarke, Thorpe and Pelletier as such Special Committee.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Lyon moved that the Speaker appoint a Special Committee of Three to notify the Governor that the Assembly has reconvened the Fifty-fourth (First Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of the motion by Mr. Lyon, the Speaker announced the appointment of Messrs. Lyon, Houser, Frederick F., and Mrs. Daley

COMMITTEE FROM THE SENATE

Senators Biggar, Cunningham and Ward, a Special Committee from the Senate, appeared at the bar of the Assembly, and notified the Assembly that the Senate had reconvened pursuant to the provisions of Assembly Concurrent Resolution No. 15, and was ready to proceed with the business of the State.

COMMUNICATIONS

A communication from Frank W. Clark, Director of Public Works, dated January 7, 1942, pursuant to report on studies and survey for a bridge across Cache Slough at Ryer Island Ferry, X-Sol.-99-A, was received, and ordered filed with the Secretary of State.

The following communication was received, read, and ordered printed in the Journal:

NAVY DEPARTMENT, BUREAU OF NAVIGATION
WASHINGTON, D. C., January 1, 1942

*Mr. Arthur A. Ohnimus, Chief Clerk of the Assembly
State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: Your letter of December 22d to the Secretary of the Navy has been referred to this bureau.

Attention is invited to the fact that no action has been taken by the Navy Department to curtail or to ban sporting events or other similar civilian activities. Unless it is absolutely necessary to curtail such activities, it is desirable to maintain the high level of public morale by their continuance.

It should be noted, however, that final responsibility within designated Military areas rests with the Commander of that area and, if in his opinion it is desirable

or necessary for Military purposes to order cancellation of certain sporting events or other similar civilian activities, such action will be taken.

Sincerely yours,

RANDALL JACOBS, Chief of Bureau
F. U. LAKE, By direction

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Governor, reported that it has performed its duty.

The Special Committee appointed to wait upon the Senate, reported that it has performed its duty.

MOTION TO PRINT PUBLICATIONS ON NEWS STOCK

Mr. Lyon moved that the Chief Clerk be instructed to have the Assembly Journals, Files, and Histories printed on regular news paper instead of the glazed paper formerly used.

Motion carried unanimously.

RECESS

At 11.17 a.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2 30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 6, inclusive, and insert "be applicable, during any duly declared State or National emergency, to any deputy sheriff or constable serving without compensation from the public, who is an attorney at law and who is also an owner, part owner, officer or bona fide employee of any owner or owners, corporation, partnership or association operating any mutual, or publicly or privately owned water, electric, telephone, telegraph, gas, railroad or other utility located wholly or in part within the State of California."

Amendment No. 2

On page 1, line 16, of the printed bill, after "emergency", insert " , particularly with reference to the continuity of operation of the various utilities of the State".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 45

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund

in favor of the following named Member of the Assembly for the amount set opposite his name, and the State Treasurer is hereby directed and ordered to pay the same.

District	Name	Address	Distance from county seat	Distance from county seat, more	Mileage one way Distance from county seat, less	Total mileage	Amount at 5 cents per mile
2	Wm. I. Gunlock	Dunsmuir, Siskiyou County	295	--	42	506	\$25 30

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 45, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Middleton, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.
NOES—None.

By Committee on Rules:

House Resolution No. 46

MR. SPLAKER Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution.

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same.

<i>Commencing Monday, January 12, 1942:</i>	<i>Per day</i>
Arthur A. Ohninus, Chief Clerk	\$10 00
Frank Reed, Assistant Chief Clerk	9 00
C. William Queale, Minute Clerk	9 00
Charles W. Robbins, Engrossing and Enrolling Clerk	7 00
Marion Hendricks, Assistant Clerk	7 00
Harold Lewright, Assistant Clerk	7 00
Juanita L. Dependener, Assistant Clerk	7 00
Nina Ronstadt, Assistant Clerk	7 00
Irene Mosher, Assistant Clerk	7 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Rev. Thomas H. Markham, Chaplain	4 00
Leonora Trethowan, Stenographer	5 00
Clare Foot, Stenographer	5 00
Dolly Smith, Stenographer	5 00
Grace Stall, Stenographer	5 00
Fern Sherick, Stenographer	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
James Doyle, Assistant Sergeant-at-Arms	5 00
George Petrick, Assistant Sergeant-at-Arms	5 00
Roy Crocker, Assistant Sergeant-at-Arms	5 00
Harry Hart, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
William C. Coffman, Chief Page	3 00
Mason Riegel, Page	2 50
Richard Desmond, Page	2 50

Resolved, further, That the compensations of the above named attaches shall be on a seven-day per week basis.

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 46, at this time.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, George D. Collins, Sam L. Crowley, Daley, Dicke, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Kilpatrick, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered.

Assembly Joint Resolution No. 11: By Messrs. Meehan, Gunlock, Cain, Maloney, Collins, George D., and Mrs. Daley—Relative to non-deductible income of recipients of old age assistance.

Referred to Committee on Rules.

Assembly Joint Resolution No. 12: By Messrs. Cain, Gunlock, Meehan and Maloney—Relative to memorializing the Congress of the United States to enact legislation imposing severe penalties for the theft of tires, tubes and essential parts from automobiles.

Referred to Committee on Rules.

Assembly Joint Resolution No. 13: By Messrs. Cain, Gunlock and Meehan—Relative to memorializing Congress to amend the Social Security Act to permit recipients of old age assistance to engage in gainful employment without reduction in amount of old age assistance.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 20: By Mr. McCollister—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 10

Senate Concurrent Resolution No. 11

Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Request for Unanimous Consent

Mr. Clarke asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, without reference to committee or file.

Resolution read.

Motion to Refer to Committee

Mr. Dills moved that Senate Concurrent Resolution No. 12 be referred to the Committee on Rules.

Mr. Evans seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Carlson, Collins, George D., Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Lyon, Maloney, Massion, McCollister, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Tenney, Waters, Welch, Weybret, and Wollenberg—42.

NOES—Burns, Michael J., Call, Clarke, Collins, Sam L., Crowley, Del Mutolo, Field, Leonard, Lowrey, Meehan, Middough, Millington, Salsman, Stream, Thorp, Thurman, Turner, and Mr. Speaker—18.

Senate Concurrent Resolution No. 12 ordered referred to Committee on Rules.

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read:

MONROVIA, CALIFORNIA, January 5, 1942

*Mr. Lee Bashore, State Assemblyman
Sacramento, California*

DEAR SIR: I have been informed that registered nurses are not on the rubber tire priority list. I wish to call this deplorable oversight to your immediate attention.

Picture for yourself this situation. A member of your family, critically ill, is in need of a registered nurse to give the necessary care as ordered by your physician. The few nurses who still have their own means of transportation are all busy. And a great many good nurses are unavailable due to lack of tires on their idle cars.

Perhaps a little dramatic, but nevertheless entirely possible. Hospitals and sanatoriums as well as private homes are going to feel the hardship caused by refusing tires to registered nurses. There are relatively few institutions that have housing facilities for the nurses regularly employed by them without considering the large number of registered nurses needed for private duty.

I sincerely hope you will give this your earnest consideration and try to help rectify this omission.

Very truly yours,

IDA McCARDLE, R. N.

Motion to Transmit Copy of Communication

Mr. Bashore moved that the Chief Clerk be instructed to send a copy of the above communication to the proper priority authorities for consideration.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Mr. F. N. Howser:

House Resolution No. 47

Relative to a breakwater for the protection of Long Beach Harbor

WHEREAS, The several States along the Pacific Ocean are separated from the populous portion of our Nation by nearly 1,500 miles of sparsely settled territory of mountains, deserts and plains across which are few railroads and few highways and all of which are vulnerable to enemy attack, and

WHEREAS, The State of California embraces three-fifths of the Pacific Coastline of the United States and contains seven-tenths of the population of all of the States bordering on the Pacific Ocean; and

WHEREAS, California's immense natural resources include 12,000,000 acres of crop lands and 24,000,000 acres of grazing lands, which constitute the only area of the entire Western Hemisphere facing the Pacific Ocean that is capable of sustaining a population of many millions independent of food importation, together with untold oil, natural gas, hydroelectric energy, timber and mineral wealth, and gigantic industrial power and potentialities, and California is an area bordering the Pacific shores of the Western Hemisphere most vital to and most worth the cost to the enemies with whom we are at war to endeavor to attack, destroy, invade or conquer, or to have and to hold; and

WHEREAS, A great percentage of the aircraft industry of the entire country is located in Southern California and has proved in the past month to be so vital to National defense; and

WHEREAS, A contract was let to the Columbia Construction Company in March of 1941 for the construction of 13,350 feet of breakwater for the protection of Los Angeles-Long Beach Harbor and according to the terms of this contract, the entire length of time for completion was 30 months and there were certain things according to said terms that were to be completed in 90 days, 120 days, and so forth, and

WHEREAS, Very little has been done on this project to date; now, therefore, be it

Resolved by the Assembly of the State of California, That the President of the United States, as Commander in Chief, and the Congress thereof are hereby respectfully urged to cause an immediate study of the project to be made by the appropriate defense authorities, and to consider favorably the speeding up of the aforesaid defense project, and be it further

Resolved, That the Chief Clerk of the Assembly forward a copy of this resolution to the President of the United States, to the California Members of the Congress, and to the members of the Military and Naval Affairs Committees of the Congress.

Request for Unanimous Consent

Mr. F. N. Howser asked for, and was granted, unanimous consent to take up House Resolution No. 47, at this time, without reference to committee.

Resolution read and adopted.

MOTION TO PRINT IN JOURNAL

Mr. Field moved that the following report be ordered printed in the Journal:

Mr. Maloney seconded the motion.

Motion carried.

January 12, 1942

To the Honorable W. P. Rich, Chairman, and the Members of the Joint Legislative Budget Committee

Your Subcommittee of Two, consisting of the undersigned, appointed to go to Washington, D. C., for the purpose of conferring with Members of Congress, and officials of the United States Government on the matters pending before the present Special Session of the California Legislature, respectfully begs to report as follows.

Four days were spent by your subcommittee in Washington, D. C., January 5, 6, 7 and 8, 1942, during which time it conferred with the War Department, United States Senator Sheridan Downey, Representatives Lea, Buck, Welch, Leland Ford, Hinshaw, Voorhis, Rolph, Carter, Tolan, Costello, Englebright, Sheppard, Johnson, Anderson and Kramer, and called upon the office of Senator Hiram Johnson for special assistance. Two Congressional Delegation meetings were called during your committee's stay in the Capitol. The first meeting included only the California Delegation, but at the second meeting representatives of Washington and Oregon were invited and attended.

It was at once apparent that the matters before our Legislature have also been a matter of lively concern in Washington. Proposals have been made in the form of bills introduced, and they were all thoroughly discussed in our meetings.

As the outgrowth of these discussions your subcommittee found that the consensus of opinion of our Congressional Delegation was that

First: A National policy on auxiliary guard forces should be immediately established and conferences with the War Department be had at once on the following proposals now pending before Congress, to wit:

(a) H. R. 3305 introduced by Representative Costello of Los Angeles and Representative Anderson of Santa Clara providing for an Army-supervised Home Defense Reserve Corps of 1,000,000 men to be completely financed by the Federal Government.

(b) H. R. 6348 introduced by Representative Kramer of Los Angeles for a Home Defense Corps drawn from the ranks of regular and reserve retired Army officers and men unqualified for active combat service. This Corps would consist of men trained, disciplined, and able to use effectively United States Army weapons, equipped uniformly by the Army. These men would come under the authority of the local sector, district, or other Army commander. There would be an over-all uniformity of controls when the mobile forces as organized into combat divisions should leave a particular area to come into actual contact with the enemy. The Home Defense Corps would remain to guard the plants, bridges, or other important areas considered vital and of general Military and civilian importance.

(c) The proposal of Representative Welch of San Francisco for a State Guard in the various States, which would be subject to Federal supervision with the United States supervising the State units and paying them a 50 per cent subsidy.

All of the authors of the proposals agreed that their aim was to see that from their ideas, a single bill be evolved which would be best adapted to Pacific Coast needs and the plans of the War Department.

Second: That the protection of the vital resources, utilities, and industries of the Pacific Coast States is a matter of National concern and one in which the whole Country should help bear the burden of expense.

Third: That since it is to the interest of National defense to relieve combat-trained troops of Guard duties, the War Department should at once outline a Uniform National Plan to utilize for this duty men of Military training unable to go into active combat.

Fourth: That California and the other Pacific Coast States be given a generous and proper share of the \$100,000,000 voted to aid local defense as soon as the bill providing for it (H. B. 5727) becomes law. The bill is expected to be before the President this week. Your subcommittee informed the delegation of the \$50,000,000 total requests presented to your committee by California counties and cities, and this material will be used in urging adequate allowances to this State under the bill.

Fifth: That Pacific Coast communities be given priorities in defense and protection equipment which they desire to purchase, and that Congressional representations to that end be promptly made to the Office of Production Management.

Senator Downey also informed your subcommittee that he is planning to seek financial assistance from the Federal Government for the maintenance of State forces on the Pacific Coast.

Hon. J. J. McCloy, Assistant Secretary of War, informed your subcommittee that as far as California is concerned, an important problem of the Army is the combating of possible sabotage, and that additional State legislation in this field will undoubtedly be necessary.

Representative Lea, dean of the California Delegation, has requested our committee to furnish him with a detailed statement on the precise situation in California which he may use in discussions with the War Department in urging them to work out a National policy for State troops.

Respectfully submitted.

GORDON H. GARLAND
ROBERT W. KENNY

MOTION TO PRINT IN JOURNAL

Mr Field moved that the following reports and bills from the United States Congress, referred to in the Report by Speaker Garland and Senator Kenny, be printed in the Journal.

Motion carried.

77TH CONGRESS } 1st Session }	HOUSE OF REPRESENTATIVES	{ REPORT No. 1452
PROVIDING FOR CIVILIAN DEFENSE AGAINST BOMBING ATTACKS, ETC.		

NOVEMBER 26, 1941—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. MAY, from the Committee on Military Affairs, submitted the following

REPORT

[to accompany H. R. 5727]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5727) to provide protection of persons and property from bombing attacks in the United States, its Territories and possessions, to authorize the procurement of materials and supplies, and for other purposes, having considered the same, submit the following report thereon, with the recommendation that it do pass with the following amendments:

Section 1, line 3, following the word "sums" insert a comma and add the following: "not exceeding \$100,000,000".

Section 1, line 4, beginning with the word "Director" strike out all down to and including the figures "1941" and insert "the Secretary of War".

Page 2, line 2, strike out the words "said Director" and insert "the Secretary of War".

Page 2, line 11, strike out "Director of Civilian Defense" and insert "the Secretary of War".

SECTION 2, strike out the entire section and insert in lieu thereof the following: It shall be unlawful for any person to wear an insignia, arm band, or other distinctive article prescribed by the Secretary of War except in accordance with the regulations promulgated under the authority of section 1 hereof, provided that nothing in this Act shall be construed as authorizing the Secretary of War, or any person or employee acting under him by authority of this Act, or in pursuance of the regulations prescribed thereunder to interfere with or usurp any of the rights or duties of any local district, municipal, county, or State official.

Any person found guilty of violating the provisions of this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than thirty days, or both.

The chief objective of this legislation, as amended by the committee, is to authorize appropriations in such sums, not exceeding \$100,000,000 in all, as may be necessary to carry out the contemplated program of civilian defense as set up by the President under Executive Order No 8757, and the bill, as amended, places in the jurisdiction of the Secretary of War the power and authority to carry out the act under regulations that may be prescribed by the President, and to make purchases of all necessary facilities, supplies, and services, including research, for the purpose of providing adequate protection to persons and property from bombing attacks, and in order to do this, it is contemplated that several plants for the production of necessary supplies and materials will be engaged, so far as possible, in private

industry for the purpose of providing the necessary materials and supplies, but it is the intention of the committee that the Secretary of War shall provide these materials and supplies through the agencies of his Department—that is, where such articles as gas masks and other facilities for the protection of civilians from the results of bombing raids and attacks shall be procured by the Secretary of War through the instrumentalities and organizations set up in the Chemical Warfare Service, and it is the intention of the committee that the necessary auxiliary or supplemental appliances for fire fighting and the extermination and control of fires resulting from incendiary bombings or otherwise, shall be furnished only to such cities, municipalities, and communities as are unable to provide therefor.

In addition to providing for additional auxiliary or supplemental equipment for fire-fighting purposes, it is provided in the legislation that any department or agency of Government having equipment or supplies not required for its use, may, subject to the approval of the Division of Procurement of the Treasury Department, transfer the same without charge to the Secretary of War for the purposes outlined in the act.

It appeared in the testimony before the committee from the Director of Civilian Defense and others representing that Agency, as well as witnesses representing the War Department, that the purpose and intent of the Civilian Defense organization is to provide, through the agency of the War Department, under the direction of the Secretary of War, a system of educational orders and training of personnel, as well as to invite the cooperation and assistance of local, municipal, county, and State authorities and volunteers for the work of prevention and control of fires and the protection of human life and property against raids by enemy forces. It appeared also from the testimony that the Civilian Director wishes to establish areas or danger zones constituting a belt around continental United States, reaching from the coast line to approximately 300 miles into the inland and along the international north and south borders and Gulf of Mexico a like area, most likely to be attacked by a foreign enemy, but of course this does not preclude the furnishing of auxiliary equipment and other needed facilities to the entire area of the United States and to all cities therein which may be subject to attack and are without financial means to provide such protection.

Section 2 of the bill was stricken out in its entirety and a new section substituted for the original section for two principal reasons. It was the wish of the committee to grant to the Civilian Defense Director the power to prescribe for persons employed in his organization in relief work and for protection against fires and bombings, insignias, arm bands, and other distinctive articles prescribed by the Director, and it was thought this language was too broad, and it was therefore rewritten to limit the power of the Director in providing for distinctive articles to distinguish civilian-defense employees from others with an insignia or badge rather than a uniform, which might conflict with various societies and organizations which have already adopted uniforms for the use of their personnel and for the further purpose of reducing the penalty as provided for in said section, the only change being that the fine is limited to not more than \$100 and imprisonment of not more than 30 days, whereas the original section would have authorized a sentence of imprisonment of as much as 6 months.

The committee feel that the bill is necessary and that the Government should at least anticipate the possibility of bombing attacks in any future effort that may be undertaken by a foreign enemy, and rather than procrastinate and delay to such an extent as to meet the same kind of fate that many European countries have already met, we ought, as it were, "take time by the forelock" and get ready for meeting any situation that may arise.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following material is indicated by being inclosed within brackets.

Union Calendar No. 489

77TH CONGRESS, 1ST SESSION

H. R. 5727

[Report No. 1452]

IN THE HOUSE OF REPRESENTATIVES

September 29, 1941

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

November 26, 1941

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To provide protection of persons and property from bombing attacks in the United States, its Territories and possessions, to authorize the procurement of materials and supplies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums, *not exceeding \$100,000,000*, as may be necessary to enable the [Director of Civilian Defense, appointed under authority of Executive Order Numbered 8757, dated May 20, 1941] *Secretary of War* to provide, under such regulations as the President may prescribe, facilities, supplies, and services to include research and development for the adequate protection of persons and property from bombing attacks in such localities in the United States, its Territories and possessions, as may be determined by [said Director] *the Secretary of War* to be in need of, but unable to provide, such protection: *Provided*, That such facilities and supplies may be loaned to civil authorities in accordance with said regulations: *Provided, further*, That any department or agency of the Federal Government having equipment or supplies not required for its use may, subject to the approval of the Division of Procurement, Treasury Department, transfer the same without charge (notwithstanding the provisions of the Act of December 20, 1928, 45 Stat. 1030) to the [Director of Civilian Defense] *the Secretary of War* for the purpose herein authorized.

[SEC. 2. It shall be unlawful for any person to wear a uniform, insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof. Any person found guilty of violating the provisions contained in this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than six months, or both.]

SEC. 2. It shall be unlawful for any person to wear an insignia, arm band, or other distinctive article prescribed by the Secretary of War except in accordance with the regulations promulgated under the authority of section 1 hereof: Provided, That nothing in this Act shall be construed as authorizing the Secretary of War, or any person or employee acting under him by authority of this Act, or in pursuance of the regulations prescribed thereunder to interfere with or usurp any of the rights or duties of any local district, municipal, county, or State official.

Any person found guilty of violating the provisions of this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than thirty days, or both.

77TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 1565

CREATING THE LIMITED SERVICE MARINE CORPS RESERVE

JANUARY 7, 1942.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. VINSON of Georgia, from the Committee on Naval Affairs, submitted the following

R E P O R T

[To accompany H. R. 6303]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6303) to create the Limited Service Marine Corps Reserve, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to establish a special class in the Marine Corps Reserve in which men not qualified by reason of age or physical condition for duty in combatant organizations, will be enlisted for duty in activities of the Naval Shore Establishments within the United States.

Under existing conditions, it is necessary to assign a large number of men in the Regular Marine Corps and Marine Corps Reserve to guard duty at naval stations and other shore activities. The result is that these men whose services are urgently needed for training and service with active military units are being utilized for a duty which can be as well performed by others who are themselves not qualified for combatant duty.

It is the intention of the Navy Department to enlist approximately 6,000 men for this duty during the present year. It will be necessary to waive certain physical disabilities in those cases where it appears that such disabilities will not interfere with the performance of the restricted type of duty contemplated by the bill. It is also planned to give preference in these enlistments to men over 30 years of age, and including those with World War service.

The following letter from the Secretary of the Navy addressed to the Speaker of the House of Representatives and transmitted by him to the Chairman of the Committee on Naval Affairs of the House of Representatives sets forth the views and recommendation of the Navy Department on this bill. This letter is hereby made a part of this report.

NAVY DEPARTMENT.

Washington, December 26, 1941.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,

Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill to create the Limited Service Marine Corps Reserve, and for other purposes.

The purpose of the proposed legislation is to establish a special class in the Marine Corps Reserve of men who will be limited in their duties to serving as guards at naval shore activities within the United States. The bill would further provide that men enlisting in this special class, who are veterans of the World War, be not subject to the pay limitation of \$21 per month during the first 4 months of service, prescribed by section 12 (a) of the Selective Training and Service Act of 1940. Finally, the bill would provide that all men enlisted in this special class of reserves, would be entitled to the allowances for quarters and subsistence and to the transportation of dependents and of household effects now provided for enlisted men of the first three pay grades of the Marine Corps Reserve.

Heretofore members of the regular Marine Corps and the Marine Corps Reserve, in considerable numbers, have been assigned for duty at naval shore activities for guard duty. Under existing conditions there is an urgent need for relieving such men from guard duty and making them available for training and service with active military units. With a view to making this possible, the plan has been evolved to create a force for limited service as military guards. Such a plan would allow of utilizing men who, by reason of age or physical condition, are not qualified for duty in combat organizations.

It is considered that men who served in the military forces in the World War and men beyond normal recruit age, with more mature judgment, would be particularly suitable for this type of duty. In order to attract such men additional inducements are necessary. To this end the bill would provide that the pay limitation of \$21 for the first 4 months under the Selective Training and Service Act be removed as to veterans of the World War, and that all these men would be entitled

to receive, regardless of pay grade, the allowances for quarters and subsistence and the transportation of dependents and of household effects now provided for enlisted men of the first three pay grades of the Marine Corps Reserve.

The Navy Department contemplates enlisting approximately 6,000 men for the duration of the emergency for this limited service, waiving such physical disabilities as will not interfere with the performance of this type of duty, and giving preference to men over 30 years of age and men with World War Service.

The Navy Department is of the opinion that authorization for a military guard force as contemplated by the proposed legislation would add materially to the active strength of the Marine Corps by releasing thereto enlisted personnel now on duty as guards, and to the same extent would contribute to the national defense.

In view of the foregoing, the Navy Department recommends enactment of the proposed legislation.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this recommendation.

Sincerely yours,

FRANK KNOX.

Union Calendar No. 538

77TH CONGRESS

2D SESSION

H. R. 6303

[Report No. 1565]

IN THE HOUSE OF REPRESENTATIVES

January 5, 1942

Mr VINSON of Georgia introduced the following bill; which was referred to the Committee on Naval Affairs

January 7, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A Bill

To create the Limited Service Marine Corps Reserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established as a part of the Marine Corps Reserve a class to be known as the Limited Service Marine Corps Reserve, for duty as guards at naval shore activities within the continental United States, to be subject to the laws and regulations, except as may be necessary to adapt the same hereto, applicable to the Marine Corps Reserve *Provided*, That the provision of section 12 (a) of the Selective Training and Service Act of 1940, that the monthly base pay of enlisted men with less than four months' service during their first enlistment shall be \$21, shall not apply to members of the Limited Service Marine Corps Reserve who are veterans of the World War: *Provided further*, That all enlisted men of the Limited Service Marine Corps Reserve shall be entitled to allowances for quarters and subsistence and to transportation of dependents and of household effects in the same manner and under like conditions as are now or may hereafter be authorized for enlisted men of the first three pay grades of the Marine Corps Reserve.

77TH CONGRESS

1ST SESSION

H. R. 3305

IN THE HOUSE OF REPRESENTATIVES

February 12, 1941

Mr. COSTELLO introduced the following bill; which was referred to the Committee on Military Affairs

A BILL

To establish as a part of the Reserve component of the Regular Army a Home Defense Organized Reserve for local home defense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 1 of the National Defense Act, as amended, is amended to read as follows:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, the Enlisted Reserve Corps, and the Home Defense Organized Reserve."

SEC. 2. Section 55c of the National Defense Act is amended by adding at the end thereof the following:

"SEC. 55d. HOME DEFENSE ORGANIZED RESERVE.—(1) The President is authorized and directed to establish a Home Defense Organized Reserve, which shall consist of such number of officers and men (not exceeding one million) over the age of thirty-five years voluntarily enlisting therein as its duties may require. The President may also assign officers and enlisted men of the Regular Army for duty with or for training of the Home Defense Organized Reserve.

"(2) All policies affecting the organization, distribution, appointment, and promotion in, training of, assignment to, and discharge from, the Home Defense Organized Reserve shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added the necessary number of officers from the Home Defense Organized Reserve.

"SEC. 55e. ORGANIZATION OF HOME DEFENSE ORGANIZED RESERVE.—(1) The Home Defense Organized Reserve shall have corps areas coextensive with the corps areas of the Regular Army, and such corps areas shall be commanded by the commanding officers of the respective corps areas of the Regular Army. The War Department General Staff shall assign officers from the personnel of the Home Defense Organized Reserve to assist in such command and to establish and maintain liaison within the corps area.

"(2) In each Home Defense Corps Area there shall be such number of home-defense departments as the War Department General Staff deems necessary to facilitate administration and tactical control. The home-defense departments shall be commanded by an officer or officers from the personnel of the Home Defense Organized Reserve, designated by the War Department General Staff.

"(3) In each home-defense department there shall be such local home-defense districts as the War Department General Staff deems the duties of the Home Defense Organized Reserve in such department require. In each such district there shall be a home-defense unit composed of such number of officers and men voluntarily enlisting therein, organized in such manner, as the War Department General Staff deems necessary.

"SEC. 55f. DUTIES OF HOME DEFENSE ORGANIZED RESERVE.—The Home Defense Organized Reserve shall, under the direction of the War Department General Staff, through the organization herein provided for—

"(1) become fully informed of all strategic points within their respective home-defense districts, such as oil and gas supplies, waterworks, manufacturing establishments, bridges, docks, airports, tunnels, and be prepared to protect such points from sabotage and enemy infiltration in time of national emergency;

"(2) become fully informed of all roads, trails, railroads, and other lines of communication within their respective home-defense districts;

"(3) become fully informed of the topography of their respective home-defense districts together with the significance thereof in relation to military tactics;

"(4) provide for and assist in the hospitalization and evacuation of civilian population in their respective home-defense districts in time of national emergency;

"(5) cooperate with the intelligence section of the Regular Army;

"(6) prepare itself to assume duties in connection with the conscription of manpower in time of national emergency,

"(7) train and arm a sufficient force to act in emergency to defend their respective home-defense districts against any preliminary enemy activity; and

"(8) perform such other duties in connection with home defense and to cooperate with the Regular Army in such manner and furnish the Regular Army with such information with respect to their respective home-defense districts as the War Department General Staff may prescribe

"SEC. 55g. ACTIVE SERVICE OF HOME DEFENSE ORGANIZED RESERVE.—Members of the Home Defense Organized Reserve may be called to active service only in time of national emergency declared by Congress or by the President pursuant to law, but shall at all other times regularly engage in such drills and training for such periods (not exceeding eight hours per month) as the War Department General Staff may prescribe. Members thereof may also be called for not exceeding fifteen days in any month for practice coordination with maneuvers of the Regular Army, which for purposes of pay and allowances shall be deemed active service. While on active service, the Home Defense Organized Reserve shall receive the same pay and allowances as personnel of equal rank in the Regular Army.

"SEC. 55h. SURPLUS ARMY EQUIPMENT.—The Secretary of War is authorized to furnish the local Home Defense Organized Reserve units with such surplus rifles (together with ammunition therefor), equipment matériel, and so forth, as be required for the training and drilling and use of such units and as may be required by their duties.

"SEC. 55i. ENLISTMENT NOT TO EXEMPT FROM CONSCRIPTION.—Enlistment by any person in the Home Defense Organized Reserve shall not be deemed to exempt such person from conscription for or assignment to service in any other branch of the Regular Army.

"SEC. 55j. PENSIONS, BOUNTIES, BONUSES, AND SO FORTH.—No member of the Home Defense Organized Reserve shall by reason of service therein be entitled to any pension, bounty, bonus, gratuity, or hospitalization, except for traumatic injuries incurred as a direct result of active service therein in time of war or national emergency."

77TH CONGRESS

2D SESSION

H. R. 6302

IN THE HOUSE OF REPRESENTATIVES

January 5, 1942

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

A Bill

To authorize the Secretary of War to make available, for the purposes of civilian defense, such arms, munitions, supplies, and equipment, *for instructional and demonstrational purposes only*, as can be spared by the War Department, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War may, in time of war or during any national emergency declared by Congress or by proclamation of the President, in his discretion and under such regulations as he may prescribe, lend, without cost of packing, handling, and transportation to the United States, for instructional and demonstrational purposes only, to the District of Columbia, the several States or Territories, the outlying possessions of the United States, including the Philippine Islands and all territory over which the United States exercises rights of sovereignty, or political subdivisions thereof, such arms, ammunition, munitions, or implements of war, supplies, equipment, component parts thereof, or accessories thereto, as may be in the possession or under the control of, and can be spared by the War Department.

77TH CONGRESS
2D SESSION
H. R. 6341

IN THE HOUSE OF REPRESENTATIVES

January 9, 1942

Mr. WELCH introduced the following bill; which was referred to the Committee on Military Affairs

A Bill

To authorize the organization and maintenance of home-guard forces within the States, Territories, Puerto Rico, and the Canal Zone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, subject to the provisions of this Act and during the present war and for six months thereafter, the organization by the maintenance within any State of such military forces (other than the National Guard) as may be provided by the laws of such State is hereby authorized.

SEC. 2. (a) Such military forces shall be under the supervision and direction of the War Department General Staff.

(b) All policies affecting the organization and distribution of, appointment to, and promotion in, training of, assignment to, and discharge from, such military forces shall be subject to the approval of the War Department General Staff.

(c) The President is authorized to assign officers and enlisted men of the Regular Army for duty with, or for the training of, any of such military forces.

(d) The commissioned officers of such military forces shall, with the approval of the War Department General Staff, be appointed by the Governor of the State concerned.

(e) The units of such military forces shall be composed of such number of officers and men voluntarily serving therein as the War Department General Staff shall deem necessary.

(f) The pay and allowances of the personnel of such military forces, while on duty or in active service, shall be prescribed by the War Department General Staff. No person shall be paid for his services as a member of any such military force at a rate in excess of the rate so prescribed.

SEC. 3. It shall be the duty of such military forces to—

(1) become fully informed with respect to all strategic points within their respective defense areas, such as oil and gas supplies, waterworks, manufacturing establishments, bridges, docks, airports, and tunnels, for the purpose of protecting such points from sabotage and enemy infiltration;

(2) become fully informed with respect to all roads, trails, railroads, and other lines of communication within their respective defense areas;

(3) become fully informed with respect to the topography of their respective defense areas, together with the significance thereof in relation to military operations;

(4) provide for and assist in the hospitalization and evacuation of the civilian population of their respective defense areas, in case such action is necessary;

(5) cooperate with the intelligence section of the Regular Army;

(6) perform such other duties in connection with home defense and to cooperate with the Regular Army in such manner as the War Department General Staff shall prescribe.

SEC. 4. (a) Such military forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States.

(b) No person shall, by reason of his membership in any of such military forces, be exempted from service in the land or naval forces of the United States.

SEC. 5. The Secretary of War is authorized, under such regulations as he may prescribe, to issue, from time to time, for the use of such military forces, to any State, upon requisition by the Governor thereof, such arms (including ammunition therefor) and equipment as may be in the possession of and can be spared by the War Department.

SEC. 6. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State having a unit of such military forces, organized and maintained pursuant to the provisions of this Act, for each quarter, beginning with the quarter commencing April 1, 1942, an amount equal to one-half of the total of the sums expended by such State during such quarter for the pay and allowances of the personnel of such military forces.

(b) For the purpose of aiding each State in the maintenance of units of such military forces, there are hereby authorized to be appropriated, for each fiscal year during the present war, such sums as may be necessary.

SEC. 7. During such time as any part of the National Guard of any such State is in active Federal service, the maintenance of troops by such State, other than as authorized by the provisions of this Act, is prohibited.

SEC. 8. Section 61 of the National Defense Act of June 3, 1916, as amended, is hereby repealed.

SEC. 9. As used in this Act, the term "State" includes, in addition to the several States and the District of Columbia, any Territory, Puerto Rico, and the Canal Zone.

77TH CONGRESS
1ST SESSION
S. 1936

IN THE SENATE OF THE UNITED STATES

October 2, 1941

Mr. REYNOLDS (by request) introduced the following bill, which was read twice and referred to the Committee on Military Affairs

A Bill

To provide protection of persons and property from bombing attacks in the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary to enable the Director of Civilian Defense, appointed under authority of Executive Order Numbered 8757, dated May 20, 1941, to provide, under such regulations as the President may prescribe, facilities, supplies, and services to include research and development for the adequate protection of persons and property from bombing attacks in such localities in the United States, its Territories and possessions, as may be determined by said Director to be in need of, but unable to provide, such protection: *Provided*, That such facilities and supplies may be loaned to civil authorities in accordance with said regulations: *Provided further*, That any department or agency of the Federal Government having equipment or supplies not required for its use may, subject to the approval of the Division of Procurement, Treasury Department, transfer the same without charge (notwithstanding the provisions of the Act of December 20, 1928, 45 Stat. 1030) to the Director of Civilian Defense for the purpose herein authorized.

SEC. 2. It shall be unlawful for any person to wear a uniform, insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof. Any person found guilty of violating the provisions contained in this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than six months, or both.

MOTION TO PRINT IN JOURNAL

Mr. Maloney moved that the following communication be printed in the Journal:

Motion carried.

OFFICE OF THE MAYOR
• SAN FRANCISCO, January 10, 1942

Honorable Thomas Maloney, State Senator
350 Missouri Street, San Francisco, California

MY DEAR SENATOR: Referring to my telephone conversation with you yesterday, Mr. Nelson Eckart, acting manager of public utilities, is in receipt of a letter from Lewis M. Means, Brigadier General, Commanding the Headquarters, 70th Infantry Brigade, advising that it will be necessary for us to replace the Army guards now protecting certain vital waterworks structures with other guards, either private, city or State, as it is necessary for them to remove the present Troops by January 12th, if possible, and not later than January 15th.

These Soldiers, totaling approximately 70, in addition to the supernumeraries, are stationed at some five points in San Francisco, four points in San Mateo County and two points in Alameda County. In addition to these Army guards, we now have on these properties, exclusive of the Hetch Hetchy Project, about 40 guards, in addition to a few of our regular employees temporarily serving in this

capacity. These municipally employed guards are being temporarily employed until some relief can be afforded, as it is not possible to maintain them indefinitely out of current revenues.

Any ways and means that you, as a Legislative Representative of the people of San Francisco, may be able to devise to assist us in adequately protecting these vital water properties will be deeply appreciated.

Thanking you for your kind interest and consideration in this matter, I am

Yours sincerely,

ANGELO J. ROSSI, Mayor

HEADQUARTERS SEVENTIETH INFANTRY BRIGADE
OFFICE OF THE BRIGADE COMMANDER, PRESIDIO OF SAN FRANCISCO
SAN FRANCISCO, CALIFORNIA, January 9, 1942

*Mr. N. A. Eckart, General Manager
San Francisco Water Department
425 Mason Street, San Francisco, California*

DEAR SIR: This will confirm the agreement that I had with you in your office yesterday morning which was that on the twelfth of January and not later than the fifteenth of January, you would make provisions to replace with other guards, either private, city or State all Federal troops now guarding installations owned by the San Francisco Water Department.

Thanking you for your patriotic cooperation, I am

Yours very truly,

LEWIS M. MEANS
Brigadier General, Commanding

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to amend Section 393 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 2.1429 to, and to amend Sections 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 33: By Miss Miller—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System,

declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 34: By Miss Miller—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Joint Resolution No. 14: By Mr. Del Mutolo—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Referred to Committee on Rules.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE CONTINUED

Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued until the next legislative day.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect;

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee;

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of December, 1941, at 11.45 a m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-third day of December, 1941, at 4 p.m.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Patrick J. Maher, Mayor of the City of Santa Barbara.

ADJOURNMENT

At 5 05 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a m., Tuesday, January 13, 1942, out of respect to the memory of the late Congressman Lee E. Geyer.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY
TWENTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, January 13, 1942

The Assembly met at 10 a m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Del Mutolo.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 13, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 18

And reports the same correctly engrossed.

JOHN B KNIGHT, Chairman

Above reported bill ordered to third reading.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

House Resolution No. 48

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the pay roll of the Assembly, to take effect upon the completion of work on January 12, 1942.

	<i>Per day</i>
Richard Desmond, Page-----	\$2 50
Roy Crocker, Assistant Sergeant-at-Arms-----	5 00

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 48, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Donnelly, Doyle, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Salsman, Sawallsch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—None.

By the Committee on Rules:

House Resolution No. 49

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions, and desires to submit the following resolution:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the said persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
<i>Commencing Monday, January 12, 1942:</i>	
Carroll Dudley, Assistant Clerk-----	\$7 00
<i>Commencing Tuesday, January 13, 1942:</i>	
Richard Desmond, Assistant Sergeant-at-Arms-----	5 00
Roy Crocker, Page-----	2 50

Resolved, further, That the compensation of the above named attaches shall be on a seven-day per week basis.

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 49, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Donnelly, Doyle, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Salsman, Sawallsch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled,

"An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Fred Weybret.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 35: By Mr. Weybret—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

MOTION TO APPROVE JOURNALS

On motion of Mr. Lyon, the Assembly Journals for Friday, December 19, 1941; Saturday, December 20, 1941; Sunday, December 21, 1941, and Monday, December 22, 1941, were approved as corrected by the Minute Clerk.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Earl D. Desmond, Assembly Chamber
State Capitol, Sacramento, California*

DEAR MR. DESMOND: This is to report that in our opinion a bill entitled

"An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately"

making an appropriation of \$3,894,643 out of the State Treasury "for expenditure for the support of the Division of Forestry of the Department of Natural Resources during the Ninety-third and Ninety-fourth Fiscal Years as prescribed by this act" is within the scope of the Proclamation by which the Legislature was convened commencing December 19, 1941, the bill being on a subject specified in said Proclamation.

Yours very truly,

FRED B. WOOD, Legislative Counsel

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 36: By Messrs. Desmond, Clarke, Turner, Milington, McCollister, Johnson, Thurman, Burns, Michael J., Weybret,

Garland and Call—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

COMMUNICATIONS

A communication from M. L. Hubbard, adjutant of the San Francisco County Council, Veterans of Foreign Wars, relative to the State Guard, was received, and ordered filed with the Secretary of State.

RECESS

At 10.42 a.m., on motion of Mr. Lyon, the Assembly recessed until 11.05 a.m.

REASSEMBLED

At 11.05 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 14

Assembly Joint Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 34

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

LYON, Chairman

Above reported bill ordered to second reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 12, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly

Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1, 555, and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Gordon H. Garland.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 37: By Messrs. Lyon, Call, Clarke, Desmond, Johnson, Millington and Voigt (For the Joint Committee on Defense) —An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 50

Commending Interstate Commerce Commissioner John L. Rodgers, Coordinator of Civilian Motor Transportation, Western Defense Command

WHEREAS, The Honorable John L. Rodgers, Interstate Commerce Commissioner, has been appointed Coordinator of Civilian Motor Transportation for the Western Defense Command, for the purpose of coordinating motor transport during the present emergency and of establishing such facilities as will insure that all non-Military motor transportation required by the Western Defense Army Command will be furnished; and

WHEREAS, The successful functioning of such a plan calls for the fullest cooperation of the automotive industry with the Military and civil authorities and the public; now, therefore, be it

Resolved by the Assembly of the State of California, That this body hereby expresses its appreciation to the Honorable John L. Rodgers for visiting the Pacific Coast during this period of emergency in order to coordinate motor transportation; and be it further

Resolved, That this Assembly likewise desires to thank the motor transportation industry for the spirit of helpfulness and cooperation with which they have welcomed the Civilian Motor Transportation Coordinator; and be it further

Resolved, That copies of this resolution suitably engrossed be transmitted by the Chief Clerk of the Assembly to Honorable John L. Rodgers, and a copy of this resolution be transmitted to the President of the United States, and to each member of the Interstate Commerce Commission

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 50, at this time, without reference to committee.

Resolution read and adopted unanimously.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 13—Relative to memorializing Congress to amend the Social Security Act to permit recipients of old age assistance to engage in gainful employment without reduction in amount of old age assistance.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Resolution read, and ordered engrossed.

MOTION TO PRINT IN JOURNAL

Mr. Crowley moved that the following communication be ordered printed in the Journal:

Motion carried.

WINTERS, CALIFORNIA, January 3, 1942

*Assemblyman Crowley,
State Capitol, Sacramento, California*

DEAR SIR: As a tax-paying fruit grower in Northern Solano County, and on behalf of others in the same field, I wish to make an emergency request of you.

This emergency is the presence of an agricultural labor shortage and the prospects of a still more acute situation for our harvest needs.

We ask of you, as one of our representatives called to the special session of the Legislature—

First, that you call to the attention of the session, the dire need for immediate attention to the agricultural labor shortage; and

Second, we urge that you also act upon same, whereby the agricultural needs of the State can be met.

We have confidence that you will take this request in hand and take action upon same immediately.

Very truly yours,

WEAVER GADDINI
NORMAN GADDINI

MOTION TO PRINT IN JOURNAL

Mr. Salsman moved that the following remarks by Mr. Tenney be ordered printed in the Journal.

Motion carried.

Address of Assemblyman Jack B. Tenney Before the Southwestern Luncheon Club, January 8, 1942

Chairman Judge Ben Brown, distinguished guests, and my friends of the Southwestern Luncheon Club:

It is always a real pleasure for me to attend your monthly meetings. Whether I happen to be the principal speaker or just one of the boys listening to a *good* speaker, makes no difference. It is a genuine pleasure to gather with you—to again enjoy the fine hospitality of Fred Harlow and the good fellowship that always characterizes meetings of this club. I regret that my duties keep me away so frequently. In these troublesome times it is important that we forget, occasionally, that we are Republicans and Democrats and what-not, and just remember that we are *Americans*—united in one great purpose in times like these—the preservation of our Country, its democratic institutions, its Constitution and its great traditions—and our *American* way of life. The members of the Southwestern Luncheon Club—you, gentlemen—have always maintained this splendid spirit of nonpartisanship in these gatherings.

When last I addressed you we were still a Nation at peace. Although the clouds of war surrounded us on every horizon we were still leisurely pursuing our businesses and our pleasures without too great a concern as to what happened in Europe, in Africa or in Asia. Then came December 7th with yellow treachery in the Pacific—*Pearl Harbor!* Today, we are at war! Our Country is in peril. We have been attacked by an unscrupulous enemy—shamelessly attacked—attacked,

while the envoys of Japan and the officials of our own Country sat in Washington discussing the ways and means of keeping the peace in the Pacific. American soil has been defiled and desecrated by invasion—American boys have been murdered. We are at war! And, gentlemen, it isn't for marbles—and it is for *keeps*!

No one questions the ultimate outcome. America has never lost a war. Hitler will be crushed. Mussolini will be crushed. Japan will be crushed. The arms of the United States will ultimately triumph as they have triumphed throughout our history. The only question that seriously confronts us—if we may dare speak of it at this time—is winning the *peace*. I desire to speak to you of that question a little later; I wish to present a few facts in this connection for your thoughtful consideration. I sincerely believe—if we are to win the peace after we win the war—that we must start fighting for the peace NOW, *while* we are fighting to win the war.

This morning, the mayor and some of the councilmen of Redondo Beach personally conducted me on a tour of inspection along Redondo's coast line. They wanted me, as their Representative in the State Legislature, to see first hand the problems confronting the City of Redondo Beach now urgently pressing because of the war emergency. Most of my time since the outbreak of hostilities has been spent in these matters and I assure you that the problems appear to be many. Our municipalities and our counties are all concerned over increased expenditures for war outlays; expenditures for increased man power in law enforcement agencies and in fire-fighting personnel—for fire-fighting equipment and the many other sundry and varied expenditures necessary for the protection of communities situated in a combat zone. Municipalities, like Redondo Beach, can not finance these unexpected, unbudgeted and additional demands and, consequently, turn to the State Government for assistance. I introduced a bill in the first part of our recent extraordinary session of the Legislature calling for an appropriation of an amount to be later determined, for the purpose of financing fire-fighting equipment to be furnished cities and counties. Several similar bills were introduced by other Members of the Legislature. My bill is Assembly Bill No. 22 of the present extra session. The provisions of the bill, I felt, were an obligation of the State to cities and counties directly in the now established combat zone. Our Legislative Counsel at Sacramento believed, at the time I introduced Assembly Bill No. 22 that its subject-matter was within the call of the Governor. The Legislative Counsel Bureau has since reversed itself, however, and we are now told that we can not act on these matters unless the Governor sees fit to include them in a new call of the Legislature. I am glad to have this opportunity to convey this information to you, as many of you have been laboring under the impression that these particular problems were now in the hands of your Legislative Representatives at Sacramento.

The Governor called the Legislature into extraordinary session December 19th. We were asked to make an appropriation for the State Guard and an appropriation for the Governor's Emergency Fund—some \$37,000,000 in the first instance, and around \$10,000,000 in the second. Amounts necessary to support the State Guard varied—"no one can blue-print a war" became a stock answer on this topic. The Governor finally suggested the sum of \$17,000,000. Several schools of thought rapidly developed on the subject. One group held that the State should be just as "all-out" as the United States; that the Legislature should immediately appropriate any amount necessary to fully equip and maintain a force of 26,000 men under arms for a period of one year—and were willing to write blank checks for the Governor's Emergency Fund. Another group held that Military forces should, and would, be supplied by the Federal Government and that it was not the duty of the State of California to establish any considerable Military force and to maintain it with appropriations running into the millions. To clarify my position, I will say that I was, and am, for a State Guard. The Federal Congress had authorized the several States to create such a force to take the place of the National Guard, now called to regular service with the armed forces of the United States. Pursuant to this authorization the California State Legislature had created the California State Guard back in 1940—it was, and is, on our Statute Books. It seems only logical to me that the Legislature should now stand behind the organization it has brought into being. I want to say right now that I am firmly convinced that the Legislature *will* stand behind the State Guard.

The State Guard is one of the finest spirited groups of men that I have ever known. Since its inception the men and officers have completely financed themselves, buying their own uniforms and equipment. They have given freely of their own time, drilling and sweating, while most of us went about our personal pleasures and our business pursuits. Neither the men nor the officers have received any compensation for their efforts. Some 96 per cent of the officer personnel is composed of ex-service men—veterans of World War Number One. Over 60 per cent of the enlisted personnel is composed of ex-service men. Up to just recently the greater part of these men and officers were exempt from Federal selective service and they wanted to do what they could to serve their State and their Nation. They are

willing to defend the borders of the State of California and to lay down their lives in the doing of it if it be necessary. They exemplify the spirit of our Country's best tradition and California may well be proud of them.

The Members of the Legislature—and I am not making any exceptions—are patriotic citizens doing their level best to represent the people of their districts—to do the best thing possible for the welfare of the State of California and the Nation. The present personnel of the California Legislature has proved its far-sightedness in many matters. Though I disagree vehemently with many of the Members from time to time on matters pending before us, I have learned that their motives are usually the same as my own—that each Member is looking only to what he believes is best for the greatest numbers of our people. I sincerely believe that this is true of the great majority of our public officials—whether they act as councilmen in a small community or sit in the Senate of the United States. This is most particularly true in times such as these—when the safety and the preservation of our Nation perhaps hangs in the balance. My experience, as a Legislator, has taught me that on occasions I have been wrong and I have learned that, on occasion, my opposing Colleague was right. This is democracy. In times of peace it doesn't make too much difference if we are wrong part of the time. We have time to correct mistakes. During times of war, however, we can not indulge in the luxury of making mistakes, because we may never have an opportunity to correct them. So, you may have full confidence in your Legislature. It does not intend to make mistakes in times such as these. An appropriation of \$1,000,000 was passed by both houses, augmenting the Governor's Emergency Fund, which still totaled some \$700,000. Half of the \$1,000,000 appropriated was earmarked for the maintenance of the State Guard. A Committee of 22 Senators and Assemblymen was created to study the situation and the Legislature then recessed to reconvene again January 12th—next Monday. When we reassemble we will hear the report of the committee and proceed to do the job demanded by the people and the circumstances confronting us. Senator Kenny of Los Angeles County and Speaker Gordon Garland of the Assembly have been in Washington, and they will report to the Legislature the part the Federal Government intends to play in the present problems before us in California because of the war.

As most of you know, I have headed the Fact-Finding Committee on Un-American Activities in California since early in 1941. I have made reports to you from time to time on the work of the committee. Speaker Gordon Garland has given me fine men on this committee. Assemblyman James Phillips of Oakland, who served with me before, is one of the members of the present committee. Assemblyman Hugh M. Burns of Fresno, Assemblyman Nelson Dilworth of Hemet, and Assemblyman Jesse Kellems of Bel-Air are the other members. They are a sincere, hard-working group of committeemen and if our work has met with your approval the credit should go to Speaker Garland for his excellent selections and to these Colleagues of mine.

Many of you will recall our hearings in Los Angeles last October when we inquired into the activities of the German-American Bund and into the activities of such individuals as Robert Noble and organizations such as the National Copperheads and the America First Committee. The Federal Bureau of Investigation made a number of arrests of people who had appeared before our committee, shortly after the attack on Pearl Harbor. As far as we know these individuals have since been released and I am now told that they will not be prosecuted.

We had just completed a series of hearings in San Francisco when war came. Some of the things revealed in the San Francisco hearings had shocked the entire State, and during the taking of testimony in that week before Japan's dastardly attack on Hawaii, we—the members of the committee, accustomed as we were to the dark machinations of the subversive and treacherous groups we were studying—were amazed and alarmed, indeed—because things we *knew* couldn't happen *here* were actually happening *here*! Then came the war—and with it *strange bedfellows*! We were confronted with a very serious question when we reflected on these bedfellows. Our National Government, through its proper agencies, would immediately take over most of the Axis enemies within our borders and continue to run them to earth. Of this we felt certain. What, we asked ourselves, would happen to the American Communists—enemies of America, working just as hard as ever before for the overthrow of our form of government and for the establishment of a dictatorship in the United States? Russia—Red, Communist Russia is an ally of the United States! Although highly significant that Russia was not, and *still* is not, fighting Japan, and that a non-aggression pact exists between them apparently insuring continued friendly relations—it remains that Russia is fighting Germany and Hitler—the chief enemy after all—at least for the moment—of our Country. While Russia, the home and fatherland of Communism is actually fighting Hitler it is also a fact that American Communists continue and *will* continue, under the camouflage of the Communist Party line-slogan "National Unity" to undermine and destroy the Democracy and the Constitution for which we are fighting. An attack—or a continued attack upon the activities of the American Communists, therefore, appears—and the Communists see to it that it *does* appear—

to be an attack upon "National Unity"—and places a stigma upon those who dare to criticize these American agents of Stalin. Regardless of the consequences—regardless of the subtle propaganda of the Communist party itself, the members of the committee of which I have the honor to head, decided to go ahead with the investigation. The Legislature—the Assembly—incidentally, passed a resolution in December commending the committee and expressing a desire that the committee continue with its work. I will speak a little later on this peculiar situation concerning Communism and the United States in relation to the war.

For many months the committee's investigators had gathered information concerning the Fascist activities in and around San Francisco. The committee, in executive session, set December 1st of 1941 as the date for the public hearings in San Francisco. Just before leaving for San Francisco I read of the action of the Parole Board in paroling certain men known as King, Conner and Ramsay. These men had been convicted of murder and had served but four years and seven months of what was to have been a 20-year term in San Quentin Prison. I knew very little about the case. My interest was aroused by a statement made by Attorney General Earl Warren concerning the action of the Parole Board. The Attorney General charged in substance that the parole of the men had been accomplished through Communist influence and pressure. If the statement of the Attorney General was true, certainly the matter fell squarely within the jurisdiction of the Fact-Finding Committee on Un-American Activities. I could briefly summarize the entire matter by stating that the Attorney General's statement was true in every respect and was amply corroborated by the testimony adduced before our committee in San Francisco.

Earl King headed one of San Francisco's waterfront unions. The evidence before us left no doubt in our minds as to King's Communist Party affiliation. He was seen frequently at the Communist Party headquarters in San Francisco. And he apparently had ambitions of setting himself up as the Red Commissar of San Francisco's waterfront.

Chief Engineer George Alberts of the ship *Point Lobos* was an avowed enemy of Communism and all that Communism stands for. Perhaps he was too outspoken in his opinions concerning it, its members and its leaders. Some of us have had the courage to make that mistake—if it is a mistake. George Alberts fought Communism wherever he found it—on board ship, on the shore and in the labor unions connected with ships and shipping. Everything that we have learned about young Alberts—he was only about 36 or 37 when the assassins struck him down—indicates that he was able, courageous and strong in his convictions. He had a wife and children—and he was leaving them again for the sea on the ship *Point Lobos*.

It is important for you to know that the union headed by Earl King was not engaged in any dispute with the *Point Lobos* or with the company that owned it. There was no labor dispute of any kind. There were no pickets walking up and down in front of the gangplank of the *Point Lobos*. There is not a single shred of evidence to indicate any legitimate labor difficulty. There was some averment of a man being fired—that is about as close to a labor dispute as they could come. So the labor angle of the case is out completely.

Several days before the *Point Lobos* sailed a man came to see George Alberts and told him that he had heard from authoritative sources on the waterfront that—translating the slang of the sea—Alberts was to be killed. The chief engineer laughed at the man and refused to take him seriously. In desperation the man, alarmed at what he knew, sought the captain of the *Point Lobos* and told him that the life of his chief engineer was in peril. Nothing was done about it, apparently no one took it seriously. The man who warned Alberts told the committee about it—*under oath!*

Frank Conner, E. G. Ramsay, George Wallace, a man known as "Wimpy" Sakovitz and some unidentified seamen met in Earl King's office at the union headquarters. King gave them their instructions and secured money for them from the secretary of the union—a man named Murphy. The janitor of the building secured at least one weapon for the party. The chairman of the Parole Board—Mr. Goodman—averred in his unprecedented "opinion"—or apology—for the board's action in paroling the men, that it was clear that the men only intended to commit a "simple assault"—that they just intended to beat Alberts up a bit.

The *Point Lobos* was ready to sail. King's picked men attempted to waylay Alberts Saturday, March 21, 1936. They were unsuccessful but decided to try again the next day. The following day was Sunday—March 22, 1936. Alberts entered his cabin, laid his cap on the pillow of his bunk, and removed his coat, preparing, perhaps, to change to more sea-going clothes. Conner had stationed himself at a concealed spot in the corridor which led to Alberts' cabin. At Conner's signal Sakovitz—and perhaps some of the unidentified seamen—moved stealthily down the passageway and quickly entered Alberts' cabin. The door was closed and no doubt Conner heard the muffled blows and the thud of heavy bodies that attends a deadly conflict. Wallace declared afterwards that he heard sounds like "Ugh, ugh, ugh." Within a few moments Sakovitz emerged with blood on his hands and crept hurriedly down the passageway, telling Wallace "you had better beat it." The deed

was done. Alberts lay dead on the floor of his tiny cabin in a pool of his own blood. Another threat to Red Communist domination on San Francisco's waterfront was liquidated.

We saw and studied the pictures of Alberts' cabin taken but a few minutes after King's goons had committed their "simple assault." We saw and reluctantly studied the pictures of Alberts' mutilated body and heard the report of the physicians who scientifically—in cold, impartial professional language—told of the wounds found upon the dead engineer's body and the cause of his death. I have never heard of a more cold-blooded, ruthless and unwarranted slaying of a human being. A hard and telling blow with a metal instrument had crushed the flesh from the back of Alberts' head. The pictures revealed hard and heavy blows behind each of the engineer's ears. A knife had been thrust into his neck, his chest and shoulders. A powerful thrust carried the blade of a knife through both walls of Alberts' abdomen. And as if this were not enough, the knife was thrust with terrific force into Alberts' thigh, in the rear, just below the buttocks and then ripped downward toward the knee-joint some nine and a half inches, severing the leg's great artery. Alberts must have bled to death in a very short time. This type of thing, gentlemen, is the result of what some people have termed "intent to commit a simple assault."

Shortly after the commission of this revolting crime, several Communist comrades made an appearance before the campus branch of the Communist Party in Berkeley. They announced that two of the "comrades" were in difficulty; that they were about to be "framed," and that they must be hidden until money could be raised to finance their escape from California. A place of concealment was immediately found in the home of one of the campus branch members. Wallace and Sakovitz proved to be the "comrades" in difficulty. Thus, gentlemen, is from the testimony of a man who was a Communist at the time, and who was present at the meeting of the campus branch of the Communist Party I have just referred to.

Wallace and Sakovitz went to New York City. Sakovitz had the proper Communist connections in New York and visas, credentials and passage was secured for him and he sailed for the Red Fatherland—Russia. Wallace was left stranded—high and dry. He dared not look for work under his own name—and he could not look for work under an assumed name because of the union. He desperately attempted to contact King in San Francisco for assistance. Failing to hear from King he finally resolved to return to San Francisco. King was not in the city when he arrived. He saw Murphy, the secretary and treasurer of the union. Wallace was not a Communist apparently, but the San Francisco Communists undoubtedly felt that they must help him in order to protect the others. They got rid of Wallace as quickly as possible and hoped to ship him off to Russia. He returned to San Francisco a second time, and a Lawrence Ross—then the editor of the Western Worker, the official organ of the Communist Party on the West Coast at that time (now the People's Daily World) met with Wallace. A forged union book in the name of "George White" was secured for Wallace from Murphy, the secretary or assistant secretary and treasurer of the union, and funds were furnished for him. He was advised to escape into Mexico. He apparently made several unsuccessful attempts through Juarez. He frantically made further attempts to contact King in San Francisco, writing under the name of "White" and addressing his communications through Murphy using an assumed name for Murphy. One of Wallace's letters found its way into the hands of the District Attorney of Alameda County, in which he stated that he was going to Brownsville, Texas and that he would attempt to cross into Mexico from that point. He begged for assistance and directed that he be communicated with through general delivery at Brownsville. The officers from Alameda County were waiting for him when he entered the post office expecting to hear from King.

A jury of 12 citizens of Alameda County found King, Conner, Ramsay and Wallace guilty of murder. Sakovitz was safe—far away under the protection of the Kremlin in Moscow. Wallace confessed and thereby won the undying hatred of the Communists. Conner also confessed, but later attempted to repudiate his confession. Aubrey Grossman and Herbert Resner were defense attorneys for King, Conner and Ramsay. We have overwhelming evidence that both Grossman and Resner are members of the Communist Party. Another defense attorney was George Anderson, the official counsel for the Communist Party in California. The case threaded its way through our appellate courts all the way to the Supreme Court and the decision of the trial court was confirmed all the way.

Probably it was Sakovitz who struck the engineer down. He had blood on his hands when he left Alberts' cabin. But each was just as guilty under the law as the assassin who struck the fatal blow. I have but very briefly sketched to you the salient facts as they were unfolded before the committee. There are many, many other details, uncontroverted, that I can not take the time here to relate to you. I have read the opinion and the decision of the district court of appeal handed down in January of 1939 on the case, since our committee went into the matter in San Francisco. Because Mr. Goodman, chairman of the Parole Board has attempted to over-rule the highest courts in California with what he has termed merely an

"intent to commit a simple assault," I wish to read to you a couple of paragraphs from the opinion of the appellate court (85 Pac. (2d) 937) :

"In the present case there is presented no question of death resulting from the commission of a simple assault or occurring in the commission of a misdemeanor. There is here a death resulting from the use of a deadly weapon which the appellants say they never intended. Such weapon was, however, actually used, and by one who joined with them in the plan to beat up the deceased, which plan they counseled. The question is whether the use of such a deadly weapon upon the person of Alberts and his resulting death was a natural or probable consequence of the plan or agreement among the actual assailants and for which the appellants may be held liable, two of them, Ramsay and King, not being present.

The character of the plan is of great importance. Here, several men set out to beat up another. In the words of King, he 'sent them over to tamp the chief.' Preparations were made for trouble. It was known that he was vigorous and strong. One, at least, prior to setting out on the expedition, equipped himself with a bludgeon. At the scene of the expected trouble others were asked to stand by. Not being able to get at the victim the first day, the majority returned the second day and proceeded to the victim's place of abode aboard ship. They prepared and were prepared, to meet force with force and to overcome resistance at any cost. The natural and probable consequence of such an undertaking is homicide, and the homicide here committed by one of the conspirators is nothing less than murder. All who combined to commit the unlawful act of violence are equally guilty. The law makes no distinction between them and each is responsible for the act of any other of the party in the prosecution of the original design. All joining in the enterprise are as guilty of murder as the person who actually caused the death."

It is hard to attack the logic of the court in this opinion and no one has ever attempted to do so before in the many, many similar cases scattered throughout California's high court decisions. Why has it been done in this case?

The answer is simple. We are told—under oath—that before the Grand Jury of Alameda County brought in an indictment, the *Western Worker*—and remember, Mr. Lawrence Ross, whom I have heretofore referred to, was the editor of that Communist sheet—was crying "frame-up!" Remember too, that Conner had confessed—though he later attempted to repudiate his testimony. Scarcely had the ink dried on the decision, a portion of which I have just read here, than a spectacular hearing was held by the Advisory Pardon Board in Sacramento—at which Harry Bridges attended—and an attempt was made to recommend a pardon for King, Conner and Ramsay. Why was Wallace excluded? He was also a member of the union. The union had gone far in attempting to help him before—they had "phoneyed"—as they called it—a union book for him—and King, at one time, had managed the dues stamps in the "phoneyed" book for Wallace. No attempted recommendation by the Advisory Pardon Board is on record for Wallace.

A defense committee was set up for King, Conner and Ramsay. A drive for funds was launched throughout California labor unions by the committee. Union men do not have the opportunity and the time to investigate all of the drives launched for funds in the name of labor. It was said that "King, Conner and Ramsay had been framed by the employers"—framed because they were outstanding and effective champions of labor. Union men had never heard of King, Conner and Ramsay before—and probably very few of them have ever heard of Wallace.

Many of you will recall that I introduced a bill in the Assembly in 1940 outlawing the Communist Party as a political party in the State of California. The bill passed both houses and the Governor signed it. Shortly thereafter Anita Whitney, a self avowed Communist, went on the radio and condemned the Governor and everyone concerned for having removed the hammer and sickle from California ballots. Shortly after that, we are told, the Governor visited King, Conner and Ramsay at San Quentin Prison. He later stated that he believed the men had served long enough for the crime they were alleged to have committed. He later stated that he could find no evidence that the men had been "framed." About three months ago, Mr. Goodman was appointed to the Parole Board and became its chairman. One of the members of the board accused a man of having offered him a bribe to vote for the parole of the murderers and this Parole Board member had the man accused indicted and tried for the crime of attempted bribery of a public official. The man was acquitted. Shortly thereafter this same Parole Board member, who declared an attempt had been made to bribe him to do this very thing, voted to parole King, Conner and Ramsay.

We have checked the issues of the Communist Party newspaper, the *Western Worker*; we have followed the story through the pages of the present Communist Party organ, the *People's Daily World*. There is only one answer—one solution to this unprecedented act on the part of the Parole Board—and that is, *Communist influence and pressure*.

The Parole Board set the sentence of these men at 20 years. I understand that this means a minimum term of around 12 years—with full time off for good behavior. Wallace is still in prison. King, Conner and Ramsay are paroled.

We saw and talked to Wallace in San Quentin Prison. He told us that one of Harry Bridges's henchmen—doing time for knifing a man—attempted to stab him. He told us he was in fear of his life—that the Communist inmates behind San Quentin's gray walls had vowed to get him. George Bodle, a Los Angeles attorney, called on Wallace at San Quentin one day, Wallace told us. Bodle promised to get him a "defense committee" if he would change his story and stop his attacks upon the Communists—but Wallace told us that he refused. He is the forgotten man in this case. I say—and I know that you say—that if King, Conner and Ramsay should be freed, then so should Wallace. Oh, the Communists gave Wallace many chances—but there was always a catch in them. He must stop attacking the Communists—he must stop saying King, Conner, Ramsay and the rest were Communists. They offered him \$5,000 during his trial and promised him a lawyer—but they, not Wallace, must select the lawyer. Wallace is still in prison. He hasn't any Communist friends—and he is a menace to Communism. King, Conner and Ramsay are free to walk the streets of San Francisco and to recruit members for the Communist Party on the waterfront. These men served less than five years for murdering a man. We were told that there are men serving 10 and 15 years behind the walls of San Quentin for merely forging a check.

If any one is seriously contemplating committing murder in California, it is advisable to first join the Communist Party. Get a labor angle on the crime, and the Comrades will take care of the rest. A crime in the name of Communism is a virtue to the Communists. Communism—so say its followers *themselves*—is war! Communists everywhere, are told that they must adopt the ethics of war and its necessities. I charge that King, Conner and Ramsay are free today, merely because they are Communists, carrying out Communist strategy, and because California Communists have influence in California's Government!

I have said that Communism is war. To understand this, gentlemen—please let it sink in a moment. The Communists will tell you that the struggle between capital and labor is *class war*. They have signed a declaration of war on every institution and individual whom they consider "Allies of capitalism." This includes industries employing wage labor, educational institutions, churches, and all functions of Government municipal, State and National. It particularly includes the democracies—because in their war against the State in *any* form—and they term *all States* as instruments of capitalism and exploitation of the workers—they say that democracy is just another *form*. Because the Communist lives in a state of declared war, its members are ordered to discard all of the ways of peace. They consider themselves spies in a hostile country, waging a desperate warfare with their bare hands, their wits—spies in the land of the enemy—secret agents living in constant jeopardy. They say: "Certainly we kill, but so do all soldiers in battle." They consider themselves in continuous battle. They admit that they lie; that they commit perjury. They rationalize their conduct by asking: "Do capitalist presidents, premiers and diplomats hesitate to lie and commit perjury? Certainly not—if it furthers their country's cause." They will point out that when in the toils of enemy courts that all spies and secret agents lie and commit perjury. They are constantly in the toils of the capitalist courts and it is proper for them to lie and to commit perjury and to fool the enemy. It is their duty to the Fatherland—to Red Russia. They could tell you—if you were one of them—that they bore into every possible organization; that it is part of their general plan to place their key people in labor, in industry and in government. They back and justify their actions by pointing out that their activities are quite orthodox. Isn't that the way Hitler captured most of Europe and isn't that what he is doing in Mexico and in South America? They say they are using the approved methods of the capitalist nations they seek to destroy.

When you speak of the Hitler-Stalin Pact they grin behind your back. Certainly, they boast in their secret councils, we join forces with our enemies when it suits our general strategy. In this manner are enemies more easily destroyed. If their enemies are sentimentally honest about these agreements—so much the better. They are that much easier destroyed. Fascists, crooks, corruptionists—yes, and even Nazis, are made to order for the Communist strategy. Enemies are more easily reached when one works on the inside with them. They point out great examples among the capitalist nations. Take the United States, for instance, they would tell us. Hasn't this great democracy joined up with Stalin in order to "whip Hitler?" And isn't it true that the United States really despises Stalin and all that he stands for? And the Communist knows, gentlemen—better than any of us—how much Stalin hates the United States and Great Britain. And they also know that once Hitler is "whipped"—that the United States must either accept Communism or destroy Stalin. If you have any doubt in your minds about this, please remember that the slogan of the Communist Party is "No compromise."

Yesterday it suited Stalin and the Communists to join hands with Hitler—to give Hitler an opportunity to dominate western Europe. They invaded Finland

and crushed the independence of the Baltic States. They partitioned Poland with their Nazi partner. Meanwhile the American Communist, carrying out Moscow strategy, attacked the President of the United States as a warmonger and joined hands in America with the agents of Fascism and Nazism and the America Firsters. When Hitler double-crossed Stalin before Stalin found the proper moment to double-cross Hitler, the American Communists changed over night and have now become loyal and patriotic American citizens—in the People's World. But they have their fingers crossed. They will remain loyal American citizens only so long as this deceit suits their military plans for our eventual destruction.

Please permit me to say that I am 100 per cent behind the President—that I am firmly convinced that we must utilize every individual and every weapon that is available for use against Hitler. I will even bow—at this time—to Communist logic. We must use Stalin as long as he fights Nazism. But I am thinking of tomorrow—that tomorrow that will come just as sure as we are here today—that tomorrow when Hitler is crushed and Japan is crushed and our Country is again victorious. I am thinking of perhaps eight or ten million American soldiers being demobilized. I am thinking of the closing down of our war industries. I am thinking of wide-spread unemployment. I am thinking of a staggering National debt. And gentlemen, believe me—the Communists are thinking about all of these things. They are now placing new and unknown Comrades into key positions in labor, industry, Government and into civilian defense set-ups, into the Army and into the Navy. They expect an economic collapse in America. They expect uprisings in Europe. They expect and are preparing for a Sovietized Europe. They will demand a Sovietized America.

Before Hitler goes under, the Communists have prepared for and will bring about uprisings in Nazi dominated Europe. Before a Peace Conference is ever called, they expect Soviet Governments in France, in Germany and in the Balkans. There will be nothing for America and England to discuss. It will be all over in Europe. The people of that unfortunate continent will have exchanged the Nazi dictator for the Communist dictator—Stalin! And the agents of the Kremlin will be busy in England and in America. The Kings, Connors and Ramsays and their Comrades may be reporting to Moscow that the situation is well in hand in California.

There is much to be done as we fight to win this war. American men and women should never again go hungry in this Country; American men and boys should never again wearily tramp the streets in search of work that can not be found. We will have to take care of these things, not only because it is the stuff on which Communism feeds, but because we can do the job. I believe that this economic job can only be accomplished in a democracy. We can and will do what is necessary to be done.

I hope that we will not be too late to do something about Communism. We may stamp out the pestilence that is Germany, Italy and Japan, only to find that we have built a Frankenstein—a Red, leering, Oriental monster named Stalin—who will desire to rule the world.

We will win the war! Let us also resolve to win the *peace*!

RECESS

At 12.03 p.m., on motion of Mr. Lyon, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding

REQUEST FOR UNANIMOUS CONSENT

Mr. Desmond asked for unanimous consent to consider Assembly Bill No. 36, at this time.

Unanimous Consent Withheld

Mr. Bashore withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Desmond moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 36, at this time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 3.07 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY
DISPENSED WITH ON MOTION TO SUSPEND RULES**

At 3.20 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 3.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY
DISPENSED WITH ON MOTION TO SUSPEND RULES**

At 3.26 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Rules were temporarily suspended by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastam, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—49.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dill, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Mason, Meehan, O'Day, Potter, Riche, Robertson, Russell, and Thomas—23

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read

Motion for Committee of the Whole

Mr. Desmond moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing arguments on Assembly Bill No. 36, with understanding that final action be held in abeyance until Wednesday.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Gordon H. Garland presiding.

Speakers in Committee of Whole on Assembly Bill No. 36

1. Raymond Clar, Chief Deputy State Forester, Division of Forestry, Department of Natural Resources.

- 2 James Mace, Deputy State Forester.
3. Ralph Williams, State Council of Defense.
- 4 Roland Vandegrift, Legislative Budget Adviser.

On motion of Mr. Desmond, the committee did arise, and report back to the Assembly.

IN ASSEMBLY

Speaker Gordon H. Garland presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 34

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 14

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "or other utility", and insert "electric railway, motor bus company, or other utility, or any National defense industry,".

Amendment read and adopted.

Bill ordered reprinted, and re-engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported resolution ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

LYON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 20, of the printed measure, before the semicolon, insert "and Sections 1390 to 1394 of the Labor Code and Sections 1170 to 1184 of the School Code provide for the conditions under, and the hours during, which minors may be employed".

Amendment No. 2

On page 2, line 5, of the printed measure, before the semicolon, insert "and with respect to the conditions under, and the hours during, which minors may be employed".

Amendments read and adopted.

Resolution ordered reprinted, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed bill, strike out lines 21 to 23, inclusive, and insert "for, or for persons evacuated from such district by order of any Military officer of the United States or the State of California to meet an emergency created by war, or of any civil".

Amendment No. 2

On page 2, line 1, of the printed bill, after "evacuation", insert "to meet an emergency created by war".

Amendment No. 3

On page 2 of the printed bill, strike out lines 12 to 14, inclusive, and insert "vailing epidemic, or by any order of any Military officer of the United States or the State of California to meet an emergency created by war, or of any civil officer of the United".

Amendment No. 4

On page 2, line 16, of the printed bill, after "order", insert "to meet an emergency created by war".

Amendment No. 5

On page 2 of the printed bill, strike out lines 34 and 35, and insert "by order of any Military officer of the United States or the State of California to meet an emergency created by war, or of".

Amendment No. 6

On page 2, line 38, of the printed bill, after "closed", insert "to meet an emergency created by war".

Amendment No. 7

On page 2 of the printed bill, strike out lines 49 to 51, inclusive, and insert "because of an order of any Military officer of the United States or the State of California due to an emergency created by war, or of any civil officer of the United States, the State".

Amendment No. 8

On page 3, line 1, of the printed bill, after "order", insert "due to an emergency created by war".

Amendment No. 9

On page 3 of the printed bill, strike out lines 11 to 13, inclusive, and insert "class or classes, because of an order of any Military officer of the United States or the State of California due to an emergency created by war, or of any civil officer of the United".

Amendment No. 10

On page 3, line 15. of the printed bill, after "order", insert "due to an emergency created by war".

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered :

Assembly Joint Resolution No. 15: By Messrs. Voigt, Allen, Kel-
lems, Lyon and Doyle—Relative to a Continental Defense Force.

Referred to Committee on Rules.

Assembly Joint Resolution No. 16: By Mr. Burkhalter—Relative to
investigation and action by the Engineering Corps of the United States
Army to prevent stoppages of work at the Lockheed Aircraft Plant at
Burbank, California, because of flood conditions

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 21: By Messrs Evans and
Kellems—With respect to self-help cooperatives.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on
this day adopted:

Assembly Concurrent Resolution No. 20

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

RESOLUTIONS

The following resolutions were offered :

By Mr. O'Day :

House Resolution No. 51

Relative to an additional appropriation from the Contingent Fund for the Assembly
Committee on Camps for Juvenile Delinquents

WHEREAS, By House Resolution No. 249 of the Fifty-fourth (Regular) Session
of the Legislature, the Assembly Committee on Camps for Juvenile Delinquents was
created ; and

WHEREAS, It is necessary for the proper functioning of that committee to make
additional funds available to it ; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of fifteen
hundred dollars (\$1,500) is hereby appropriated to the Assembly Committee on
Camps for Juvenile Delinquents from the Contingent Fund of the Assembly, said
sum to be in augmentation of any and all sums heretofore appropriated to said
committee.

Resolution read, and referred to Committee on Rules.

By Mr. Field:

House Resolution No. 52

Relative to adjournment out of respect to the memory of the Honorable John Robert White, Jr.

WHEREAS, The Members of the Assembly are saddened by the news of the recent passing of the Honorable John Robert White, Jr., at the age of 71 years; and

WHEREAS, The Honorable John Robert White, Jr., came to this Legislature as a Member of the Assembly in 1919, and served in that capacity through the Legislative Sessions of 1919 and 1921, winning the admiration and respect of all who came to know him; and

WHEREAS, The Honorable John Robert White, Jr., was the recipient of public trust and confidence for a long period of time, having been honored by his fellow citizens of Glendale with the office of mayor of that city prior to his legislative service, and having subsequently held the office of United States Land Registrar in Los Angeles from 1932 to 1935; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of our former Colleague, John Robert White, Jr., and that the sincere condolences of this Assembly are hereby extended to his widow, Mrs. Rose White, and to his four sons, Douglas A. White, Gordon A. White, Kenneth A. White, and John Robert White III; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the members of the family of our departed friend.

Request for Unanimous Consent

Mr. Field asked for, and was granted, unanimous consent to take up House Resolution No. 52, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 13, 1942

*Honorable Randal F. Dickey, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Scope of Proclamation
REQUEST: No. 4827

DEAR MR. DICKEY: We have examined the measure entitled.

"An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. A. WELTNER, Assistant Counsel

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 38: By Messrs. Dickey and Watson—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Without reference to committee.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE**

Mr. Kilpatrick gave notice that on the second legislative day, he would move to withdraw Assembly Concurrent Resolution No. 8 from the Committee on Rules, and have it placed upon the file.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2
FROM COMMITTEE CONTINUED**

Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued until the next legislative day.

Motion carried.

ADJOURNMENT

At 5.05 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Wednesday, January 14, 1942, out of respect to the memory of the late Hon. John Robert White, Jr.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY
TWENTY-SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, January 14, 1942

The Assembly met at 10 a m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Richie.

REPORTS OF STANDING COMMITTEES

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred.

Assembly Bill No 35

Has had the same under consideration and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 35
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 33
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 18
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Voigt, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Cain, Call, Carlson, Clarke, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger,

Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Russell, Salsman, Stream, Thorp, Turner, Voigt, Watson, Welch, Weybret, Wollenberg, and Mr Speaker—50.

NOES—Collins, Sam L., Howser, F. N., and Riche—3.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 20—Approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941; And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of January, 1942, at 10 30 a.m.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 13, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNUMUS: We have examined a measure entitled

"An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately;"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Gardiner Johnson.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 39: By Messrs. Johnson, Kellems, Wollenberg and Lowrey—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Concurrent Resolution No. 22: By Mrs. Daley and Mr. Garland—Relative to the purchase of defense bonds by public officers and public employees.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Poulson, Field, Kellems, Carlson, Wollenberg and Miss Miller:

House Resolution No. 53

Relative to the birth of Jacqueline Ann Johnson

WHEREAS, Ever since the day Adam had his famous operation (for which he has ever since taken a lot of ribbing) it has become a firmly established doctrine of modern civilization that both sexes are equal (except in streetcars and bargain basements); and

WHEREAS, Any lapse from this deep-rooted principle has been productive of such mild horrors as suffragettes and the Nineteenth Amendment, as to which the more mature males of this Assemblage could testify—if they dared; and

WHEREAS, In the month of December this Assembly offered deserved congratulations to no less than four proud parents among its membership on their acquisition of male progeny, but completely overlooked the equally important birth on July 6, 1941, of Jacqueline Ann Johnson, first born daughter of Gardiner and Doris Miller Johnson; and

WHEREAS, Such oversight smacks of unjust discrimination and downright unchivalrous conduct, in view of the ever increasing part which the female of the species is taking, and we mean take, in modern life, what with the war depleting the ranks of industry, business, and commerce of men; now, therefore, be it

Resolved by the Assembly of the State of California, That we, the Members of this Assembly, offer our apologies to Jacqueline Ann Johnson for our unintentional oversight and extend to her and to our friends and her parents, Gardiner and Doris Miller Johnson, our heartiest congratulations upon her entry into this world, such congratulations to take effect retroactively as of July 6, 1941; and be it further

Resolved, That a suitably prepared copy of this resolution be presented to Jacqueline Ann Johnson in commemoration of this event.

Request for Unanimous Consent

Mr. Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 53, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Howser, F. N., and Stream:

House Resolution No. 54

Relative to a special session of the Legislature to consider grants for defense purposes by the State to local governmental units

WHEREAS, At this, the First Special Session of the Fifty-fourth Legislature, a number of bills have been introduced providing for State aid to local governmental units in carrying on defense programs; and

WHEREAS, The need for this legislation is based upon the palpable present exposure of the civil population and property in this State to attack and sabotage by the enemy and is most urgent; and

WHEREAS, Local governmental units are immediately able to take charge of this situation upon funds being furnished to them, no State officer is presently equipped to undertake the necessary measures, and much time must be lost if a State agency is to be organized to undertake this work; and

WHEREAS, There is a grave doubt whether the bills introduced to provide for this problem are within any of the subjects upon which the Legislature may enact legislation under the Proclamation convening the First Special Session of the Fifty-fourth Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is most urgently requested to convene the Fifty-fourth Legislature in a special session to consider and act upon legislation providing for State aid to local governmental units to aid them in carrying on their defense activities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward immediately a copy of this resolution to the Governor

Resolution read, and referred to Committee on Rules.

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following communication be ordered printed in the Journal:

Motion carried.

LOS ANGELES, CALIFORNIA, January 14, 1942

Assemblyman Charles Lyon

State Capitol, Sacramento, California

At meeting December 28th with chiefs of Santa Monica, San Diego, Inglewood, Riverside, Fontana, Redlands, Beverly Hills, Brawley, Fullerton, Pomona, Ontario, Orange, San Bernardino, Colton, Pasadena and Los Angeles County with Ralph Williams, Coordinator, present. After thorough discussion, motion for support of Forestry Division Program failed to secure second. It was the opinion of southern chiefs that State division request should be restricted to needs of that division. Further, that plan to pool State equipment for use in metropolitan areas in Southern California is impractical and undesirable. That needs of cities are immediate, and available fire equipment and pumps should be diverted to cities, inasmuch as hazard in forest areas will not exist for four to five months. If possible please enter in Assembly record to clarify attitude of southern fire chiefs.

JOHN H. ALDERSON

Chief of Los Angeles Fire Department

MOTION TO PRINT IN JOURNAL

Mr. Tenney moved that the following communications be printed in the Journal.

Motion carried.

LOS ANGELES, CALIFORNIA, January 13, 1942

Jack B. Tenney, Assemblyman

State Capitol, Sacramento, California

As Commander of the Fourth Area, the American Legion, I represent approximately 27,000 Legionnaires. Members of the Executive Committee and flood of demands from hundreds of individual members and posts have been and are continuously requesting I eagerly urge you, as our representative, to do all within your power in supporting legislation that will establish adequate finances for State Emergency Fund for civilian defense and a State Guard.

TRACY C. HICKS

LOS ANGELES, CALIFORNIA, January 13, 1942

Jack B. Tenney

State Assemblyman

Los Angeles County Council American Legion at the December meeting reaffirmed their stand urging adequate appropriation California State Guard and National Defense Fund.

JOHN J. HARTSOCK, Commander

Los Angeles County Council

Motion for Committee of the Whole

Mr. Desmond moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing arguments on Assembly Bill No. 36.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Gordon H. Garland, presiding.

Speakers in Committee of Whole on Assembly Bill No. 36

1. Maurice M. Clement, Third Vice President, California State Firemen's Association.

2. Robert A. Hatfield, member executive committee, Los Angeles Fire and Police Protective League.

On motion of Mr. Desmond, the committee did arise, and report back to the Assembly.

IN ASSEMBLY

Speaker Gordon H. Garland presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

SECOND READING OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES
Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 36
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Desmond:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 11.53 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON SUSPENSION OF CONSTITUTION ON
ASSEMBLY BILL NO. 36**

At 12.04 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 12.05 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

Honorable Frederick F. Houser Presiding

At 12.10 p.m. Hon. Frederick F. Houser, Member of the Assembly from the Fifty-third Assembly District, presiding.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered:

Assembly Joint Resolution No. 17: By Messrs. Turner, Garland, Watson, Sawallisch, Johnson, Millington, Desmond, Cain, Lowrey and Crowley—Relative to flood control on the Sacramento River.

Referred to Committee on Rules.

Assembly Joint Resolution No. 18: By Mr. Thurman—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnumus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNUMUS: We have examined a measure entitled

"An act to amend Section 553.1 of, and to add Sections 555.1 and 555.2 to the Military and Veterans Code relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization of the State Guard to permit the efficient operation thereof consistent with such pay, privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Richard H. McCollister.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 40: By Mr. McCollister—An act to amend Section 553.1 of, and to add Sections 555.1 and 555.2 to the Military and Veterans Code, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization of the State Guard to permit the efficient operation thereof consistent with such pay, privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MOTION TO PRINT IN JOURNAL

Mr. Burkhalter moved that the following communication be read, and ordered printed in the Journal:

Motion carried.

NORTH HOLLYWOOD, CALIFORNIA, January 13, 1942

*Elliott G. Burkhalter, Assemblyman
Forty-second District, State Capitol
Sacramento, California*

The Twentieth District American Legion, composed of 27 Posts with 3,500 membership, urges your support of legislation establishing adequate State Guard and civilian defense properly financed.

V. LEE WARBURTON, Commander

MOTION TO PRINT IN JOURNAL

Mr. Gaffney moved that the following communications be printed in the Journal:

Motion carried.

VETERANS OF FOREIGN WARS

SAN FRANCISCO, CALIFORNIA, January 7, 1942

*Assemblyman Edward M. Gaffney
State Capitol, Sacramento, California*

DEAR MR. GAFFNEY: It was 25 years ago that Kipling wrote:

"Arise and smite the foe,
The Hun is at the gate."

If you substitute "Jap" for "Hun" you will get a very good picture of California's situation today. Enemy submarines have sunk ships off our coast. At any time, they may throw shells into our cities. It follows, in our opinion, that this State needs and absolutely must have an efficient, mobile, modern State Guard, unhampered by restrictive legislation.

Yet the act that has come out of committee in Sacramento puts a ball-and-chain around the leg of the State Guard and then expects it to be ready and able to meet aggression from without or treachery from within.

Four of the proposed clauses are especially hampering:

(1) That guardsmen may not serve more than two weeks active duty in any period of six weeks.

(2) That the Governor may call into service only one-third of the guardsmen assigned to each of the 10 districts at any one time.

(3) That the officers' pay is drastically scaled down from its present modest levels.

(4) That existing tables of organizations are changed so as to destroy proper staff and command functions. The present tables should not be changed by legislation.

As an organization composed wholly of men who have known the hazards of active war-time service, we earnestly request—and even urge—that you rebuke all those who seek to make this an issue of petty partisan politics by vigorously supporting every effort to maintain the California State Guard as a strictly Military, highly efficient and absolutely necessary war-time unit.

Sincerely yours,

M. C. HERMANN

SAN FRANCISCO, CALIFORNIA, January 14, 1942

*Hon. Edward M. Gaffney, Assemblyman
State Capitol*

Strongly urge you oppose efforts to lower the standards of medical care for the State Guard. Present State Guard Act conforms to the medical standards of U. S. Army and Navy, which should not be lowered.

Yours respectfully,

JOHN W. CLINE, M.D., President

L. H. GARLAND, M.D., Secretary

San Francisco County Medical Society

SAN FRANCISCO, CALIFORNIA, January 12, 1942

*Honorable Edward M. Gaffney, Assemblyman
State Capitol, Sacramento, California*

Press reports indicate that State Guard Bill to be submitted by Special Committee is, in our opinion, unsatisfactory compromise. We feel that restrictions placing option of active service at caprice of individuals rather than executive officers is inimical to morale, and deviation from U. S. Army table of organization is poor Military policy. Reduction of pay for commissioned officers below Army rates will dissuade or make impossible the service of competent men. Until such time as regular Army forces amply protect secondary Military objectives, request you endeavor to obtain adequate but reasonable State support for Guard. We do not think proposed bill accomplishes this.

JOHN A. REMICK, President

San Francisco Junior Chamber of Commerce

MOTION TO PRINT REMARKS IN JOURNAL

Mr. Middough moved that the remarks of Mr. Maurice M. Clement, relative to Assembly Bill No. 36, be reduced to writing, and be printed in the Journal:

Motion carried.

**Speech by Maurice M. Clement, Captain, Long Beach Fire Department,
Third Vice President, California State Firemen's Association**

Mr. Speaker and Members of the Assembly

The California State Firemen's Association wants to go on record as NOT being opposed to Assembly Bill No. 36. We realize that the Division of Forestry has a tremendous problem on its hands in protecting the watersheds from sabotage and possible attack by incendiary bombs. Our position on this bill is merely that we wish to clarify the somewhat prevalent feeling that Assembly Bill No. 36 will provide to the cities the emergency protection they need in the event of enemy attack from the air or by shelling from enemy vessels off the coast. That is not the case.

A metropolitan fire department must build its fire defenses, whether in peace or war, upon the solid foundation of as much certainty as can reasonably be expected, that their apparatus and manpower shall be instantly available to meet whatever demands shall be made upon them. The apparatus pools mentioned in this bill will not give us that assurance.

Fire departments in defense and target areas must have apparatus that is continuously available and dependable. The factor of dependability is so important in the fire service that all our mobile equipment has dual ignition, so that in the event of failure of one system, the other will operate. Our fire alarm systems can not depend upon a single source of energy, but must be supplemented with a standby motor-generator plant powered by a gasoline or other suitable engine, with heavy duty batteries to take the load instantaneously and carry it during the interim of switching over from primary to secondary power.

The reason why two or more pieces of fire apparatus answer every call, is to provide against the contingency that one of them may meet with an accident en route.

In considering the response of apparatus from the pools to the burning areas, we have no assurance that key roads and highways will not have been closed by the Army, or at least restricted to their own uses for the movement of troops and mechanized equipment. I do not claim that such roads will be closed, but only that the Army has the authority to close them and might find it necessary to do so, thus shutting off, or at best delaying assistance that we might be expecting, and needing.

For several reasons, response of fire apparatus from pools to fires will be slow. All of you who have driven your cars under blackout conditions have first hand knowledge of the difficulties involved. I have had the added experience of responding to a fire during a blackout, and I assure you, it slows down response tremendously.

My experience in that regard has shown me that it is very difficult even for a driver who is thoroughly familiar with the area in which he works to find his way around in a blackout. What, then, must be the situation facing a driver from the pool, running into an area with which he is not familiar? Another vital factor involved is the distance between the pool and the fire area, which in some cases we must believe will be considerable. Faced as the driver would be with all the handicaps enumerated, his arrival at the scene where his apparatus is needed would be so long after the call had been placed as to be of very little value, at least in the larger centers of Military defense.

I have just finished recruiting a force of some 900 auxiliary firemen in the City of Long Beach, of which about 750 are now undergoing training. The principle of the use of auxiliary firemen is that they shall have auxiliary apparatus upon which to train, and with which to operate. An experienced fireman can operate a strange pumper after but a few moments examination, but these men are not experienced firemen. Their training must necessarily be restricted to a few of the fundamentals of fire extinguishment. Thus it can readily be appreciated that to suddenly attach these auxiliary firemen to a strange piece of fire apparatus, during a blackout, and under conditions of extreme excitement would develop a chaotic situation.

May I call your attention to the situation at Terminal Island, where many defense projects are in operation. The island is reached only by two bridges that stand side by side, and a ferry operating at the west end of the island. Two well-placed bombs, or simple acts of sabotage could destroy these avenues of access, resulting in complete isolation of the island. Obviously, in this situation, the pool would be of no help.

Auxiliary fire apparatus, to be of value to a city in a defense area, should be designed for use on the type of hazards found in that city. Speaking again of the City of Long Beach, because I am more familiar with that area, we find this varied type of hazard: Storages of oil, gasoline and butane, some 1,600 oil wells, including, of course, the Signal Hill Area, shipyards, the airport, Army barracks, the Douglas plant, piers, warehouses and vessels, edible oil plants, automobile assembly plant, a huge power generating plant, and Roosevelt Base. Obviously, the small type of pumper it is planned to have available in the pool would be inadequate to safeguard these properties.

Auxiliary fire apparatus should be supervised, manned and operated by members of the local fire department in accord with local defense plans and local methods of operation. This would simplify tremendously the operation of control center. Control center is where the fire chief will be during an air raid, and from that point he will dispatch all the fire apparatus under his jurisdiction.

The pool system is predicated upon there being adequate fire defenses locally. The Office of Civilian Defense tells us that fire defenses are not adequate unless there have been installed from three to five auxiliary pumpers in Military target areas for every existing pumping unit. Under those recommendations, Long Beach alone would need 80 auxiliary pumping units.

Speaker Presiding

At 12.25 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SUSPENSION OF CONSTITUTION ON ASSEMBLY BILL NO. 36

At 12.27 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

RECESS

At 12.28 p.m., on motion of Mr. Field, the Assembly recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RECESS

At 3.05 p.m., on motion of Mr. Thomas, the Assembly recessed until 3.10 p.m.

REASSEMBLED

At 3.10 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined measures entitled as follows:

"An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately."

"An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately."

We report that in our opinion each of these measures appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Seth Millington.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 13, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR OHNIMUS: We have examined the measures entitled

"An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately."

and

"An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately."

and report that in our opinion each of the measures appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Edward F. O'Day.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 41: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 42: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 43: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 44: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 45: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 46: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 47: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 48: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 49: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropria-

tion to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Without reference to committee.

Assembly Bill No. 50: By Messrs. O'Day, Collins, George D., Lowrey, Maloney, Cain, Gunlock, Gaffney, Meehan, Del Mutolo and Donnelly—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

Assembly Bill No. 51: By Messrs. O'Day, Collins, George D., Lowrey, Maloney, Cain, Gunlock, Gaffney, Meehan, Del Mutolo and Donnelly—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Without reference to committee.

Assembly Concurrent Resolution No. 23: By Messrs. Sawallisch and Burns, Hugh M.—Relative to war time legislation.

Referred to Committee on Rules.

Assembly Joint Resolution No. 19: By Messrs. Voigt, Crowley, Houser, Frederick F., Lyon, Garland and Kellems—Relative to defense of the California coast.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 54

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 8—Relating to a survey of California agricultural labor needs.

Referred to Committee on Rules.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY JOINT
RESOLUTION NO. 10

Mr. Thorp moved that Assembly Joint Resolution No. 10 be withdrawn from the Interim Committee on Budget, and re-referred to the Committee on Rules.

Motion carried.

MOTION TO PRINT IN JOURNAL

Mr. Tenney moved that the following communications be read, and ordered printed in the Journal.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Crowley, Daley, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellems, Kilpatrick, Knight, John B., Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—Carlson, Desmond, Heisinger, Johnson, Kepple, Knight, T. Fenton; Millington, Pelletier, and Potter—9.

THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA
117 VETERANS BUILDING, San Francisco

RESOLUTION

WHEREAS, The United States of America is at war; and

WHEREAS, California and the other coastal States of our Nation are in the combat zone; and

WHEREAS, It should be the desire of all Americans in every State to share the cost, the responsibility and danger of repelling possible invasion and of speedily winning the war; now, therefore, be it

Resolved, That the War Council of the American Legion, Department of California, urges the adoption of the following defense policy:

Offense against the enemy and defense of our shores against invasion is the function of the United States Army and Navy. This department pledges its full support in obtaining enlistments for our armed forces and in aiding in the full operation of the Selective Service Law.

Americans capable of special service should not be rejected by the Army and Navy for slight defects such as flat feet, impaired vision, loss of a finger or missing teeth but should be enlisted in the Federal armed forces and utilized in desk work, shop work, motor transport, communications, protection of defense installations, bridges, tunnels, canals and the performance of similar duties.

The California State Guard should be a State organization to uphold the dignity and authority of the State of California in maintaining law and order and in augmenting State, county and city authorities in the event of flood, fire, riot or other disaster.

Should sudden attack threaten any part of our State, local defense should be organized by the State Guard until the situation can be taken in hand by Federal forces. Protection of the other States of the United States against invasion through California should not be the burden of this State alone but should be the responsibility of our National Government.

The guard should be well officered, well trained, fully equipped and adequately financed for emergency duty.

All Legionnaires and citizens physically qualified should enroll for and participate in civilian defense. A coordinated program and competent, trained leadership with definite authority should be provided at once.

Every American citizen must buy defense bonds to the limit of his ability.

Be it further

Resolved, That the Legislature of the State of California be and is hereby urged to enact appropriate State legislation for effecting this program and to memorialize Congress to enact necessary Federal legislation.

RESOLUTION

WHEREAS, The Department Convention of the American Legion in session at Sacramento, August 10-13, 1941, adopted the following resolution relative to the Maritime Academy:

WHEREAS, The California Legislature, Fifty-fourth Session, recognizing the value of the California Maritime Academy as a State educational institution, and further recognizing the necessity and desirability of implementing said California Maritime Academy with adequate facilities to carry on its work; after thorough investigation and prolonged hearing, enacted an appropriation measure sufficient to provide the California Maritime Academy with proper facilities; and

WHEREAS, Said appropriation bill known as Assembly Bill No. 1078 was pocket vetoed by the Governor, and said California Maritime Academy is now without proper facilities, and unable to perform its proper function of training additional officers for the Merchant Marine so important to the National Defense Program; now, therefore, be it

Resolved, That if and when a special session of the Legislature be called, the Governor be and is hereby requested to include among the matters for the Legislature to consider and act upon, the matter providing an appropriation to provide facilities for training at the California Maritime Academy on San Francisco Bay and its tributaries, said site having been donated without cost to the State, and accepted by the Board of Governors of the California Maritime Academy.

WHEREAS, The California Legislature is in special session at the present time under a call that would permit the consideration of such defense legislation.

WHEREAS, World conditions arising subsequent to the department convention of August 10-13, 1941, now more than ever require the enactment of such legislation; therefore be it

Resolved, That the department chairman of the legislation of the American Legion have prepared, present and press for a successful conclusion by the California Legislature in special session, suitable legislation to accomplish the adequate support of the California Maritime Academy.

Speaker Pro Tempore Presiding

At 4.20 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Pfaff moved a call of the Assembly.

Motion carried. Time, 4.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Miss Miller, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 33.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill ordered transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33

On motion of Miss Miller, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 34.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Heisinger—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpat-

rick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Heisinger—1.

Bill ordered transmitted to the Senate.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Fred N. Howser, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on House Resolution No. 54.

CONSIDERATION OF HOUSE RESOLUTION NO. 54

House Resolution No. 54

Relative to a special session of the Legislature to consider grants for defense purposes by the State to local governmental units

WHEREAS, At this, the First Special Session of the Fifty-fourth Legislature, a number of bills have been introduced providing for State aid to local governmental units in carrying on defense programs; and

WHEREAS, The need for this legislation is based upon the palpable present exposure of the civil population and property in this State to attack and sabotage by the enemy and is most urgent; and

WHEREAS, Local governmental units are immediately able to take charge of this situation upon funds being furnished to them, no State officer is presently equipped to undertake the necessary measures, and much time must be lost if a State agency is to be organized to undertake this work; and

WHEREAS, There is a grave doubt whether the bills introduced to provide for this problem are within any of the subjects upon which the Legislature may enact legislation under the Proclamation convening the First Special Session of the Fifty-fourth Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is most urgently requested to convene the Fifty-fourth Legislature in a special session to consider and act upon legislation providing for State aid to local governmental units to aid them in carrying on their defense activities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward immediately a copy of this resolution to the Governor.

Resolution read.

Demand for Previous Question

Messrs. Johnson, Watson, Kellems, Waters and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 54.

Roll Call Demanded

Messrs. Lowrey, O'Day and Collins, George D., demanded a roll call.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—48

NOES—Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Heisinger, Kilpatrick, Lowrey, Massion, Meehan, O'Day, Richie, and Russell—16.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read, and ordered engrossed.

Hon. Michael J. Burns, Presiding

At 5.16 p.m., Hon. Michael J. Burns, Member of the Assembly from the First Assembly District, presiding.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ASSEMBLY BILL NO. 18**

At 5.20 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Bill No. 18 passed by the following vote:

AYES—Allen, Andreas, Bashore, Buikhalter, Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L. Crowler, Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Hawkins, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Vogt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Cain, Collins, George D., Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Heisinger, Kilpatrick, King, Massion, O'Day, Richie, Thomas, and Welch—15.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 18

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 51

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation. Amend, and be adopted as amended.

LYON, Chairman

Above reported resolutions ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**Assembly Joint Resolution No. 10**—Relative to the war between the United States and Japan and the other Axis Powers.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 8, of the printed measure, strike out "days", and insert "several hours".

Amendment No. 2

In line 3 of the title of the printed measure, after "Army", insert "and the Los Angeles County flood control authorities".

Amendment No. 3

On page 1, line 16, of the printed measure, after "Army", insert "and by the Los Angeles County flood control authorities".

Amendment No. 4

On page 1, line 23, of the printed measure, strike out "and", and insert "to the Los Angeles County flood control authorities, and".

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Resolution read

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "interior", and insert "United".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "between the ages of 44 and 65".

Amendment No. 3

On page 1, lines 17 and 18, of the printed bill, strike out "to be drawn through draft registration of able-bodied men between the ages of 44 and 65 primarily".

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

CONSIDERATION OF HOUSE RESOLUTION NO. 51**House Resolution No. 51**

Relative to an additional appropriation from the Contingent Fund for the Assembly Committee on Camps for Juvenile Delinquents

WHEREAS, By House Resolution No. 249 of the Fifty-fourth Regular Session of the Legislature, the Assembly Committee on Camps for Juvenile Delinquents was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of one thousand five hundred dollars (\$1,500) is hereby appropriated to the Assembly Committee on Camps for Juvenile Delinquents from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 8, of the typewritten resolution, strike out "one thousand five hundred", and insert "five hundred".

Amendment No. 2

On page 1, line 9, of the typewritten resolution, strike out "\$1,500", and insert "\$500".

Amendments read and adopted.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations

for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Ernest C. Crowley.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 52: By Mr. Crowley—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 20: By Messrs. Gaffney, Cain, Lowrey, Maloney, Meehan, Collins, George D., King, Heisinger, Crowley and O'Day—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Referred to Committee on Rules.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE CONTINUED

Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued to the next legislative day.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—58.

NOES—None.

Notice of Motion to Reconsider Assembly Concurrent Resolution No. 21

Mr. Dilworth gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 21 was this day adopted.

RESOLUTIONS

The following resolutions were offered:

By Mr. Evans:

House Resolution No. 55

Congratulating Honorable Cecil R. King on his birthday

WHEREAS, It has been called to the attention of the Members of this Assembly that yesterday marked the 44th anniversary of the birth of Hon. Cecil R. King, Assemblyman from the Sixty-seventh Assembly District; and

WHEREAS, During the four sessions he has represented his fellow citizens in the Legislature, he has won the friendship, the respect and the esteem of each one of his Colleagues; and

WHEREAS, Those who have come to know him during his service in this Assembly are happy to take this opportunity of expressing their feelings towards him; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby extend to Hon. Cecil R. King their most cordial and best wishes and their heartiest congratulations on his birthday; and be it further

Resolved, That a copy of this resolution be transmitted to Hon. Cecil R. King, Assemblyman from the Sixty-seventh District, by the Chief Clerk of the Assembly.

Request for Unanimous Consent

Mr. Evans asked for, and was granted, unanimous consent to take up House Resolution No. 55, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Dills, King, Kilpatrick, Middough, Voigt, Hawkins, Burkhalter, Bashore, Poulson, Allen, Evans, Tenney, Massion, Pelletier, Doyle, Poole and Thomas:

House Resolution No. 56

Relative to the furnishing of relief to single women in Los Angeles County

WHEREAS, The State of California has determined that \$40 is the minimum amount necessary to maintain elderly persons over the age of 65 years so that they may be furnished with at least the minimum necessities of life; and

WHEREAS, Unemployed single women under the age of 65 who are on relief in Los Angeles County are paid only the sum of \$19.55 per month; and

WHEREAS, The sum of \$19.55 per month is insufficient to furnish the necessities of life to such women, is a reflection upon the humanity of Los Angeles, and causes through improper food and lack of balanced diet many illnesses and much unnecessary suffering; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby requests the Board of Supervisors of the County of Los Angeles to furnish to single women on relief in Los Angeles County a sum of not less than \$25 per month; and be it further

Resolved, That it hereby request the Board of Supervisors of Los Angeles County not to establish, as a condition on the right to receive such relief, any restriction on the residence of such women and on their residing in any place of their own choosing within the County of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to send a suitably prepared copy of this resolution to the Board of Supervisors of the County of Los Angeles.

Resolution read, and referred to Committee on Rules.

RECESS

At 5.30 p.m., on motion of Mr. Desmond, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered :

By Mr. Millington :

Resolved, That Assembly Bill No. 41 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D., Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D., Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

The roll was called, and the bill passed by the following vote :

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff,

Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D, Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 42 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 42

Assembly Bill No. 42—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 42—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollis-

ter, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Pro Tempore Presiding

At 9.30 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered :

By Mr. Millington :

Resolved, That Assembly Bill No. 43 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Demand for Previous Question

Messrs. Pfaff, Kellems, Pelletier, Knight, John B., and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the resolution suspending provision of Constitution for purpose of considering Assembly Bill No. 43.

The roll was called, and resolution adopted by the following vote :

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Can, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Helsing, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 43

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McColister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bennett, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McColister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 44 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McColister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 45 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richue, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 45

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 46 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 46

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

Hon. Rodney L. Turner, Presiding

At 9.35 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 47 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 47

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of

Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 48 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 48

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Pro Tempore Presiding

At 9.55 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 49 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 49

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read second time.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

Bill ordered transmitted to the Senate.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Desmond moved to expunge the record and to rescind the action whereby the resolution suspending the Constitution in order to further consider Assembly Bill No. 36 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64

NOES—Bashore, and Hawkins—2.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Desmond:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson,

Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 2 to 4, inclusive, of the printed bill, strike out "three million eight hundred ninety-four thousand six hundred forty-three dollars (\$3,894,643)", and insert "four million twenty-two thousand seven hundred dollars (\$4,022,700)".

Amendment No. 2

On page 1, line 16, of the printed bill, strike out "and", and insert a comma.

Amendment No. 3

On page 1, line 18, of the printed bill, between "administration" and the period, insert ", and (V) not more than one hundred twenty-eight thousand fifty-seven dollars (\$128,057) for allotment to those agencies protecting watershed and timber lands, the allotments only to be allowed to be made under contract with this State, and may not exceed as to any agency the amount paid to the agency by the State for protecting watershed and timber lands during the Ninety-second Fiscal Year, but no such allotment may be made to the United States Forest Service if in the opinion of the State Forester sufficient funds are available to the United States Forest Service for the protection of private lands".

Amendment No. 4

On page 1 of the printed bill, after line 25, insert
"SEC. 4.1. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each sentence, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of such sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 13

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Request for Unanimous Consent

Mr. Del Mutolo asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 13, at this time, without reference to committee, print or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, E. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Milington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thutman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—GS.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Joint Resolution No. 10

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 13, of the printed bill, after "of", insert "13.5 per cent but not exceeding".

Amendment read and adopted.

Bill ordered reprinted, and re-engrossed.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT RESOLUTION NO. 8 FROM COMMITTEE CONTINUED

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued until the next legislative day.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 13

Miss Miller moved that Assembly Bill No. 13 be withdrawn from the file, and re-referred to Committee on Rules.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Middough, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to E. S. Hass of Essex, California.

On request of Messrs. Thomas, Doyle and Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Max Baer, former heavyweight champion of the world.

On request of Mr. Michael J. Burns, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Nelson Bowles, Martin Moggini, Albert Pedraggini, Henry Giacomini and John Nunes of Humboldt County.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Judge Robert M. Clark of Los Angeles.

ADJOURNMENT

At 10.30 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Thursday, January 15, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY
TWENTY-EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO,
Thursday, January 15, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Dovie, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Prayer was offered by the Rev. Richard C. Dwyer.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Maloney.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 16

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 36
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 14
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 23
Senate Bill No. 25

Senate Bill No. 26
Senate Bill No. 27

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 16
Senate Bill No. 17
Senate Bill No. 18

Senate Bill No. 19
Senate Bill No. 21
Senate Bill No. 29

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up Senate Bill No. 21, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 21

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Call:

Resolved, That Senate Bill No. 21 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J. Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman,

Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 21

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time.

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.
NOES—None.

Bill ordered transmitted to the Senate

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 29—An act to amend Sections 553 1, 555 and 556 1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the State Guard, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Augustus F. Hawkins.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 53: By Mr. Hawkins—An act making an appropriation for the State Guard, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 21: By Messrs. Heisinger, Stream, Clarke and Garland—Relative to manpower, production and the war.

Request for Unanimous Consent

Mr. Heisinger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 21, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 21

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hersinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Russell, Salsman, Stream, Thomas, Thorp, Turner, Welch, Weybret, and Mr. Speaker—44.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

WASHINGTON, D. C., January 15, 1942

*Honorable Gordon Garland
Speaker of the Assembly, State Capitol*

Senate bill providing for limited service Marine Corps as guards for naval shore activities has passed both houses and doubtless will be signed by the President soon. The War Department will immediately begin a program of setting up a guard organization from over age and limited service men to perform guard service for protection of defense activities, communications, and plants of Military value. Program

includes 51 battalions of 800 men each. The initial effort will provide for nine battalions at a comparatively early date with the completed program requiring four or five months involving further inductions and selections and training. These guards of course will be assigned to stations according to Military requirements of their service. The War Department desires continued cooperation of States particularly during the period of assembling its guard organizations. Thereafter State cooperation will be earnestly desired for guarding defense activities or plants for which, on account of their isolation, or other reasons, Military guards can not be expected to be supplied.

CLARENCE F. LEA, M. C.

MOTION TO MIMEOGRAPH COMMUNICATION

Mr. Maloney moved that 100 copies of the communication be mimeographed for distribution among the members.

Motion carried.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY CONCURRENT RESOLUTION NO. 21 WAIVED

Mr. Dilworth waived his notice of motion to reconsider the vote whereby Assembly Concurrent Resolution No. 21 was adopted.

Assembly Concurrent Resolution No. 21 ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

Motion carried. Time, 11.10 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

MOTION TO PRINT IN JOURNAL

Mr. Thomas moved that the following communication be read, and ordered printed in the Journal:

Motion carried.

WHEREAS, When the National Guard was inducted into the Regular Army of the United States there was formed to replace it a State Guard to act as a State Military Force and to guard places of strategic and Military value in California; and

WHEREAS, Governor Culbert L. Olson has requested the Legislature to make an adequate appropriation for the financing and equipment of an adequate guard for the protection of the tremendous natural resources, such as oil and forests, and the valuable installations such as utilities, bridges, harbors, communication lines, and railroads, of the State, all of which are so essential to the successful prosecution of the war in which California has a significant part; and

WHEREAS, There seems to be a disposition on the part of some Legislators to emasculate and hinder the development of the State Guard for political or other reasons; now, therefore, be it

Resolved, That the Los Angeles County Democratic Central Committee, being the duly elected representatives of 1,000,000 Democrats in Los Angeles County, do urgently request the Members of the State Legislature to appropriate adequate funds as requested by Governor Olson for the maintenance of a full-time, full sized, well-equipped State Guard; and be it further

Resolved, That copies of this resolution be sent to all Members of the State Legislature from Los Angeles County, to Governor Olson, to the State Guard, and to the press.

Adopted unanimously by the Los Angeles County Democratic Central Committee, January 13, 1942.

CLAUDE L. WELCH, Chairman
GEORGE MYERS, Secretary

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Thorp, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 10.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 10—Relative to the war between the United States and Japan and the other Axis Powers.

Resolution read.

Motion to Amend

Mr. Hawkins moved the adoption of the following amendment:

Amendment No. 1

Strike out lines 17 to 26, inclusive, of the printed measure, and insert "under the armed forces of the United States and of the State of California in accordance with the California Military and Veterans Code and cease deliberating in the Legislature as politicians."

Amendment read.

Motion to Table Amendment

Mr. Pfaff moved that the amendment by Mr. Hawkins be laid on the table.

Roll Call Demanded

Messrs. Hawkins, Kilpatrick and Thomas demanded a roll call.

The roll was called, and the motion to lay the amendment on the table carried by the following vote:

AYES—Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Hastain, Hensinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—40.

NOES—Andreas, Burkhalter, Collins, George D., Crowley, Del Mutolo, Dills, Evans, Gaffney, Hawkins, Kilpatrick, King, Massion, Meehan, O'Day, Pelletier, Russell, Tenney, and Thomas—18.

Motion to Postpone Further Consideration of Assembly Joint Resolution No. 10

Mr. Lyon moved that further consideration of Assembly Joint Resolution No. 10 be postponed until this afternoon.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY CONCURRENT RESOLUTION NO. 22

At 12 m., on motion of Mrs. Daley, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Concurrent Resolution No. 22 was adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Doyle, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Milling-

ton, Pfaff, Phillips, Poole, Potter, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—51.

NOES—Collins, George D., Crowley, Evans, Gaffney, Heisinger, Kilpatrick, King, Lowrey, Meehan, Middough, O'Day, and Russell—12.

Resolution ordered transmitted to the Senate.

Explanation of Vote

I am opposed to employers making deductions from an employee's pay unless by strictly voluntary action without solicitation from any employer or department head, hence my "no" vote.

VERNON KILPATRICK

RECESS

At 12.01 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 37—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 38—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 50—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 51—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 41
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 46

Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 49

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 11

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 31

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Del Mutolo:

House Resolution No. 57

WHEREAS, Some of the Members of the Assembly have oftentimes experienced difficulty in gaining entrance to the Senate Chamber without presenting proper credentials; and

WHEREAS, It should be made possible for the Members of the Assembly to enter the Senate Chamber without being stopped at the door to answer a lot of questions before being admitted; now, therefore, be it

Resolved by the Assembly of the State of California, That the Sergeant-at-Arms of the Senate be instructed to acquaint himself with the Members of the Assembly and to have their pictures and descriptions in his possession, if necessary, so that the Members of the Assembly can enter the Senate Chamber without delay.

Request for Unanimous Consent

Mr. Del Mutolo asked for, and was granted, unanimous consent to take up House Resolution No. 57, at this time, without reference to committee.

Resolution read and adopted.

Hon. Harold F. Sawallisch, Presiding

At 2.35 p.m., Hon. Harold F. Sawallisch, Member of the Assembly from the Tenth Assembly District, presiding.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John D. Welch.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 54: By Messrs. Welch, Bashore and King—An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 37

Assembly Bill No. 51

Assembly Bill No. 38

Assembly Bill No. 52

Assembly Bill No. 50

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Collins, Sam L. Crowley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B. Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McColister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Mr. Speaker—61.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Russell, Salsman, Sawalhsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—58.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, Sam L., Crowley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalhsch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—60.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT IN JOURNAL

Mr. Wollenberg moved that the following communication be read, and ordered printed in the Journal.

Motion carried.

SAN FRANCISCO, CALIFORNIA, January 15, 1942

*Honorable Alfred Wollenberg, State Assembly
Sacramento, California*

As citizen of your district may I present personal views concerning State Guard legislation. State Guard should be small, well trained mobile force to augment State, county and city peace authorities in case of necessity. We are at war and we are in combat zone. Defense of our homes against invasion is function of United States Army and Navy. Responsibility for defense of our shores, our State and Nation is Federal obligation for which every American in every State must share cost. I recommend in addition to setting up Guard for purpose outlined above Legislature memorialize Congress to immediately pass necessary legislation or appropriation for induction to armed forces under present Selective Service Act number of men necessary so Army and Navy may assume full responsibility in all combat zones for protection of our citizens.

FRANK N. BELGRANO

Past National Commander the American Legion

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following communication be read, ordered printed in the Journal, and that the Chief Clerk be instructed to transmit a copy of the communication to the office of The Adjutant General.

Motion carried.

SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Gordon H. Garland**Speaker, Legislative Assembly, Sacramento, California*

Inasmuch as your honorable body is now considering the State Guard Bill, and in view of the fact that United States Army statistical reports show that the second largest number of discharges from the United States Army for disabilities incurred in the line of duty was due to foot conditions, I have been delegated as President of the California Association of Chiropodists, to offer the gratuitous services of the chiropodists to the personnel of the State Guard. We are prepared to treat all Guardsmen in clinics to be set up in our college in San Francisco and chiropody offices in other areas of the State. We are further prepared to delegate a chiropodist or chiropodists from our ranks to coordinate the clinical services with the Surgeon General of the State Guard.

DR. HAROLD M. HOGAN, Medico-Dental Building

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Crowley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Johnson, Kellems, Knight, T. Fenton; Leonard, Maloney, McCollister, Mehan, Middough, Miller, Millington, O'Day, Poole, Robertson, Salsman, Sawalish, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45

NOES—Carlson, Collins, George D., Dills, Evans, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N. Kepple, Kilpatrick, King, Knight, John B., Lowrey, Masson, Pelletier, Pfaff, Potter, Richie, and Russell—19.

Resolution ordered transmitted to the Senate.

Speaker Presiding

At 3.55 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Resolution read.

Demand for Previous Question

Messrs Andreas, Hastain, Hawkins, Collins, Sam L., and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Senate Concurrent Resolution No. 12.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Field, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Miller,

Millington, Pfaff, Robertson, Russell, Salsman, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, and Mr. Speaker—42.

NOES—Burkhalter, Cam, Collins, George D., Del Mutolo, Dills, Doyle, Evans, Gaffney, Gunlock, Hawkins, King, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Sheridan, Tenney, Thomas, and Waters—23.

Resolution ordered transmitted to the Senate.

Hon. Rodney L. Turner, Presiding

At 4 45 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Evans moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 16, of the printed measure, after "State," insert "receiving one hundred ninety-nine dollars (\$199) or less per month,".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreae, Bashore, Burkhalter, Burns, Michael J., Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Dilworth, Donnelly, Evans, Hastain, Hawkins, Heisinger, Kilpatrick, Maloney, Massion, Meehan, O'Day, Pelletier, Pfaff, Poole, Richie, Robertson, Russell, Sawallisch, Thomas, and Turner—28.

NOES—Burns, Hugh M., Cam, Call, Carlson, Crowley, Daley, Desmond, Dickey, Dills, Doyle, Field, Gaffney, Gunlock, Houser, Frederick E., Howser, F. N., Johnson, King, Knight, T. Fenton; Leonard, Lyon, McCollister, Middough, Miller, Millington, Phillips, Potter, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—37.

Further consideration of Assembly Concurrent Resolution No. 14 deferred.

MOTION TO PRINT IN JOURNAL

Mr. Potter moved that the following communications be read, and ordered printed in the Journal:

Motion carried.

HOLLYWOOD, CALIFORNIA, January 15, 1942

Assemblyman Jack Tenney

State Legislature, Sacramento, California

Your correspondent is absolutely and irrevocably in favor of the State Guard but is not certain as to salary to be paid. Any action you may take in favor of the State Guard will be deeply appreciated by most sincerely

JOSEPH BASIL D'AMICO

Commander, Hollywood Post No. 43, American Legion

HOLLYWOOD, CALIFORNIA, January 3, 1942

Franklin J. Potter, Assemblyman of California

State House, Sacramento, California

DEAR COMRADE AND FRIEND: With regret I learned that our State Guard, a worthy organization, and one in which I believe, is seeking such unfair remuneration. Surely the morale of the officers and men of our regular armed forces would indeed become demoralized through indignation and justly so were the State Guardsmen to receive \$75 to \$100 per month and their officers to obtain the equivalent of the Nation's officers in the armed forces in actual combat and its attendant harrowing conditions. Certainly as an individual citizen I am not in favor of any such remuneration. Patriotism! What acts are committed in thy name!

Fraternally,

JOSEPH BASIL D'AMICO

Commander, Hollywood Post, American Legion

MOTION TO PRINT IN JOURNAL

Mr. Dills moved that a communication from Mr. C. S. Smith be ordered printed in the Journal.

Substitute Motion

Mr. Carlson moved, as a substitute motion, that the title of the sender of the communication, Lieutenant Colonel of the State Guard, be ordered printed in the Journal.

The roll was called, and the substitute motion lost by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Call, Carlson, Clarke, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Johnson, Leonard, Middough, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, and Wollenberg—32.

NOES—Bashore, Burns, Hugh M., Cain, Collins, George D., Collins, Sam L., Crowley, Dills, Dilworth, Evans, Gaffney, Gunlock, Hawkins, Howser, F. N., Kellems, Kilpatrick, King, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Pelletier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, Waters, Weber, and Mr. Speaker—33

Explanation of Vote

Person requesting permission to print telegram refused to permit explanation that author of telegram is Lieutenant Colonel in State Guard to be put in Journal.

H. W. CALL
A. W. CARLSON
JAMES PHILLIPS
SETH MILLINGTON

Motion to Print in Journal

Mr. Dills moved that the communication from Mr. C. S. Smith be ordered printed in the Journal.

Substitute Motion

Mr. Dilworth moved, as a substitute motion, that the communication be referred to the Committee on Rules.

The roll was called, and the substitute motion lost by the following vote:

AYES—Call, Carlson, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Meehan, Millington, Pelletier, Pfaff, Phillips, and Turner—13.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, King, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Poole, Potter, Poulson, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, and Weybret—48.

The question being on the motion by Mr. Dills that the communication from Mr. C. S. Smith be ordered printed in the Journal.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Pfaff, Poole, Potter, Richie, Robertson, Russell, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—50.

NOES—Call, Carlson, Dilworth, Meehan, Millington, Pelletier, Phillips, and Stream—8.

COMPTON, CALIFORNIA, January 15, 1942

*Ralph C. Dills, Member of the Assembly
Sacramento, California*

The dividing of the State Guard into an active and inactive branch will more than double the cost of maintaining the Guard and will be almost impossible, as far as getting it to function, is concerned. The ban upon moving troops between counties will make it so clumsy and unwieldy as to be almost valueless from a practical standpoint. I do not know whose idea it was to divide the Guard into an active branch and a reserve branch but believe the real reason for such division is to render the Guard absolutely ineffective. If possible, do away with the two division part, and try and secure a maximum of 25,000 which can be used any time anywhere within the State. I do not believe more than 3,000 will have to be used at any time unless there is dire emergency. Present form of organization of the Guard can not be improved upon as it is a plan worked out by the War Department after many years of study.

C. S. SMITH

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Controller, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Lee T. Bashore

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Controller, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Norris Poulson.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined measures entitled as follows:

"An act making an appropriation for the additional support of the State Controller, to take effect immediately."

"An act making an appropriation for support of the State Controller, to take effect immediately."

"An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately."

and report that in our opinion they appear to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Norris Poulson.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, and read the first time:

Assembly Bill No. 55: By Mr. Bashore—An act making an appropriation for the support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 56: By Mr. Poulson—An act making an appropriation for the support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 57: By Mr. Poulson—An act making an appropriation for the additional support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 58: By Mr. Poulson—An act making an appropriation for support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 59: By Mr. Poulson—An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 22: By Messrs. Desmond and Maloney—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Referred to Committee on Rules.

MOTION TO PRINT IN JOURNAL

Mrs. Daley moved that the following Regulations for State Guards be ordered printed in the Journal:

Motion carried.

AR 850-250

ARMY REGULATIONS }
No. 850-250 }

WAR DEPARTMENT,
WASHINGTON, April 21, 1941.

Regulations for State Guards

	Paragraph
Purpose	1
Statutory authority	2
Status of State guard	3
State guard and Federal service	4
Employment, general	5
Employment in cooperation with Federal forces	6
Arms and equipment	7
Uniforms	8
Training	9
Correspondence and reports	10
Training texts and regulations	11

1. Purpose.—The purpose of these regulations is to render a brief account of the nature of the State guard; to indicate the assistance which the War Department has been authorized to furnish to the several States in the equipping, arming, and training of State guards; and to provide with respect to those forces such Federal regulations as are deemed necessary and appropriate under the law.

2. Statutory authority.—No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States, however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department. *Sec. 61, act June 3, 1916 (39 Stat. 198); 32 U. S. C. 194; M. L., 1939, sec. 1323, as amended by act October 21, 1940 (sec. 1, Bull. No. 36, W. D. 1940).*

3. Status of State guard.—*a. Force status.*—The State military force (State guard) contemplated by these regulations, organized under the provisions of the foregoing statutory authority and of the constitution and laws of the State concerned, is solely a State military organization. It is not subject to call, order, or draft, as such force, into the military service of the United States; nor is it subject to Federal regulation or control other than as provided expressly, or by reasonable implication, by the statute above quoted.

b. Soldier status.—The qualified consent of the Congress having been given to the maintenance by the States of "Troops * * * in time of Peace" (art. I, sec. 10, cl. 3, Federal Constitution), the member of the lawfully organized State guard is a soldier in the military service of his State. His status is not lost upon the onset of war; it is recognized as that of a lawful belligerent under the rules of war (par. 9a, FM 27-10). With respect to public domestic law, his status, rights, and liabilities (e. g., for torts committed while on State guard duty) are fixed by the laws of his State.

4. State guard and Federal service.—Membership in the State guard does not constitute ground for exemption from Federal military service under the Selective Training and Service Act of 1940 (act Sept. 16, 1940 (Bull. No. 25, W. D., 1940)) or other Federal law. Furthermore, such membership clearly would be incompatible with active service in the armed forces of the United States. Accordingly, the State authority concerned should provide for the prompt discharge from the State guard of such of its members as are inducted, enlisted, or otherwise engaged in the active military service of the United States.

5. Employment, general.—*a. Authority of the State.*—The State guard is an element of the executive department of the State government. It is employed by the Governor, or by such official as the Governor may designate, upon such missions and duties within the State as may be deemed appropriate, subject to the limitations imposed by law.

b. Limitations upon authority of the State.—Employment by the State of its State guard, or any part thereof, is limited, in general, only by pertinent provisions of the Federal Constitution (e. g., fourteenth amendment), by the territorial boundaries of the State, and by the supremacy of the Federal Government in its proper fields of action. The authority of the State to maintain its State guard ceases upon the relief from active Federal service of all elements of its National Guard.

6. Employment in cooperation with Federal forces.—*a.* It is imperative, in the interest of national defense, that the employment by the State of State guard organizations should not interfere with or impede Federal functions or activities. It is likewise essential that the State force, when functioning in its proper sphere, should be unhampered in fulfilling its mission. To the end that the interests of the United States and of the State be preserved, the highest degree of cooperation should be maintained between the Federal and local officials concerned.

b. One or other of two situations may arise in this regard. In one instance, Federal military forces and State guard units may be operating in the same locality. Although each force may be acting within its proper authority, and although no

question of conflict of responsibility may arise, the coordination of the activities of the respective forces is essential. In the other situation contemplated, conflict of views may exist as to the responsibility, whether Federal or State, for a particular mission. In such case, if the commanders of the Federal forces and the State authorities are unable to effect an agreement, the matter should be referred to the appropriate corps area commander whose decision on the employment of the Federal forces under his command is final. The State authorities should then conform to that decision in the light of the paramount Federal concern with the national defense.

7. Arms and equipment.—a. General.

- (1) The Secretary of War has been authorized (par. 2) to issue, in his discretion and under regulations determined by him, to any State upon requisition of its Governor, for the use of the military units contemplated herein, such arms and equipment as may be in possession of and can be spared by the War Department.
- (2) Lists of available Federal property, together with instructions pertaining thereto and a statement of conditions under which such arms and equipment may be used by the State, will be provided by the National Guard Bureau to each corps area commander.

b. Issue—State requisitions for arms and equipment should be submitted to the appropriate corps area commander. Each such commander will provide and maintain the necessary facilities for the expeditious supply of authorized materials to State guard units within his corps area. Prior to furnishing arms and equipment upon requisition, he will ascertain whether proper State statutory authority exists for the organization and maintenance of the military force concerned, and whether the State has met the requirements upon which the issue and use of such property are conditioned.

c. Accountability and responsibility.

- (1) *General*.—All Federal arms and equipment issued to the State for the use of its State guard remain the property of the United States. The State must make adequate provision to account for such Federal property and to protect it from deterioration from loss or damage by theft or fire. The accounting system employed should conform to that of the United States property and disbursing officer. Pertinent provisions of Army Regulations and National Guard Regulations relating to accounting for and protecting Federal property should be observed.
- (2) *State guard property officer*.—The Governor of each State maintaining a State guard should appoint an appropriate official, to be designated the State guard property officer, authorized to requisition, receipt for, and accept Federal property for the State. The State guard property officer will make such returns and reports concerning Federal property received as may be required by the Secretary of War.
- (3) *Surety for issued Federal property*.—The issue of Federal arms and equipment to a State for the use of its State guard is subject to the acceptance by the War Department of a bond deemed by it adequate in all respects. Depending upon the value of the Federal property issued, the penalty of the bond to be required in each case will be determined by the War Department between a maximum limit of \$10,000 and a minimum limit of \$5,000. W. D., A. G. O. Form No. 601 (Bond Form for State Guard Property Officer) will be furnished upon request to the corps area commander.
- (4) *Disposition and replacement of damaged property*.—Pertinent provisions of Army Regulations and National Guard Regulations relating to the disposition and replacement of issued Federal property damaged or worn out through fair wear and tear in the military service should be observed.
- (5) *Relief of State guard property officer*.—Upon relief from office a State guard property officer may request by letter to the Secretary of War that his bond be terminated. In this letter the State property officer will give the date of the orders relieving him from duty and the date his property accountability was transferred to his successor.
- (6) *Transfer of accountability*.—When it is necessary that the accountability for Federal property in the possession of the State guards be transferred to a successor, the corps area commander will arrange the bonding of the successor without prior reference to the National Guard Bureau.

d. Acquisition of arms and equipment by the State from sources other than the War Department.—The War Department has no objection to open-market purchases by the State of such articles of arms and equipment as are not available for issue or sale by the War Department; nor does it object to contracts for the fabrication of necessary uniforms or equipment between the State and industrial establishments

not engaged in manufacturing supplies for the Federal forces. However, if supplies essential to the proper equipment and maintenance of the State guard can be secured only in competition with Federal procurement agencies, the State should refer the problem to the War Department (through the corps area commander) for its assistance in placing State contracts and in supervising manufacture, within the limits imposed by the War Department's own procurement problems.

8. Uniforms.—*a. General.*—The uniform prescribed and furnished by the State for its State guard should be unmistakably different from that of any Federal military force and from that heretofore authorized for certain units of the National Guard of the several States. Should the States call into their service men who have serviceable Army uniforms, such as former officers and enlisted men, the use of the Army uniform by such individuals is permitted upon compliance with the requirements outlined in *b, c, and d* below. Such action depends upon State approval.

b. Ease of identification.—The State guard uniform should permit ready identification of the wearer as a member of the State guard of his State. To this end the use of color material different from that of the Army uniform is encouraged.

c. Insignia.—Except insignia denoting grade and arm or service, the wearing of buttons, cap devices, and other insignia authorized for use on uniforms of the Federal forces (including the National Guard) is not permitted.

d. Sleeve braid.—Unless the State guard uniform is wholly unlike any uniform authorized for wear by Federal military forces, including the National Guard, distinctive sleeve braid should be—

- (1) Of any desired color except brown, gold, yellow, black, or forest green; and
- (2) Worn on all coats, overcoats, and shirts.

e. Procurement.—Uniforms will be furnished by the States without competing with the procurement of uniforms for Federal forces. The following procedure will govern:

- (1) Requests to purchase cloth and findings for State guard uniforms will be submitted to the War Department (through corps area commanders), listing types and quantities desired.
- (2) The Quartermaster General will determine whether types are available and can be sold (or manufactured) without conflict with the Federal program.
- (3) If not available, The Quartermaster General will advise States of available substitutes, or inform States that Federal demands preclude State procurement.
- (4) If desired cloth and findings (or substitutes) are available, The Quartermaster General will assist States in placing contracts and will supervise manufacture within limits imposed by the War Department procurement problem.

9. Training.—*a. General.*—The Secretary of War has been authorized (par. 2) to prescribe regulations for the discipline in training of the State military forces contemplated herein. Inasmuch as the types and numbers of State guard organizations, their nature with respect to arm or service, and their employment are to be determined by State authority in the light of local situations and conditions, War Department regulations are necessarily limited to an indication of the general type and course of training to be pursued. Fundamental fields of training are herein prescribed. For texts on basic doctrines, principles, and methods or training see paragraph 11. Detailed instructions for the training of State guard organizations are such as may be prescribed and published by State and State guard authorities responsible for the training of such organizations under the supervision of the corps area commander.

b. Functions of corps area commanders.—Corps area commanders will lend all possible assistance in the training of State guard units in their respective corps areas without further direction from higher authority. Each such commander will provide and maintain the necessary facilities for supervising such training, preferably in conjunction with the supply facilities to be established by him (par. 7b).

c. Scope of training.—Training should be planned and conducted with a view to the earliest preparation, consistent with thoroughness, of State guard organizations and members for the accomplishment of missions prescribed by competent authority. A single standard of individual proficiency should form the basis of all instruction within the unit, in order that all members of the unit shall have received essentially the same training. Training of the unit as a coordinated group should thus be more readily attained. The strength and nature, as to arm or service, of a State guard unit should be a factor in the determination of the type and degree of special training prescribed for the organization and its members.

d. Responsibility for training—Training is a function of command. Each State guard unit commander, under the supervision of the next higher authority, is responsible for the discipline, morale, and training proficiency of his command. He should be permitted such freedom of selection of types and methods of instruction and such determination of the sequence and duration of instruction periods, as are consistent with his primary responsibility for the results attained.

e. Training objectives—Training objectives should be prescribed by State authority, by the State guard commander, and by State guard unit commanders in the descending order of authority.

f. Minimum training requirements—The training of each State guard unit and of each member thereof should be directed to the attainment of proficiency in the following subjects:

- (1) Basic disciplinary training of the soldier.
- (2) Physical training, personal hygiene, and first aid.
- (3) Their own interior economy and administration.
- (4) Their own shelter, supply, and movement
- (5) Their own security.
- (6) Signal communication
- (7) Protection against chemical agents.
- (8) The use of nontoxic gas and smoke.
- (9) The proper care and use of all weapons with which the unit is equipped.
- (10) Dismounted drill, to include the company.
- (11) Extended order drill
- (12) Methods and formations for suppressing domestic disturbances.

10. Correspondence and reports.—*a. General.*—Army Regulations and National Guard Regulations relating to correspondence and reports should be observed wherever applicable. In order to avoid confusing administrative matters of the State guard with those of the Regular Army and the National Guard, forms, letterheads, and other printed, mimeographed, or typed communications should contain the official designation, conspicuously placed, of the State guard or State guard unit to which such papers pertain.

b. Channels of communication.

- (1) *National Guard Bureau*—The National Guard Bureau has been designated by the War Department as its administrative agency in matters pertaining to the State guard. The Bureau will communicate direct with corps area commanders in such matters.
- (2) *Corps area commanders*—Corps area commanders will submit official communications relating to State guard matters within their respective corps areas direct to the National Guard Bureau, except that when response to communications received from State authority may be made without reference to higher Federal authority, corps area commanders will reply direct to the State authority concerned
- (3) *State authorities.*—State correspondence with Federal authorities in relation to State guard matters should be transmitted by the State authority direct to the corps area commander.

c. Strength returns—Upon the organization of a State guard, the appropriate State authority should submit to the Chief of the National Guard Bureau, through the corps area commander, an initial consolidated strength return showing the numbers and types of units and the strength of each unit in officers and enlisted men. Returns thereafter should be submitted monthly.

11. Training texts and regulations.—Corps area commanders have available limited supplies of pertinent War Department training publications. Other such publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. The following list includes manuals relating to subjects which are fundamental for State guards and to subjects which may be found desirable for study:

Manual No.:

Title

- | | |
|----------------|---|
| FM 21-6----- | List of Publications for Training. (Consult this publication for the latest published manual) |
| FM 21-10----- | Military Sanitation and First Aid. |
| FM 21-15----- | Equipment, Clothing, and Tent Pitching. |
| FM 21-20----- | Physical Training |
| FM 21-25----- | Map and Aerial Photograph Reading. |
| FM 21-40----- | Defense Against Chemical Attack. |
| FM 21-45----- | Scouting and Patrolling, Dismounted. |
| FM 21-50----- | Military Courtesy, Salutes, Honors, and Discipline. |
| FM 21-100----- | Soldier's Handbook. |
| FM 22-5----- | Infantry Drill Regulations. |
| FM 23-10----- | U. S. Rifle, Caliber .30, M1903. |

FM 23-50----- Browning Machine Gun, Caliber 30 HB, M1919 A4 (Mounted
in Combat Vehicles).
FM 26-5----- Interior Guard Duty.
FM 27-15----- Domestic Disturbances.
FM 29-5----- Military Police.
[A. G. 324.4 (1-9-41).]

BY ORDER OF THE SECRETARY OF WAR :

G. C. MARSHALL,
Chief of Staff.

OFFICIAL :

E. S. ADAMS,
Major General.
The Adjutant General.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 15, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: In my message to you, delivered at the opening of the present special session, December 19, 1941, I recommended that you appropriate the sum of \$9,250,000 to the regular State Emergency Fund, pointing out that it was impossible at that time, as it is impossible now, to predict all of the State's war emergency needs. However, neither this recommendation nor my recommendation that you appropriate \$17,500,000 for the support of the State Guard has yet been followed. Instead of following the purposes of the call and making an entire appropriation to the Emergency Fund for allotment to meet the requirements of the various departments and divisions of the State Government, you have also, I understand, passed some bills making specific appropriations directly to some of the departments; bills which are of doubtful validity because of the doubt, as a legal proposition, that they are within the scope of the call for this session. However, in addition to such direct appropriations as you may make to the departments, which I understand may total approximately \$5,000,000, there should be a total of \$10,000,000 appropriated to the Emergency Fund. I recommend this in the light of developments since my message to you on December 19th, and also for reasons given in my message to you on that date.

It is apparent now that the State Council of Defense will require several hundred thousand dollars for providing equipment and maintenance of air raid warning posts; that an indefinite amount will be required for maintaining tire rationing and automobile rationing services which the State is now called upon to perform; that additional Emergency Funds will be required by the Maritime Academy; that consideration should be given to any real need of cities and counties for State Emergency Fund aid, by way of furnishing equipment which local governments are unable to supply because of their financial conditions. Other emergency requirements which should be met for public safety will undoubtedly spring up, growing out of war conditions. Prudence and preparedness require the availability of an adequate Emergency Fund.

A failure to provide an ample and adequate, unrestricted Emergency Fund at this critical period would be a serious obstruction to the State of California in meeting its responsibilities for the protection of the lives and property of its citizens and for the performances of services which all States are called upon to perform in this total war. I therefore urge you, in addition to any direct appropriations which you may make to the departments or agencies of Government, that you appropriate to the State Emergency Fund a total of \$10,000,000.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Message read.

RECESS

At 5.50 p.m., on motion of Mr. Lyon, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 36

Assembly Bill No. 44

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 21

Assembly Concurrent Resolution No. 21

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 30

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 11

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Without reference to committee.

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 11, at this time, without reference to committee or file.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 11

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Mr. Speaker—56.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Call and Maloney:

House Resolution No. 58

Relative to the continuation of baseball games during the war emergency

WHEREAS, The National pastime of baseball provides interest, recreation, and outdoor relaxation for thousands of citizens, encourages sportsmanship, and constitutes an important factor in preserving the morale of the civilian population; and

WHEREAS, The induction of many outstanding baseball players into the armed forces of the United States, together with the cancellation of various sporting events because of apprehension for the safety of the civilian population, constitute a serious threat to the continuation of baseball games; and

WHEREAS, Good competition can be provided by the use of players in the upper and lower age brackets, without exempting from service any players capable of service in the armed forces, and the great National pastime, with all its benefits to morale, sportsmanship, and health maintained and continued; now, therefore, be it

Resolved, by the Assembly of the State of California, That we do hereby recommend that no scheduled baseball events be canceled except in case of absolute necessity, and we do hereby respectfully urge all authorities to make every effort to preserve and encourage this greatest of American sports; and be it further

Resolved, That the Chief Clerk of this Assembly is hereby directed to send copies of this resolution to the Secretary of War and Secretary of Navy of the United States, and to the Commanding General of the Fourth Army.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 58, at this time, without reference to committee.

Resolution read and adopted.

By Committee on Rules:

House Resolution No. 59

Resolved, That the following named person be and he is hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite his name payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

Commencing Thursday, January 15, 1942

Per day

Allen Shelley, Page----- \$2 50

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 59, at this time, without reference to committee.

Resolution read. .

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Mr. Speaker—54.

NOES—None.

By Mr. Michael J. Burns:

House Resolution No. 60

Relative to inclusion in call of item relating to acquisition and improvement of Crescent City pier

WHEREAS, It is very possible that another special session of this Legislature will be called to meet in the near future; and

WHEREAS, There exists at the City of Crescent City a situation demanding the most urgent attention, as follows: At the present time a privately owned pier located on city tidelands furnishes the only docking and landing facilities available for miles of the Northern California Coast. Its owner has been and is unable to maintain it in proper operating condition, the result of which is that the pier is in a state of disrepair rendering its use hazardous. This was made sadly evident recently when survivors of the S. S. Emidio, torpedoed off the coast, were forced to land at Eureka, a distance of 100 miles away, proper landing facilities being lacking at Crescent City. The wrecked hull of the S. S. Emidio is at the present time on a rock about 600 yards from the end of said pier.

The City of Crescent City is financially unable to repair and reconstruct this pier because of legal obstacles resulting from the structure being privately owned. The feasible solution seems to be for the State to acquire the pier, if only temporarily, so the State may properly repair said pier.

This is a project of urgent necessity in a war which is striking all along the entire Pacific Coast. That it is vital in defense and victory efforts is self-evident; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is urged to include in any call for a future special session an item providing for authorizing acquisition and improvement of the pier at Crescent City in order that the situation described above may be remedied; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor.

Request for Unanimous Consent

Mr. Michael J. Burns asked for, and was granted, unanimous consent to take up House Resolution No. 60, at this time, without reference to committee.

Resolution read and adopted.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Johnson:

Resolved, That Senate Bill No. 31 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas,

Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—58.
 NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 31

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cam, Call, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—58.

NOES—Field, Knight, John B., and Pfaff—3.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—61.

NOES—Collins, Sam L., Field, Howser, F. N., Knight, John B., and Pfaff—5.

Bill ordered transmitted to the Senate.

MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE

In compliance with a notice given on a previous day, Mr. Bashore moved that Senate Bill No. 2 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and be placed upon the file.

Demand for Previous Question

Messrs. Heisinger, Lowrey, McCollister, Cain and Gunlock demanded the previous question.

Demand for previous question sustained.

The question being on the motion to withdraw Senate Bill No. 2 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and be placed on file.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

Motion carried. Time, 9.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

Motion to Dispense With Further Proceedings Under Call of the Assembly

Mr. Millington moved that further proceedings under the call of the Assembly be dispensed with, on Mr. Bashore's motion to withdraw Senate Bill No. 2 from committee, and have it placed on file.

The roll was called, and the motion lost by the following vote:

AYES—Burns, Hugh M., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Phillips, Potter, Poulson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—34.

NOES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Collins, Sam L., Crowley, Del Muto, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Hersinger, Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Salsman, Tenney, Thomas, Waters, and Welch—38.

Motion to Dispense With Further Proceedings Under Call of the Assembly

Mr. Millington moved that further proceedings under the call of the Assembly be dispensed with on the motion to withdraw Senate Bill No. 2 from committee.

The roll was called, and the motion carried by the following vote:

AYES—Burns, Hugh M., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Collins, Sam L., Crowley, Del Muto, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Voigt, Waters, and Welch—35.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON MOTION TO WITHDRAW SENATE BILL NO. 2
FROM COMMITTEE**

The names of the absentees were called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

Point of Order

Mr. Call arose to the following point of order: That there having been no intervening business, Mr. Bashore's motion was out of order.

The Speaker ruled the point of order well taken.

Appeal From Decision of the Chair

Mr. Bashore appealed from the decision of the Chair.

The question being: Shall the decision of the Chair be sustained?

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Gaffney, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, O'Day, Pfaff, Phillips,

Potter, Poulson, Richie, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, and Wollenberg—47
 NOES—Andreas, Bashore, Burkhalter, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, Poole, Russell, Thomas, and Waters—21

The names of the absentees were called, and the motion to withdraw Senate Bill No. 2 from committee lost by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, Voigt, Waters, and Welch—39

NOES—Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—35.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Lyon:

Resolved, That Senate Bill No. 29 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—65.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and

555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, George D. Collins, Sam L. Desmond, Dickey, Dulworth, Donnelly, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—65.

NOES—Evans—1

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to amend Sections 553.1, 555 and 556 1 of the Mili-".

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 2 to 6, inclusive.

Amendment No. 3

In line 7 of the title of the printed bill, as amended, strike out "sistent with such privileges, allowances, and rights,".

Amendment No. 4

In lines 8 and 9 of the title of the printed bill, as amended, strike out "operation, maintenance and organization", and insert "equipment, support and maintenance"

Amendment No. 5

In lines 9 and 10 of the title of the printed bill, as amended, strike out "and providing for the expenditure thereof".

Amendment No. 6

On page 1 of the printed bill, as amended, strike out lines 1 to 19, inclusive.

Amendment No. 7

In the printed bill, as amended, strike out all of pages 2 to 7, inclusive.

Amendment No. 8

On page 8 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. In addition to any other moneys available by law,".

Amendment No. 9

On page 8 of the printed bill, as amended, strike out lines 16 to 52, inclusive.

Amendment No. 10

On page 9 of the printed bill, as amended, strike out lines 1 to 11, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency".

Amendment No. 11

On page 9 of the printed bill, as amended, strike out lines 17 to 49, inclusive, and insert

"The United States is at war and the State of California is in an area designated as a combat zone, which necessitates immediately making available money for the adequate support of an effective State Guard to meet the demands of State and

National defense. Making these funds available to the State Guard will enable it to perform its vital functions properly in this critical period."

Amendments read.

Demand for Previous Question

Messrs. Turner, Johnson, Thorp, Collins, Sam L., and Dilworth demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—32.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

Motion to Set Special Order

Mr. Maloney moved that further consideration of Senate Bill No. 29, and proposed amendments, be made a special order of business for Friday, January 16, 1942, at 10 a. m.

Demand for Previous Question

Messrs. Johnson, Thomas, Stream, Sheridan and Watson demanded the previous question.

Demand for previous question sustained.

The question being on the motion to set Senate Bill No. 29 for special order of business for Friday, January 16, 1942, at 10 a. m.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—71.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnmus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Board of Equalization, declaring the urgency of this act, to take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harrison W. Call, Honorable Hugh M. Burns, Honorable Harold F. Sawallisch.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, and read the first time:

Assembly Bill No. 60: By Messrs. Call, Burns, Hugh M., and Sawallisch—An act making an appropriation for the support of the State Board of Equalization, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 24: By Messrs. Voigt, Thomas, Heisinger, Burns, Michael J., Crowley and Doyle—Relative to temporary four-lane highways.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 25: By Messrs. Desmond and Thurman—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 19

And reports the same correctly engrossed

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE CONTINUED**

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued to the next legislative day.

Motion carried

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Bashore, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Delia Smith.

On request of Mrs. Daley and Mr. Kilpatrick, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Private Harvey Kier, Company C, 205th Q. M. Battalion, State Fair Grounds, Sacramento.

On request of Mr. Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Wayne Baldridge, Department Chairman of Radical Research for American Legion and former Mayor of Ceres.

ADJOURNMENT

At 11 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Friday, January 16, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY
TWENTY-NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, January 16, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mrs. Daley.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 60

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

LYON, Chairman

Above reported bill re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 25

Assembly Joint Resolution No. 22

Assembly Concurrent Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER)

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read, and ordered engrossed.

RESOLUTIONS

The following resolution was offered:

By Mr. Bashore:

House Resolution No. 61

WHEREAS, There have appeared today in the public press articles stating that girls and women would soon be employed by the telegraph companies to deliver messages; and

WHEREAS, It would be contrary to the public interest that women should be required to enter places of questionable repute or where intoxicating liquors are sold; now, therefore, be it

Resolved by the Assembly of the State of California, That all telegraph companies who employ women be requested to refrain from sending any woman messenger to deliver telegrams or messages to any place of questionable repute; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to prepare and send copies of this resolution to the Western Union and Postal Telegraph Companies.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 53—An act making an appropriation for the State Guard, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 54—An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 57—An act making an appropriation for the additional support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 58—An act making an appropriation for support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 59—An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately.

Bill read second time, and ordered engrossed

SECOND READING OF SENATE BILLS

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Bill read second time, and ordered to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour of 10 a m. having arrived, consideration of Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Wollenberg moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert

"An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights, of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making".

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 19, inclusive; strike out all of pages 2 to 7, inclusive; and on page 8, strike out lines 1 to 29, inclusive, and insert

"553.1. No person shall serve in or be a member of the State Guard unless he is a citizen of the United States. In applying the provisions of this chapter, no person shall be discriminated against because of race.

SEC. 2. Section 555 of the Military and Veterans Code is hereby amended to read as follows.

555. (a) The members of the State Guard or a licensed Military company when called into active service by order of the Governor shall be subject to all Military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard. Members of a licensed Military company shall receive the same pay and allowance while in active service as the members of the National Guard.

(b) Commissioned officers of the State Guard while in active service shall be paid a salary equivalent to the base pay only of officers of the same rank or grade in the United States Army.

No commissioned officer shall receive or be entitled to any additional salary, compensation or allowance, except commutation of rations, other than the salaries provided by this subdivision (b), except that any officer traveling on State Guard business may be reimbursed for his actual and necessary expenses on the same basis as is provided for other State officers.

Enlisted men of the State Guard when in active service shall be paid two dollars (\$2) per day for the first 30 days of active service. The pay per day for the first 30 days of active service of enlisted men above the rank of private when in active service shall be as follows:

Privates First Class-----	\$2 20
Corporals-----	2 40
Sergeants-----	2 60
Staff Sergeants-----	2 80
First Sergeants and Technical Sergeants-----	3 00
Master Sergeants-----	3 25

When an enlisted man has been in active service for a period totaling 30 days in any calendar year, he shall thereafter be paid a salary equivalent to the base pay only of an enlisted man of the same rank or grade in the United States Army.

Commutation of rations, if allowed to any officer or enlisted man, shall not exceed one dollar and twenty cents (\$1.20) per day.

Officers and enlisted men in the nautical and marine force when in active service shall receive the same pay and allowances as is provided in this section for officers and enlisted men of comparable rank or grade in the Infantry.

SEC. 3. Section 555.2 is hereby added to the Military and Veterans Code, to read as follows:

555.2 Officers and enlisted men in the State Guard shall not be required to perform full-time active service except within the limitations provided in this code. Each officer and enlisted man who is now in the State Guard shall have the right to determine whether he desires to be enrolled in the active membership or in the reserve forces of the State Guard. Officers and enlisted men who hereafter become members of the State Guard shall be enrolled either in the active membership or in the reserve forces as may be indicated by them, within the maximum numerical limitations provided in this section. In order that the privileges and rights of the members of the State Guard in this respect may be exercised as completely as possible consistent with the need of the State for an adequate mobile force available for general duty and a sufficient reserve force in the State Guard to meet any emergency that may arise, to the end that the State Guard may effectively perform its functions in protecting the people of this State, the State Guard shall be reorganized and administered as provided in this section and in accordance with the provisions of this code not inconsistent with this section.

(a) The State Guard is part of the active Militia of the State. All of the members of the State Guard are hereby declared to be engaged in Military service within the meaning of that term as used in Article XXIV of the Constitution of this State and are exempt from civil service.

The State Guard shall consist only of the following:

1. The Adjutant General, and the commissioned and enlisted personnel comprising his staff.

2. Infantry, consisting of not more than 13 regiments.

3. The nautical and marine force with an enlisted strength not in excess of 700 men, consisting of not more than five naval units and two companies of marines.

(b) 1. The Adjutant General shall organize not more than 13 regiments of infantry in the State Guard of a maximum strength of not more than 2,160 enlisted men in each regiment. Of this number, not more than 720 men shall constitute the active membership, and the remainder shall constitute the reserve forces. Each regiment shall consist of three battalions of not exceeding four companies in each battalion.

For each regiment there shall be one colonel or lieutenant colonel, not exceeding three majors, one officer having the rank of not higher than captain who shall act as regimental adjutant and supply officer, three medical officers having the rank of not higher than captain, and one chaplain with the rank of first lieutenant.

Each regiment shall have one regimental staff sergeant and one regimental supply sergeant, and each battalion shall have one sergeant major.

Each company shall consist of not more than 60 enlisted men constituting its active membership, and, in addition, not to exceed 120 men organized into four platoons constituting the reserve force. The reserve force of a company may consist of platoons organized in different counties, but all of the membership of a reserve force platoon shall consist of men enlisted in the same county.

Each company shall be commanded by a captain or first lieutenant and shall have one lieutenant in addition thereto. The noncommissioned officers for the active membership in each company shall be one first sergeant, three duty sergeants and six corporals. In addition thereto there shall be appointed for each company one lieutenant for each platoon of the reserve force, together with the necessary noncommissioned officers therefor. Commissioned officers in command of reserve force platoons shall constitute a part of the reserve force.

The Adjutant General may designate any regimental commander as an area commander and shall prescribe his duties, but such officer shall not receive any additional compensation.

2 The Adjutant General may organize the nautical and marine force of the State Guard into not more than five separate naval units designated "ship's companies" and not more than two separate companies of marines.

Each ship's company shall consist of not more than 100 enlisted men. The officers of a ship's company shall be one lieutenant senior grade, two lieutenants junior grade, and three ensigns. Warrant officers and rated men selected from the enlisted men of a ship's company shall be of the same number and grades as are prescribed by the laws and regulations of the United States for similar organizations of the United States Navy.

Each company of marines shall consist of not more than 100 enlisted men. Each company shall be commanded by a captain or first lieutenant and shall have not to exceed three lieutenants in addition thereto. The noncommissioned officers for each company of marines shall be of the same number and grades as are authorized or prescribed by the laws and regulations of the United States for companies of marines of comparable strength.

A chaplain with the rank of lieutenant junior grade shall be appointed for the nautical and marine force.

Within the numerical limit on the maximum strength of the nautical and marine forces, the units thereof shall consist of such number of the active membership or of the reserve force, or both, as may be determined by The Adjutant General, but the total active membership of the infantry regiments shall be reduced by the number of men in the nautical and marine force who comprise a part of the active membership of the State Guard. All of the provisions of law relating to the State Guard and the members thereof are applicable to the nautical and marine force except as otherwise expressly provided.

(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service, but all members of the State Guard, whether in the active membership or the reserve forces, shall be paid for their full-time active service.

(d) 1. If the Governor by Proclamation declares any county or city or portion thereof to be in a state of insurrection, as provided in Section 143 of the Military and Veterans Code, or if the State is actually invaded by a foreign enemy force, he may call into active service all or any part of the active membership of the State Guard not then on duty and, in addition thereto, such portion or all of the reserve force as he may deem necessary, to serve until the termination of the state of insurrection or the invasion.

2 During such time as the United States is engaged in war the Governor, in addition to his power to call forth the Militia either under Section 1 of Article VIII of the Constitution or as provided in paragraph 1 of this subdivision (d), shall have power to call into full-time active service such part of the active membership of the State Guard, not exceeding 5,000 enlisted men together with the officers provided therefor, for service in any part of the State for the performance of such duties as may be necessary. The provisions of this paragraph constitute a limitation upon the power to call the State Guard into active service under Section 554.

3 In addition to the men in active service as provided in paragraph 2 of this subdivision (d), in each regiment not to exceed three officers and not more than 12 enlisted men may be called into active service on a full-time basis for the administration of the regiment.

4 The members of any unit of the State Guard, including both the active membership and the reserve forces, may at any time voluntarily serve on limited active duty, without compensation of any kind, pursuant to the authorization thereof by the Governor or The Adjutant General and subject to such general or special orders

as the Governor or The Adjutant General may issue, whenever such service is requested by a sheriff or chief of police for assistance in connection with National defense problems.

(e) Any person appointed and commissioned an officer of the State Guard shall successfully pass such tests as to his physical, moral and professional fitness as The Adjutant General may prescribe. Officers of the rank of captain or higher, other than medical officers, shall have had active commissioned service, either in the Army of the United States or the United States Marine Corps in command of troops in one of the combatant arms or in the United States Navy, or shall have had at least one year of commissioned service in the State Guard. Commissioned officers shall have the same qualifications as are required of commissioned officers in the United States Army in any case where professional qualifications, other than Military, are prescribed by Federal law, rules or regulations for such officers. The examination to determine the qualifications for commissions of officers shall be conducted by a board of three commissioned officers appointed by The Adjutant General.

The Adjutant General shall remove and release from active service any officer now in the State Guard who does not have the qualifications provided in this subdivision (e). The Adjutant General, with the approval of the Governor, shall remove or release such number of officers and enlisted men of the several ranks or grades as may be necessary to reduce the total number thereof to the maximum number authorized by this section, and in doing so shall be guided by the records of efficiency, training and experience of the officers and men to the end that a high standard of efficiency and experience shall be maintained in the State Guard. Each member now in the State Guard shall elect in writing whether he desires to serve in the active State Guard or the reserve force thereof and shall thereupon and within 30 days after the effective date of this section be transferred in accordance with such election, within the maximum numerical limits of each as provided herein.

At any time the moral character, capacity and general fitness for the service of any State Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, such board to be appointed by The Adjutant General, and if the findings of such board be unfavorable to such officer and be approved by The Adjutant General and the Governor he shall be discharged.

(f) No member of the State Guard shall by reason of service therein be entitled to any pension, bounty, bonus, or gratuity, and no member shall be entitled to workmen's compensation insurance benefits by reason of service in the State Guard except for traumatic injuries incurred as a direct result of active service therein in time of war or National emergency.

Sec. 4. Section 555.5 is hereby added to the Military and Veterans Code, to read as follows:

555.5. Upon request of a regimental commander the governing board of any school district may permit the State Guard to use any school bus owned by the district, without charge, for the transportation of members of the State Guard engaged in State Guard activities. Such use of any school bus by the State Guard shall not impose any liability by reason thereof upon the district or the members of the governing board thereof.

Sec. 5. Section 556.1 of said code is hereby amended to read as follows:

556.1. The Governor is authorized to organize and maintain a State Guard within the limitations thereon provided in this chapter.

Sec. 5.1. Section 556.3 is hereby added to said code, to read as follows:

556.3. The shoulder ornament required by Section 556.2 as part of the uniform of members of the State Guard shall be blue in color with the words "State Guard" lettered thereon. Such ornaments shall forthwith be supplied to and worn by all members of the State Guard.

Sec. 5.2. Section 556.4 is hereby added to said code, to read as follows:

556.4. No officer or member of the State Guard shall be paid for active service at any time subsequent to 120 days after the effective date of any Federal law providing for the organization of State or home guards under the direction or control of the United States Government.

Sec. 5.5. Section 555.6 is hereby added to said code, to read as follows:

555.6. (a) Members of the State Guard shall have the right to unemployment insurance benefits and it is the purpose of this section to provide such benefits without loss because of active service with the State Guard.

(b) Benefit rights of members of the State Guard shall be determined in accordance with the provisions of the Unemployment Insurance Act, except as otherwise provided in this section.

(c) Where there are 45 days (hereinafter referred to as the minimum period) or more of active service within any calendar quarter of the base period as determined under Section 52.2 of the Unemployment Insurance Act, then his benefits shall be determined under whichever of the following methods results in the higher maximum total amount of benefits payable:

1. The base period is to be determined in accordance with Section 52.2 of the Unemployment Insurance Act

2. (1) The base period is to consist of the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that every calendar quarter in which the individual was in active service with the State Guard for the minimum period or more days shall be excluded from the base period and, in lieu of each excluded calendar quarter, a calendar quarter prior to the normal base period shall be considered until there are four calendar quarters, none of which contain the minimum period or more days of active service in the State Guard, from which to determine his benefits.

(ii) Where benefits are computed and paid upon the basis provided in subparagraph (1), that proportion of benefits based upon quarters within the normal base period as defined in Section 522 of the Unemployment Insurance Act, shall be charged against the account of employers employing the individual during the normal base period quarters and that proportion of benefits based upon quarters outside the normal base period shall not be charged against any employer.

(d) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of active service in the State Guard are payable by the United States, an individual shall be disqualified for benefits with respect to any week for which he receives such payments and no benefits shall be paid under the Unemployment Insurance Act until he has exhausted all his rights to such payments from the United States.

SEC. 6. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of seven million, nine hundred thirty-four thousand, three hundred sixty-five dollars (\$7,934,365) to be expended during the Ninety-third and Ninety-fourth Fiscal Years for the equipment, support and maintenance of the State Guard, including not to exceed eight thousand five hundred dollars (\$8,500) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

No part of the appropriation made by this act shall be available or shall be expended for payment to any commissioned officer of a salary or allowance in excess of salary and allowance for such officer as set forth in Section 555 of the Military and Veterans Code as amended by Section 2 of this act."

Amendments read.

Motion to Consider Amendments as a Single Unit

Mr. Johnson moved that the amendments by Mr. Wollenberg to Senate Bill No. 29 be considered as a group instead of singly.

Motion carried.

Demand for Previous Question

Messrs. Turner, Collins, Sam L., Phillips, Carlson and Dills demanded the previous question.

The roll was called, and the demand for the previous question not sustained by the following vote:

AYES—Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Field, Hustain, Heisinger, Howser, F. N. Johnson, Kellem, Kepple, Knight, John B., Leonard, Lyon, Miller, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Turner, Waters, Weybret, and Mr. Speaker—30

NOES—Andreas, Bashore, Burkhalter, Collins, George D., Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Houser, Frederick F., Kilpatrick, King, Knight, T. Fenton, Lowrey, Maloney, Massion, Meehan, Middough, Millington, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, Thurman, Watson, Weber, Welch, and Wollenberg—32.

Hon. Hugh M. Burns, Presiding

At 11.10 a.m., Hon. Hugh M. Burns, Member of the Assembly from the Thirty-sixth Assembly District, presiding.

Demand for Previous Question

Messrs. Field, Potter, Collins, Sam L., Call and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, P. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

NAYS—Andreas, Burkhalter, Cam, Collins, George D., Crowley, Del Muto, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Riche, Robertson, Russell, Tenney, Thomas, and Welch—28.

Senate Bill No. 29 ordered reprinted, and to third reading.

Speaker Presiding

At 11.35 a m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 53	Assembly Bill No. 57
Assembly Bill No. 54	Assembly Bill No. 58
Assembly Bill No. 55	Assembly Bill No. 59
Assembly Bill No. 56	
Assembly Concurrent Resolution No. 24	
Assembly Concurrent Resolution No. 25	
Assembly Joint Resolution No. 22	

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately; And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately;

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives;

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old age assistance;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 21—Relative to manpower, production and the war;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

RECESS

At 12 30 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately

Bill read third time.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent that the proposed amendments to Senate Bill No. 29 be considered seriatim, and that if any amendments be adopted, consideration of further amendments be continued without sending the bill to reprint, until such time as, after one amendment be adopted, another amendment to the same section or portion of the bill, conflicting with the amendment already adopted, might be proposed.

Motion to Amend

Mr. Robertson moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 36 and 37, insert "If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision, The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate."

Amendment read and adopted.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

In line 9 of the title of the printed bill, as amended, after "thereof," insert "relating to political activities by members of the State Guard."

Amendment No. 2

On page 15 of the printed bill, as amended, between lines 28 and 29, insert "SEC. 7.5. As used in this section of this act "person" means "any member of the State Guard."

It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce any individual for the purpose of interfering with the rights of the individual to vote or to vote as he may choose, or to cause such individual to vote for or not to vote for any candidate at any election held in this State.

It shall be unlawful for any person to use his official authority for the purpose of interfering with or affecting the election or the nomination of any candidate for any office elected by the qualified electors or voters of this State.

It shall be unlawful for any person directly or indirectly to promise any employment, position, work, compensation, or other benefits provided for or made possible in whole or in part by the Constitution or any act of this State to any individual as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election held in this State.

It shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive by any means any individual of any employment, position, work, compensation or other benefit provided for or made possible by any act of this State, on account of race, creed, color, or any political activity, support of, or opposition to, any candidates or any political party in any election held in this State.

It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any individual known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any act of this State appropriating funds for State Guard purposes.

It shall be unlawful for any person for political purposes to furnish or to disclose or to aid or assist in furnishing or disclosing any list of names of individuals receiving compensation, employment, or benefit provided for or made possible by any act of this State appropriating or authorizing the appropriation of funds, to a political candidate, committee, campaign manager or to any individual for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

No part of any appropriation made by any act of this State heretofore or hereafter enacted, making appropriations for the equipment, support, or maintenance of the State Guard shall be used for the purpose of, and no authority conferred by any such act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election.

Any person who violates any of the foregoing provisions of this section is guilty of a felony.

It shall be unlawful for any person employed in any capacity by any agency of this State whose compensation or any part thereof is paid from funds authorized or appropriated by any act of this State to have membership in any political party or organization which advocates the overthrow of the Government of this State or of the United States.

Any person violating the provisions of the next preceding paragraph shall be immediately and automatically removed from the office or position held by him, and thereafter no part of the funds appropriated by any act of this State for the office or position which he held shall be used to pay the compensation of the person.

All the provisions of this section shall be in addition to, not in substitution for, any other provision of law."

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Collins, George D., Crowley, Del Mutolo, Doyle, Evans, Hawkins, Kilpatrick, Massion, O'Day, Pelletier, Poole, Russell, Sheridan, and Thomas—17.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Dickey, Dills, Dilworth, Field, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—48.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert

"Medical Corps	1,296 officers and men
Motor Transport Corps	315 officers and men
Headquarters Company, Adjutant General's Office	100 officers and men
Signal Corps	320 officers and men
Ordnance Corps	208 officers and men
Sanitary Corps	320 officers and men
Evacuation Unit	771 officers and men
Air Corps	1,170 officers and men
Engineering Corps	771 officers and men."

Amendment read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.29 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENT TO SENATE BILL NO. 29

At 3.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendment to Senate Bill No. 29 refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cam, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—25.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Doyle, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

Call of the Assembly

Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.33 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Bashore, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on proposed amendments to Senate Bill No. 29.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert
"4. Auxiliary units comprising part of the reserve forces as provided in this section."

Amendment No. 2

On page 11 of the printed bill, as amended, between lines 21 and 22, insert
"3. The Adjutant General, with the approval of the Governor, may also organize such ambulance, nursing and medical units as he deems necessary, such units to be composed of men or women or both, and to comprise part of the reserve forces. The members of such ambulance, nursing, and medical units shall be subject to call for active duty under the same terms and conditions as provided herein for the remainder of the reserve forces. When so called to active duty the officers and enlisted members shall receive the same pay as other members of the State Guard of the same rank and grade."

Amendments read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Dav, Pelletier, Poole, Poulson, Robertson, Russell, Stream, Tenney, Thomas, Waters, Welch, and Mr. Speaker—41.

NOES—Allen, Call, Carlson, Collins, Sam L., Dickey, Johnson, Kepple, Knight, T. Fenton, Millington, Pfaff, Potter, Richie, Salsman, Sheridan, Thorp, Turner, Watson, Weber, Weybret, and Wollenberg—20.

Time, 4 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENTS TO SENATE BILL NO. 29

At 4.05 p.m., on motion of Mr. Bashore, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Poole, Robertson, Russell, Tenney, Thomas, Welch, and Mr. Speaker—35

NOES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Doyle, Field, Hastain, Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Millington, Pfaff, Phillips, Potter, Poulson, Richie, Salsman, Sawalisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weyburt, and Wollenberg—37.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Donnelly moved the adoption of the following amendments:

Amendment No. 1

On page 8 of the printed bill, as amended, strike out lines 46 and 47; and on page 9, strike out line 1, and insert "he paid two dollars (\$2) per day. The pay per day of enlisted men above the rank of private when in active".

Amendment No. 2

On page 9 of the printed bill, as amended, strike out lines 9 to 12, inclusive.

Amendment No. 3

On page 9, line 16, of the printed bill, as amended, strike out "Officers and enlisted men", and insert "Commissioned officers".

Amendment No. 4

On page 9, lines 18 and 19, of the printed bill, as amended, strike out "and enlisted men".

Demand for Previous Question

Messrs. Andreas, Sheridan, Robertson, Howser, F. N., and Kilpatrick demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Salsman, Tenney, Thomas, and Welch—33.

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dulworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B. Knight, T. Penton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—38.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS We have examined a measure entitled

"An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Charles W. Lyon.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Jeannette E. Daley, Assembly Chamber
State Capitol, Sacramento, California*

REQUEST: No. 4895

DEAR MRS. DALEY You have requested that we advise you whether the attached bill entitled

"An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately."

is within the scope of the Governor's Proclamation convening the Legislature in special session

We are of the opinion that this bill is included within the subject expressed in Item 2 of the Governor's Proclamation. It makes an appropriation to the Emergency Fund, and the remaining provisions are restrictions on the expenditure thereof.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS. We have examined the measures entitled

"An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately.",

"An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal stamp and surplus commodity distribution plans, declaring the urgency thereof, to take effect immediately.",
and

"An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal public assistance programs, declaring the urgency thereof, to take effect immediately."

and report that in our opinion they appear to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John W. Evans.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately."
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Edward F. O'Day.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 61: By Mr. Lyon—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Without reference to committee.

Assembly Bill No. 62: By Mr. O'Day—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Without reference to committee.

Assembly Bill No. 63: By Mrs. Daley and Messrs. Weybret, Phillips, Gaffney, Allen, Stream, Howser, F. N., Kellems, Poole, Leonard, Garland, Hastain, Dickey and Salsman—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Without reference to committee.

Assembly Bill No. 64: By Mr. Evans—An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal Public Assistance Programs, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Bill No. 65: By Mr. Evans—An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal Stamp and Surplus Commodity Distribution Plans, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Bill No. 66: By Mr. Evans—An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 23: By Mr. Dilworth—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 8, line 18, of the printed bill, strike out the period, and insert "or unless he has declared his intention to become a citizen of the United States."

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Bashore, Collins, George D., Del Mutolo, Hawkins, Kilpatrick, King, Meehan, O'Day, Poole, Richie, Russell, Tenney, and Thomas—13.

NOES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

Motion to Amend

Mr. Thomas moved the adoption of the following amendment:

Amendment No. 1

On page 9 of the printed bill, as amended, between lines 8 and 9, insert

"In addition to the pay provided for in this chapter, an enlisted man in the State Guard when called into active service shall receive an allowance (not in any case to exceed thirty-five dollars (\$35) per month) for the support of actual dependents as follows:

(a) For the first dependent at the rate of fifteen dollars (\$15) per month for the period of time served;

(b) For each of the next two dependents at the rate of ten dollars (\$10) per month for the period of time served.

A dependent is the wife of the enlisted man, a child under the age of 21, or the mother, father, or other person, whether related to the enlisted man or not, and whether living with him or not, dependent upon and receiving his chief support from the enlisted man, provided such mother, father, or other person is incapable of self-support because mentally or physically defective."

Amendment read.

Demand for Previous Question

Messrs. Howser, F. N., Sheridan, Knight, T. Fenton; Watson and Waters demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heringer, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, O'Day, Poole, Richie, Russell, Thomas, and Welch—26.

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation
Yours very truly,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Don A. Allen.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 67: By Mr. Allen—An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof, and providing that it shall take effect immediately.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. O'Day moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, between lines 3 and 4, insert
 "4 Such auxiliary units as may be necessary for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit."

Amendment read.

Demand for Previous Question

Messrs. Howser, F. N., Collins, Sam L., Stream, Pfaff and Kilpatrick demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Knight, T. Fenton; Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Thurman, and Welch—32.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—40.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Hugh M. Burns, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on amendments to Senate Bill No. 29.

Motion to Amend

Mr. Hugh M. Burns moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert
 "4 Such observation squadrons, organized prior to December 7, 1941, which may be in the opinion of The Adjutant General be necessary for the proper function of the State Guard as a guard unit and not for combat purposes."

Amendment read.

Demand for Previous Question

Messrs. Collins, Sam L., Robertson, Sheridan, Waters and Weber demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Robertson, Russell, Sawallisch, Tenney, Thomas, Thurman, and Mr. Speaker—31.

NOES—Allen, Burns, Michael J., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dills, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Salsman, Sheridan, Stream, Thorp, Turner, Waters, Watson, Weber, Weybret, and Wollenberg—41.

Motion to Amend

Mr. O'Day moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the title of the printed bill, as amended, after "act", strike out lines 1 to 17, inclusive, and insert "making an appropriation for the State Guard, declaring the urgency hereof to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 5, inclusive.

Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 17 to 47, inclusive; and strike out pages 9, 10, 11, 12, 13, 14, 15 and 16, inclusive, and insert

"SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of ten million dollars (\$10,000,000) in augmentation of the appropriation for the State Guard, to be expended during the Ninety-third and Ninety-fourth Fiscal Years for the equipment, support, and maintenance of the State Guard.

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

An emergency exists in the United States and the State of California in protecting the lives of the citizens within the State and in the protection of both public and private property from enemies from within and without the country. The National Guard which has heretofore been available to this State as an organization for such purpose has been called into the service of the United States, and many units of the State Guard have been called into the service of the State. It is therefore necessary that steps be taken to provide for the proper equipment, support, and maintenance of the State Guard to take the place of the National Guard and to enable the State Guard effectively to protect the lives and property of citizens and the State. It is therefore necessary that this act take effect immediately."

Amendments read.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of a call of the Assembly on amendments to Senate Bill No. 29.

MOTION TO PRINT IN JOURNAL

Mr. Turner moved that the following communications be read, and ordered printed in the Journal:

Motion carried.

SAN FRANCISCO, CALIFORNIA, January 16, 1942

*Hon. Gordon H. Garland, Speaker of the Assembly
State Capitol, Sacramento, California*

We urge that you do all in your power to prevent the adoption by the Assembly of the Guard program which understand has received approval of Senate. I earnestly submit that California, entitled as it is as part of the United States, to the protection of the Federal forces is in no such danger as would justify under existing conditions the appropriation of \$17,000,000 for the setting up of additional National Guard units. The proposed Federal expenditures for armament and the prosecution of the war are such that the tax burden which is going to result will be all that the people of this Country can stand. It is not only unpatriotic to add an unnecessary burden on the taxpayers of this State such as will inevitably result from Governor's program but in the long run as the tax burden which is in store for the people of this State is appreciated by them I am convinced will bring repercussions of serious political consequence. I submit that what we need in this State, if we need anything, is nothing more than a realistically expanded police force which can be provided at fraction of the \$17,000,000 contemplated for the Guard. If the hysteria of the moment demands that something be done toward strengthening the Guard then certainly the reasonable procedure is to vote only such funds as will be required to take care of the situation up to June 30th by which time the people of the State and Members of the Legislature will have a much better picture of what the need of our situation is going to be.

ALFRED W. EAMES

SAN FRANCISCO, CALIFORNIA, January 16, 1942

Hon. Gordon H. Garland, Speaker
State Assembly, Capitol

Trust you will oppose Guard Bill passed by Senate. While recognizing necessity and importance adequate guard amount money proposed exorbitant. Guard should be primarily for protection public property and industries essential to defense. Appropriation should extend to June 30th only by which time functions appropriate to State will be clarified.

CROWN ZELLERBACH CORP.

J. D. ZELLERBACH, President

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Further Consideration of Amendments by Mr. O'Day

The roll was called, and the amendments refused adoption by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—32.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallsch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 10, line 14, of the printed bill, as amended, strike out "and", and insert "one officer having the rank of lieutenant who shall act as regimental".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kellems, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Robertson, Russell, Tenney, Thomas, and Welch—25.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallsch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—44.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 19, and insert "increases, particularly to those employees in the lower salaried brackets; and".

Amendment No. 2

On page 2 of the printed measure, as amended, strike out lines 10 to 19, inclusive, and insert "*Senate thereof concurring*, That the Governor, the Director of Finance and the State Personnel Board are most urgently requested to consider the problem and to make adjustments and increases in salaries consistent with and not in excess of the percentage increase in the cost of living as reported by the Bureau of Labor Statistics of the U. S. Department of Labor and in no event to exceed twenty dollars (\$20) per month each in the salaries of the several employees of the State, where just and equitable.

Amendments read.

The roll was called, and the amendments adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Doyle, Evans, Field, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richue, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Dilworth, Knight, T. Fenton; Miller, Pfaff, and Russell—5.

Resolution ordered to reprint, and re-re-engrossment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 33

Assembly Bill No. 34

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered to unfinished business file.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of, the School

Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 33?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 21429 to, and".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out the comma after "of".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. School Code Section 3.223 is hereby amended to".

Amendment No. 4

On page 2, line 14, of the printed bill, as amended, strike out "SEC. 4", and insert "SEC. 2".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "5", and insert "3".

Amendment No. 6

On page 3, line 1, of the printed bill, as amended, strike out "6", and insert "4".

Amendment No. 7

On page 3, line 22, of the printed bill, as amended, strike out "SEC. 7", and insert "SEC. 5".

Amendment No. 8

On page 3, line 40, of the printed bill, as amended, strike out "8", and insert "6".

Amendment No. 9

On page 4, line 3, of the printed bill, as amended, strike out "9", and insert "7".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 33 by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Muto, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.
NOES—Kilpatrick—1.

Assembly Bill No. 33 ordered enrolled.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 34?

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert

"No apportionments from State funds based upon average daily attendance in such special day or evening classes shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof. Where the total cost of such classes exceeds the amount borne by the Federal Government, or any agency thereof, the average daily attendance of pupils upon classes conducted pursuant to this section shall be computed to the extent necessary to recompense the district for the balance of the sum expended in the conduct of such classes."

The roll was called, and the Assembly refused to concur in the Senate amendment to Assembly Bill No. 34 by the following vote:

AYES—Call, Carlson, Del Mutolo, Dills, and Welch—5.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Diekey, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Hersinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—63.

Assembly Bill No. 34 ordered to Conference Committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 14, lines 30 to 32, inclusive, of the printed bill, as amended, strike out "seven million, nine hundred thirty-four thousand, three hundred sixty-five dollars (\$7,934,365)", and insert "seventeen million dollars (\$17,000,000)".

Amendment read.

Demand for Previous Question

Messrs. Waters, Howser, F. N., Stream, Evans and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, O'Day, Pelletier, Richie, Robertson, Tenney, Thomas, and Welch—24.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Diekey, Dilworth, Evans, Field, Hastain, Hersinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—44.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

On page 8 of the printed bill, as amended, strike out lines 35 to 44, inclusive, and insert "service shall receive the same pay and allowances as officers of the same rank and grade in the United States Army."

Amendment No. 2

On page 9, line 13, of the printed bill, as amended, strike out "officer or".

Amendments read.

Demand for Previous Question

Messrs. Turner, Call, Carlson, Field and Dilworth demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Cam, Collins, George D., Gaffney, Gunlock, King, Meehan, O'Day, Robertson, and Thomas—11

NOES—Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastam, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Miller, Millington, Pfaff, Phillips, Poole, Porter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—50.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendment:

Amendment No. 1

On page 11 of the printed bill, as amended, strike out lines 27 to 51, inclusive

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Del Muto, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, Pelletier, Richie, Russell, and Tenney—20.

NOES—Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Field, Hastam, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Miller, Millington, Pfaff, Phillips, Poole, Porter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—44.

Senate Bill No. 29 ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately"

and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copies to Honorables Harvey E. Hastain, Fred Weybret, L. W. Lowrey, Godfrey A. Andreas and T. Fenton Knight.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 68: By Messrs. Hastain, Knight, T. Fenton; Andreas, Weybret and Lowrey—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 10
Senate Concurrent Resolution No. 14

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read.

Motion to Amend

Mr. Cain moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "November 11", and insert "November 10".

Amendment read and adopted.

Resolution ordered reprinted, and to third reading.

MOTION TO PRINT IN JOURNAL

Mr. Dilworth moved that the following statement be ordered printed in the Journal:

Motion carried.

January 14, 1942

At a meeting of the executive committee of the Civilians Advisory Committee, Company G, California State Guard, held at Hemet, January 5th, it was unanimously agreed that a statement be prepared outlining the policies that this committee believes should be pursued as regards the local company of the State Guards, based on our understanding of the purposes of the Guard when we accepted membership on this committee.

At that time, we were advised by those promoting the establishment of the Guard company in this valley that the purpose was to provide a properly trained and disciplined group of men to protect the local community against possible sabotage by alien or subversive interests, to assure law and order in cases of National emergency and to provide young men below the draft age an opportunity to prepare themselves for Army life when and if they were drafted into the United States Army. It was also understood that these Guard members would have the privilege of resigning within 30 days at any time, that they would have to provide their own uniforms, they would have to attend drill meetings at least once a week at the option of their officers and if they did not take an active part in the companies' activities they would be automatically dropped by their superior officers.

It was explained that this was to give an opportunity to men not of selective draft age to assist in the protection of our local community and it was also understood that only in the cases of extreme emergencies would there be any possibility of them being called away from their home community for service. All of their time was to be donated and there were no promises made of any financial reimbursement for time spent at their duty.

It was explained to us that the purpose of having a Citizens Advisory Committee was to provide a contact between the officers of the company and the civilians in our community and also we were told that it might be necessary for us to raise a small fund to take care of incidental expenses of the company. In this connection our committee has solicited from citizens in this community approximately \$1,000, which money has been partially used for the purchase of some additional clothing for the members of the Guard and to defray incidental expenses of postage and office supplies.

It is the belief of our committee that the original intention and purpose as explained to us should be carried out and we believe there is grave danger of losing the cooperation of a large percentage of Guard members in this community if any change is made in the State law which will compel the present members to serve for continuous periods of 30, 60, 90 days even with compensation as these men are already employed and most of them have families and except for some National disaster, they do not believe that they should be taken from their homes and from this community and placed in a State Army to do Guard service around properties owned by private interests. Also they are quite insistent that they be given the option of resigning within 30 days as their original oath of office required.

We believe that it would be perfectly logical and proper for the State Legislature to appropriate sufficient funds to provide members of the Guard with suitable warm clothing for Winter use, provide guns and ammunition and possibly some bedding and kitchen utensils for use if they are called out under any emergency. Also we believe incidental expense money should be provided officers for traveling expenses when attending to duties outside their home community.

This statement has been prepared with the thought of advising local citizens of the conclusions of our committee as well as our representatives in the Legislature and with that thought in mind copies of this statement are to be furnished the local newspaper, copy sent to State Senator John Phillips and Assemblyman Nelson S. Dilworth at Sacramento.

H. H. SPAULDING
E. W. RICKARD
J. C. LOOMIS

H. B. WELLS
E. G. GARRISON
THOS. J. FLETCHER

MOTION TO PRINT IN JOURNAL

Mr. Potter moved that the following communication be ordered printed in the Journal:

Motion carried.

LOS ANGELES, CALIFORNIA, January 16, 1942

*Fred N. Houser, Member California Assembly
State Capitol, Sacramento*

As citizen of Long Beach may I state own views upon State Guard? Believe defense clearly the responsibility of Federal Government as we are in combat zone. Doubt necessity or wisdom of large standing State Guard. Believe small, well trained force able to supplement regular police, sheriff and other peace officers most logical and efficient, although unlimited, purely voluntary membership could and should be available if needed. Proposed Assembly amendments limiting appropriation to \$8,000,000 seems fully adequate. Larger appropriation not only wasteful but establishes unwise precedent for large force of unnecessary State troops.

CHARLES S. HENDERSON

RECESS

At 6.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 16

Assembly Joint Resolution No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

RESOLUTIONS

The following resolution was offered:

By Mr. Johnson:

House Resolution No. 62

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-five (75) sets of the 1941 Supplement to Deering's California Codes, General Laws and Treadwell's Constitution as printed in one volume.

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of these Supplements to each Member of the Assembly and one copy to the Chief Clerk of the Assembly.

Resolution read, and referred to Committee on Rules.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Wollenberg, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Joint Resolution No. 10

Request for Unanimous Consent

Mr. Wollenberg asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 10, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, Sam L. Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Maloney, Masson, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—Collins, George D., Del Mutolo, Gaffney, Kilpatrick, Pelletier, and Thomas—6.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Bill No. 61, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 61**Temporary Suspension of Assembly Rule No. 33**

On motion of Mr. Lyon, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 61.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Lyon:

Resolved, That Assembly Bill No. 61 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, Sam L. Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N. Johnson, Kellems, Kilpatrick, Knight, John B. Knight, T. Fenton; Leonard, Lowrey,

Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M. Burns, Michael J. Cam, Call, Carlson, Clarke, Collins, Sam L. Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N. Johnson, Kellem, Kilpatrick, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Burns, Hugh M. Burns, Michael J. Call, Carlson, Clarke, Collins, Sam L. Del Mutolo, Dickey, Dills, Dilworth, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N. Johnson, Knight, John B. Leonard, Lowrey, Lyon, Maloney, McColister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Burkhalter, Collins, George D. Donnelly, Kilpatrick, Massion, and Thomas—6.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 16, 1942

Members of the Senate and Assembly of the California Legislature

GREETINGS. For my information and yours, in addition to the information and advice given me by The Adjutant General, I asked Major General Walter C. Sweeney, U. S. Army, Retired; Major General Paul B. Malone, U. S. Army, Retired; and Colonel Arthur G. Fisher, U. S. Army, Retired, citizens and residents of California, and experienced officers with a life-time of service in the regular Army of the United States, to analyze the subject you are now considering; to wit: The organization of the State Guard, and to give us the benefit of their advice as to the suitability of some of the provisions in bills now being considered by the Legislature with respect thereto.

These qualified citizens of our State, in response to this invitation, have furnished me a memorandum on the subject, which I herewith transmit to you for your information.

I hereby renew my request for an appropriation of \$17,500,000 for the maintenance of the State Guard without provisions for its reorganization.

Respectfully yours,

CULBERT L. OLSON, Governor of California

Enclosure (1)

Message read.

COMMUNICATIONS

The following memorandum accompanying the Governor's message was read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, January 16, 1942

Memorandum for the Governor of California

I. The Governor of the State of California has invited the undersigned retired officers of the Regular Army, citizens of the State of California, to give to him their professional opinion based on a life-time of Military service, as to the best organization of the State Guard and the suitability of some of the provisions in bills now before the State Legislature with respect thereto.

II. The views indicated below are based upon facts as follows:

1. The Congress of the United States has declared that a state of war exists between the United States, Germany, Italy, and Japan.

2. The State of California is an area designated as A COMBAT ZONE.

3. The National Guard of the State of California has been inducted into the Federal service and is no longer available as a State force for active duty in case of "insurrection, invasion, tumult, riot, breach of peace, public calamity, public catastrophe, or other emergencies, or imminent danger thereof."

4. The President and the Secretary of War have indicated to the Governors of all States that the prompt organization of a State Guard to replace the National Guard and to relieve units of the Army for combat against our enemies is now desired.

III. The State of California has provided an adequate State Guard in accordance with an act of Congress approved October 21, 1940. The State Guard so organized has performed its duties for a period of 18 months, in a very satisfactory manner. The inspection reports of regular Army officers filed in The Adjutant General's Office at Sacramento contain favorable records of its efficiency.

It would seem manifest from the foregoing that the State Guard should receive the same pay and allowances, and be organized and equipped essentially according to the Tables of Organization prescribed for the National Guard, which tables of organization are based on the experience of about 150 years in our Army and National Guard, and which it is intended temporarily to replace, and whose emergency duties under the present war conditions it will be required to perform.

In considering the existing situation in the State of California it is submitted:

a. That the State Guard as it now exists in the State of California is organized essentially in compliance with the foregoing requirements.

b. That it can and does perform the duties contemplated in the act of Congress approved October 21, 1940.

c. That the strength of the State Guard as it now exists is approximately that which is necessary for the performance of its functions under the law, but, as Army Troops are withdrawn it may become necessary to increase the number of State Troops.

IV. The Governor has asked the State Legislature for an appropriation of \$17,500,000 to carry on the current operations of the State Guard. The State Legislature, however, has proposed a bill generally changing the standard organization of the State Guard and substituting new forms of organization inadequately provided with officers and non-commissioned officers for successful Military service, and requiring procedures for which no standards exist in existing Military manuals.

V. After careful examination of this bill, Senate Bill No. 29, as amended January 15, 1942, and without prejudice or criticism of anyone we are of the opinion that it will be practically impossible for the executive authority of the State to interpret and administer it and at the same time meet the obligations imposed upon the State of California by the present National war emergency, which has existed since December 7, 1941. The bill changes organization of units, pay of officers and enlisted men, restricts and hampers the use of the Guard by the executive, and in general denies the responsible head of the State the authority it is necessary for him to have to meet his responsibilities.

VI. We are also of the opinion that the Military and Veterans Code, 1941, of the State of California contains satisfactory regulations to cover the State Guard organization, pay, equipment, etc., and should not be modified in the enabling act to comply with the request of the President and the Secretary of War to provide an adequate State Guard to replace the National Guard during the existing emergency.

WALTER C. SWEENEY, Major General, U. S. Army, (Retd.)

PAUL B. MALONE, Major General, U. S. Army, (Retd.)

ARTHUR G. FISHER, Colonel, U. S. Army, (Retd.)

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 24: By Messrs. Hastain, Knight, T. Fenton; Heisinger, Weybret, Andreas, Lowrey, Thorp, Clarke, Turner, Leonard, Lyon and Mrs. Daley—Relative to price control.

Without reference to committee.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harrison W. Call.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund to provide money for the support of the Division of Highways, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Hugh M. Burns.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 69: By Messrs. Call, Burns, Hugh M., and Sawalisch—An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 70: By Messrs Burns, Hugh M., Call and Sawalisch—An act making an appropriation to the Emergency Fund to provide money for the support of the Division of Highways, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Ways and Means.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs Howser, F. N., Waters, Evans, Collins, Sam L., and Pfaff demanded the previous question.

The roll was called, and demand for previous question not sustained by the following vote:

AYES—Call, Collins, Sam L., Crowley, Del Mutolo, Evans, Hastain, Hawkins, Heisinger, Howser, F. N., Knight, John B., Knight, T. Fenton; Leonard, Mid-dough, Miller, Pelletier, Pfaff, Poole, Robertson, Russell, Salsman, Thomas, Thorp, Thurman, Waters, Watson, and Weybret—26.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Houser, Frederick F. Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, McColister, Meehan, Millington, O'Day, Potter, Poulson, Richie, Sawalisch, Sheridan, Stream, Tenney, Turner, Weber, Welch, Wollenberg, and Mr. Speaker—43.

Demand for Previous Question

Messrs. Pfaff, Watson, Kilpatrick, Waters and Collins, Sam L., demanded the previous question

Demand for previous question sustained.

The question being on the final passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 11.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

Motion to Dispense With Further Proceedings Under Call of the Assembly

At 11.46 p.m., Mr. Donnelly moved that further proceedings under the call of the Assembly be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Allen, Burkhalter, Cam, Collins, George D., Crowley, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Johnson, Kilpatrick, King, Leonard, Lowrey, Massion, Meehan, Middough, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Russell, Salsman, Sheridan, Tenney, Thomas, and Waters—33.

NOES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Maloney, Miller, Millington, Potter, Robertson, Sawallsch, Stream, Thorp, Thurman, Turner, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—36.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 29

At 11.47 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Senate Bill No. 29 refused passage by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallsch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—Andreas, Bashore, Burkhalter, Cam, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—30.

Notice of Motion to Reconsider Senate Bill No. 29

Mr. Robertson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 29 was this day refused passage.

Explanations of Vote

We have voted against Senate Bill No. 29, feeling that it does not provide adequate protection to the lives and property of the people of California. We favor the present status of the State Guard with a minimum appropriation of \$10,000,000.

JOHN EDWARD CAIN
WM. I. GUNLOCK
JOHN D. WELCH

I voted "No" on Senate Bill No. 29 because I felt that the provisions of that bill did not measure up to the requirements of the Federal Army. A State Guard which is hamstrung and hog-tied by unreasonable restrictions would not meet the high purpose for which it is needed.

M. G. DEL MUTOLO

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Sals-

man, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Resolution ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

JOINT COMMITTEE ON WAYS AND MEANS, GOVERNMENT EFFICIENCY AND ECONOMY, AND MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred.

Assembly Bill No. 7

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14. at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J. Cam, Carlson, Clarke, Collins, George D., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Joint Resolution No. 25: By Mr. Stream and Mrs. Daley—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 26: By Mr. Lyon—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 26, at this time, without reference to committee or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 26

Assembly Concurrent Resolution No. 26—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

Demand for Previous Question

Messrs. Waters, Howser, F. N., Dilworth, Knight, John B., and Poulson demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 26.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr Speaker—46.

NOES—Andreas, Burkhalter, Cam, Collins, George D., Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—23.

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered:

Assembly Concurrent Resolution No. 27: By Mr. Middough—Relative to the acquisition and use of beaches for public park purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 28: By Mr. O'Day—Relative to rolls of honor of State employees in the United States armed forces.

Without reference to committee.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 64

Resolved, That the Controllor be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Walsh & Day (Repair & replace parts in 2 damaged micro-phones)	\$72 10
Pacific States Telephone & Telegraph Co. (Tolls)	54 80
Bureau of Purchases, supplies, December	40 56

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 64, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman,

Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.
NOES—None

By Mr. Lyon:

House Resolution No. 65

Resolved, That Arthur A. Ohnimus, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the Fifty-fourth (First Extraordinary) Session of the Legislature, and all indexing, correcting, comparing and proofreading, and otherwise preparing the Journal of the Assembly of the Fifty-fourth (First Extraordinary) Session of the Legislature, and making the information therein contained readily available for the use of the Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-fourth (First Extraordinary) Session, and of compiling, preparing and having printed after adjournment or recess, a Final Calendar of the legislative business of the Fifty-fourth (First Extraordinary) Session, said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the Fifty-fourth (First Extraordinary) Session.

When said Final Calendar is prepared, the said Arthur A. Ohnimus, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each Member of the Assembly, and one copy of the complete unbound chapters to each Member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 65, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M.; Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dulls, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

By Mr. Lyon:

House Resolution No. 66

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of two hundred dollars (\$200) in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, traveling expenses, and other incidental expenses in connection with completing the work of the Fifty-fourth (First Extraordinary) Session of the Assembly of the State of California. Vouchers and receipts of all expenditures to be furnished to the Controller.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 66, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 62

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF HOUSE RESOLUTION NO. 62**House Resolution No. 62**

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-five (75) sets of the 1941 Supplement to Deering's California Codes, General Laws and Treadwell's Constitution as printed in one volume.

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of these Supplements to each Member of the Assembly and one copy to the Chief Clerk of the Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Concurrent Resolution No. 14

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO. 34**

The Speaker announced the appointment of Miss Miller, and Messrs Call and Turner as a Committee on Conference concerning Assembly Bill No. 34.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE CONTINUED**

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued until the next legislative day.

Motion carried

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPIAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 35—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 3 p.m.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Dilworth, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Private First Class A. F. Eggersman, 4th Transport Squadron, McClellan Field, and Private First Class Noble H. Hughes, 4th Transport Squadron, and both from Indianapolis, Ind.

On request of Mr. Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Rev. Raymond L. Bailey of Sacramento.

On request of Mr. Allen, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Frank E. Cornell, Commandant, Marine Corps League, Sacramento.

On request of Mr. Sam L. Collins, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John C. Gregory, Chief of Police of Fullerton, and Harry Hyde, Judge of the City of Newport Beach.

ADJOURNMENT

At 11.57 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Saturday, January 17, 1942, out of respect to the memory of the late Hon. John Francis Pullen.

C. W. QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY
THIRTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Teuney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Hawkins.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 7—An act making an appropriation for an armory at the City of Glendale.

Bill read second time, and ordered engrossed.

Assembly Bill No. 62—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 64—An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal public assistance programs, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 65—An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal Stamp and Surplus Commodity Distribution Plans, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 66—An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 67—An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Concurrent Resolution No. 31—Relative to the consideration of a special session of the Legislature of subventions by the State to local governmental units.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Joint Resolution No. 23

Assembly Joint Resolution No. 24

Assembly Concurrent Resolution No. 27

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 7

Assembly Bill No. 65

Assembly Bill No. 62

Assembly Bill No. 66

Assembly Bill No. 63

Assembly Bill No. 67

Assembly Bill No. 64

Assembly Bill No. 68

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 33—An act to amend Sections 3,223, 4,721, 4,740, 4,751 and 4,752 of the School Code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army and the Los Angeles County flood control authorities to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 12.30 p m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 61

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 25

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Deuel, Swan and Tickle as a Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 15

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 29: By Mrs. Daley and Messrs. Stream, Hastain, Desmond and Garland—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code, Section 253.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 30: By Mrs. Daley and Messrs. Stream, Hastain, Desmond and Garland—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 31: By Messrs. Garland, Sawallisch and Burns, Hugh M.—Relative to the consideration at a special session of the Legislature of subventions by the State to local governmental units.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 67

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Bancroft Whitney (75 sets 1941 Supplement Deering's Codes
General Laws, Constitution)----- \$838 16

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 67, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple,

Kilpatrick, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

RECONSIDERATION OF SENATE BILL NO. 29

In compliance with a notice given on a previous day, Mr. Robertson moved that the vote whereby Senate Bill No. 29 was refused passage be reconsidered.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Robertson, Evans and Stream demanded the previous question.

Demand for previous question sustained.

The question being on the motion to reconsider the vote whereby Senate Bill No. 29 was refused passage.

The roll was called, and Senate Bill No. 29 reconsidered by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Thomas—1.

Senate Bill No. 29 ordered to third reading.

Motion to Set Special Order

Mr. Lyon moved that Senate Bill No. 29 be made a special order of business for Saturday, January 17, 1942, at 3 p.m.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Doyle moved a call of the Assembly.

Motion lost.

The question being on the motion that Senate Bill No. 29 be made a special order of business for Saturday, January 17, 1942, at 3 p.m.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—59.

NOES—None.

MOTION TO REFER ASSEMBLY BILL NO. 55 TO COMMITTEE ON WAYS AND MEANS

Mr. Frederick F. Houser moved that Assembly Bill No. 55 be withdrawn from the file, and referred to the Committee on Ways and Means.

Substitute Motion

Mr. Wollenberg moved, as a substitute motion, that all bills now pending on file without reference to committee, and carrying an appropriate

tion, together with all bills before the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs be referred to the Committee on Ways and Means.

Motion carried unanimously.

Pursuant to the above motion, the Speaker ordered the following bills withdrawn from the file, and referred to the Committee on Ways and Means:

Assembly Bill No. 37	Assembly Bill No. 58
Assembly Bill No. 38	Assembly Bill No. 59
Assembly Bill No. 50	Assembly Bill No. 62
Assembly Bill No. 51	Assembly Bill No. 63
Assembly Bill No. 52	Assembly Bill No. 64
Assembly Bill No. 53	Assembly Bill No. 65
Assembly Bill No. 54	Assembly Bill No. 66
Assembly Bill No. 55	Assembly Bill No. 67
Assembly Bill No. 56	Assembly Bill No. 68
Assembly Bill No. 57	Senate Bill No. 30

Pursuant to the above motion, the Speaker ordered the following bills withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and re-referred to the Committee on Ways and Means:

Assembly Bill No. 1	Assembly Bill No. 25
Assembly Bill No. 2	Assembly Bill No. 27
Assembly Bill No. 5	Assembly Bill No. 28
Assembly Bill No. 10	Assembly Bill No. 31
Assembly Bill No. 14	Assembly Bill No. 32
Assembly Bill No. 16	Assembly Bill No. 39
Assembly Bill No. 17	Assembly Bill No. 40
Assembly Bill No. 19	Senate Bill No. 2
Assembly Bill No. 20	Senate Bill No. 5
Assembly Bill No. 21	Senate Bill No. 6
Assembly Bill No. 22	Senate Bill No. 7
Assembly Bill No. 23	Senate Bill No. 9
Assembly Bill No. 24	

RECESS

At 12.35 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.50 p.m.

REASSEMBLED

At 2.50 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 68

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 53

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 20

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported bill ordered to third reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry;

And reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 11:30 a. m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 31

Assembly Concurrent Resolution No. 28

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately;

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 4:30 p. m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 30

Assembly Joint Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 15

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman.

Above resolution ordered to third reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred.

Assembly Bill No. 63

Respectfully reports the same back with amendments, but without recommendation as amended, subject to attaching opinions from the Legislative Counsel and the Attorney General.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Hastain moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "making an appropriation to", and insert "to add Section 1.1 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately," (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1, 2 and 3; and in line 4, strike out "expenditure", and insert

"SECTION 1. Section 1.1 is hereby added to the act cited in the title to read as follows:

Sec. 1.1. Out of the money appropriated by Section 1, the sum of thirty-four thousand fifty-five dollars (\$34,055), if and when expended, shall only be expended".

Amendment No. 3

On page 1, line 16, of the printed bill, strike out "provide additional funds", and insert "have funds available".

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed measure, strike out " , blind,".

Amendment No. 2

On page 1, line 1, of the printed measure, strike out " , blind,".

Amendment No. 3

On page 1, line 7, of the printed measure, strike out " , blind,".

Amendment No. 4

On page 1, line 13, of the printed measure, strike out "or blind".

Amendment No. 5

On page 1, lines 20 and 21, of the printed measure, strike out “, dependent blind thirty-three dollars and thirty-three cents (\$33.33) per month,” and insert “and”.

Amendment No. 6

On page 2, line 1, of the printed measure, strike out “self”, and insert “half”.

Amendment No. 7

On page 2, line 9, of the printed measure, strike out “and blind”.

Amendment No. 8

On page 2, line 21, of the printed measure, strike out “, blind, and”, and insert “and to”.

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

On page 2, line 4, of the printed bill, after “writing”, insert a comma and “signed by a majority of the members,”.

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 17 to 23, inclusive, and insert “(3) None of the moneys hereby appropriated shall be expended, allotted or encumbered for any purpose unless the local agency filing the application has expended since July 1, 1941, or agrees to expend, for State or local civilian defense purposes an amount equal to the moneys proposed to be expended, allotted or encumbered”

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible special session.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read, and ordered engrossed.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 31—Relative to the consideration of a special session of the Legislature of subventions by the State to local governmental units.

Resolution read.

Motion to Amend

Mr. Hugh M. Burns moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 20, of the printed measure, after "purposes", insert "and legislation providing for protection against the dangers of sabotage".

Amendment read and adopted.

Resolution ordered reprinted, and re-engrossed.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER. The Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on January 15, 1942, be further amended as follows:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Where the total", and strike out all of lines 13 to 18, inclusive.

DEUEL
SWAN
TICKLE

MILLER
TURNER
CALL

Senate Committee on Conference

Assembly Committee on Conference

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Miss Miller moved a call of the Assembly.

Motion carried. Time, 2.52 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33**

On motion of Mr. Bashore, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 55.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Bashore:

House Resolution No. 68

Relating to creation of the Assembly Committee on Sporting Events

WHEREAS, The war in which this Nation is engaged has brought about the imposition on the Pacific Coast of various restrictions deemed to be necessary by Military authorities for the defense of the area and the protection of the civilian population; and

WHEREAS, Among these restrictions has been the curtailment of several athletic and sporting events, such as the Rose Bowl and the East-West football games and the Santa Anita racing season; and

WHEREAS, Many of the athletic programs and events which have been canceled or transferred out of the State have been the source of appreciable State and local revenues, have furnished employment to hundreds of persons, and have contributed enjoyment and improved the morale of thousands of sports lovers, all of which benefits are lost where the sports are abandoned; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on Sporting Events to consist of three members appointed by the Speaker of the Assembly to contact and confer with Military authorities in charge of Military operations on the Pacific Coast with a view to lifting the ban against organized sporting events wherever it will not actually harm the War Program or endanger the civilian population, to which end the committee shall have power to act during this session of the Legislature, including any recess thereof, and after final adjournment thereof, and to report the results of its inquiry to the Assembly at any special session of this Legislature or to the Regular Session of the Fifty-fifth Legislature; and be it further

Resolved, That the sum of five hundred dollars (\$500), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the Treasurer.

Resolution read, and referred to Committee on Rules.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ADOPTION OF CONFERENCE REPORT
CONCERNING ASSEMBLY BILL NO. 34**

At 2.53 p.m., on motion of Miss Miller, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the report adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

MOTION TO CONTINUE SPECIAL ORDER

Mr. Lyon moved that Senate Bill No. 29, set as a special order of business for today at 3 p.m., be continued until 9 p.m. of this legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 35

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 17, 1942

To the Members of the Senate and Assembly of the California Legislature

GREETINGS—Upon receipt of Assembly Concurrent Resolution No. 13, criticising the action of the Board of Prison Terms and Paroles in paroling the prisoners, King, Ramsay and Connor, and calling upon me to revoke that action of the board, I forwarded a copy of the same to Booth B. Goodman, Chairman of the Board of Prison Terms and Paroles, requesting a report of the considerations and reasons upon which the action of the board was based. In response to that request, I have received from the chairman of the board such report, a copy of which is herewith submitted to you for your information.

Respectfully yours,

CULBERT L. OLSON, Governor of California

BOARD OF PRISON TERMS AND PAROLES
SAN FRANCISCO, CALIFORNIA, January 16, 1942

Honorable Culbert L. Olson, Governor of California
State Capitol, Sacramento, California

YOUR EXCELLENCY: In compliance with your communication transmitting a copy of Assembly Concurrent Resolution No. 13 relative to the granting of paroles to King, Ramsey and Conner and requesting a report of the considerations upon which the action of the Board of Prison Terms and Paroles was based, you are hereby advised as follows:

The statement in the resolution that the paroled convicts were "convicted of one of the most heinous and cold-blooded murders in the criminal history of California" disproves itself by the obvious and undisputed fact that the paroled men were not convicted of first degree murder but of murder in the second degree only. The minimum penalty for murder in the second degree is five prison years. With good conduct, five prison years is, under our law, three years and seven months, or 43 months. Under the code persons convicted of second degree murder can be legally paroled after serving half of the minimum time, or 21 months and 15 days. King, Ramsey and Conner were paroled after they had served 58 months, which is equal to more than seven prison years and from which you will observe that these men served more than two and one-half times the minimum prescribed by law before parole.

The circumstances of the offense as revealed by the official record and confirmed in the opinion of the District Court of Appeal, reported in 30 Cal. Ap. 2d, page 185, are briefly as follows. George Alberts was murdered by George Wallace, now in San Quentin and one Ben Sakovitz who has never been either apprehended or prosecuted. It was never contended in any court that the claimed plan or conspiracy in which the paroled men participated went beyond a plan to have an assault and battery committed on Alberts. No conspiracy to commit murder was testified to, proved or claimed in any court.

It was admitted throughout the case that the paroled men did not participate in any assault upon the decedent as will appear from the following quotation from the charge of Honorable Frank M. Ogden, to the jury in the trial court which I quote from page 3937 of the official transcript:

"It is not the contention of the district attorney and he has offered no evidence tending to show that either of the defendants, King, Ramsey or Conner, personally perpetrated the actual assault. It must, therefore, be concluded that they did not."

The three parolees, prior to conviction in the instant case, have been law abiding citizens. Their conduct during incarceration had been exemplary.

In view of the fact that upon the record these men neither planned to kill nor participated in, nor were present at the killing, a majority of the board believed that after having served more than two and one-half times the minimum prescribed by law as a prerequisite to eligibility for parole, could be paroled with complete safety to the public.

If "the Attorney General of this State has made the unequivocal declaration that in this case the paroles were granted because of political pressure and that these convicts were granted special privileges within and outside the walls of San Quentin Prison because of such pressure," such statements are and each of them is wholly false and untrue. In so far as this board is concerned the only pressure which has been exercised has been the pressure of propaganda and misstatements originating since the granting of the paroles.

I have no knowledge of any charges against the granting of these paroles excepting statements circulated in a portion of the press which are contrary to the official records.

Neither the Legislature nor the Grand Jury of Alameda County granted the board any opportunity to present the facts and have obviously acted upon untrue hearsay statements.

Upon the facts which can be obtained only from the official records, it should appear that the board acted with sound discretion; that such action was well within the powers conferred by law; has not been and can not be questioned. Under these circumstances it is obviously the official duty of the Attorney General to protect the board in its right to function freely and without interference or intimidation.

A government is free only when its public officers do function within the lawful limits of their power, freely and without interference. To the preservation of this principle American ideals have ever been dedicated and in this day of crisis have been rededicated.

The best defense of Democracy against subversive activities is a demonstration of its sufficiency to administer personal justice without consideration of race, religion or politics and this your board has done.

I sincerely believe that a majority of the Legislators would not have voted for this resolution had they been in possession of the truth, nor would they have called upon Your Excellency to perform an act beyond your power under the law of this

State as set forth in the decision *ex parte Knaesche* reported in 22 Cal. App. 2d 667, holding that parole can not be revoked without cause.

Respectfully submitted.

BOOTH B. GOODMAN, Chairman
Board of Prison Terms and Paroles

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 1

Respectfully reports the same back with amendments, but without recommendation as amended.

MILLINGTON, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 20, inclusive; and on page 2, line 1, strike out "SEC. 3", and insert "SEC. 2".

Amendment read and adopted.

Bill ordered reprinted, and engrossed.

RECESS

At 4.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO CONTINUE SPECIAL ORDER

Mr. Desmond moved that Senate Bill No. 29, heretofore continued as a special order of business for this evening, at 9 p.m., be continued as a special order of business for 10.15 p.m., of this legislative day.

Motion carried.

RECESS

At 9.01 p.m., on motion of Mr. Desmond, the Assembly recessed until 10.14 p.m.

REASSEMBLED

At 10.14 p.m., the Assembly reconvened

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 14 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the

Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 13 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 15 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC to author.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 71: By Mr. Johnson—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 72: By Mr. Johnson—An act to add Section 1.3 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of

the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 73: By Messrs. Desmond and Clarke—An act to add Section 1.5 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 29
Assembly Concurrent Resolution No. 30
Assembly Joint Resolution No. 25
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No. 20
Assembly Bill No. 1
And reports the same correctly engrossed

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 63
Assembly Bill No. 68
Assembly Concurrent Resolution No. 31
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:
House Resolution No. 68
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

CONSIDERATION OF HOUSE RESOLUTION NO. 68

House Resolution No. 68—Relating to creation of the Assembly Committee on Sporting Events.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 2 of the typewritten resolution, in the last line of the first paragraph, strike out "; and be it further", and insert in lieu thereof a period; and strike out the last paragraph of the resolution.

Amendment read and adopted.

Request for Unanimous Consent

Mr. Bashore asked for, and was granted, unanimous consent to take up House Resolution No. 68, as amended, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 68, AS AMENDED**House Resolution No. 68**

Relating to creation of the Assembly Committee on Sporting Events

WHEREAS, The war in which this Nation is engaged has brought about the imposition on the Pacific Coast of various restrictions deemed to be necessary by Military authorities for the defense of the area and the protection of the civilian population; and

WHEREAS, Among these restrictions has been the curtailment of several athletic and sporting events, such as the Rose Bowl and East-West football games and the Santa Anita racing season; and

WHEREAS, Many of the athletic programs and events which have been canceled or transferred out of the State have been the source of appreciable State and local revenues, have furnished employment to hundreds of persons, and have contributed enjoyment and improved the morale of thousands of sports lovers, all of which benefits are lost where the sports are abandoned; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on Sporting Events to consist of three members appointed by the Speaker of the Assembly to contact and confer with Military authorities in charge of Military operations on the Pacific Coast with a view to lifting the ban against organized sporting events wherever it will not actually harm the war program or endanger the civilian population, to which end the committee shall have power to act during this session of the Legislature, including any recess thereof, and after final adjournment thereof, and to report the results of its inquiry to the Assembly at any special session of this Legislature or to the Regular Session of the Fifty-fifth Legislature.

Resolution read, as amended.

RESOLUTIONS

The following resolutions were offered:

By Mr. Bashore:

House Resolution No. 69

Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period

WHEREAS, The successful prosecution of the war requires the conservation of all resources both human and material; and

WHEREAS, The social and economic welfare of the Nation is to a large extent dependent upon the continued availability of motor vehicle transportation; and

WHEREAS, The Federal Government has seen fit to place restrictions upon the sale and use of new automobile tires under a tire rationing program to the end that an adequate rubber supply be maintained for the Military and civilian needs of the Nation; and

WHEREAS, The manufacture of new automobiles has been suspended in order that the great motor car manufacturing plants can devote their industrial facilities to the output of war materials; and

WHEREAS, Lower highway speeds will prolong the life of automobile tires and will reduce the consumption of gasoline and oil; and

WHEREAS, Many motorists will be obliged to use automobile tires which are retreaded, recapped or so badly worn as to be unsafe at high speeds; and

WHEREAS, Automobiles demolished in accidents of the future can not be replaced with new ones; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly hereby respectfully requests the Governor to issue a Proclamation calling upon the people

to operate their motor vehicles voluntarily at reduced speeds and in no event at a speed in excess of 45 miles an hour for the duration of the war, in the interests of automobile and tire conservation and of increased traffic safety; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

Resolution read, and referred to Committee on Rules.

By Messrs. Gaffney, Maloney, Wollenberg, Collins, George D., Welch and Meehan:

House Resolution No. 70

Relative to the marriage of Assemblyman Edward F. O'Day

WHEREAS, The Members of this Assembly have been pleased to learn of the marriage of their Colleague, Edward F. O'Day, to the lovely Elizabeth Margaret Folan, which event took place in San Francisco on September 11, 1941; and

WHEREAS, The setting of sail upon the Sea of Matrimony is an event concerning which it is always pleasant to provide a record; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly individually and collectively congratulate Mr. and Mrs. Edward F. O'Day on their joint venture and extend to them the best of wishes; and be it further

Resolved, That the Chief Clerk of this Assembly transmit to Mr. and Mrs. O'Day a suitably prepared copy of this resolution.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 70, at this time, without reference to committee.

Resolution read and adopted unanimously.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—Evans—1.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Messrs. Burkhalter, Carlson, Potter, Tenney, Lyon, and Kellems:

House Resolution No. 63

Expressing sympathy to bereaved in airliner crash

WHEREAS, The Members of this Assembly have been profoundly shocked at the reported death of Carole Lombard Gable, Corporal M. B. Affrime, Second Lieutenant James C. Barham, Sergeant A. M. Belejckak, Second Lieutenant Hal E. Brown, Jr., Sergeant Frederick P. Cook, First Lieutenant Robert E. Crouch, Frederick J. Dittman, Second Lieutenant K. T. Donahue, Lois Hamilton, First Lieutenant Robert F. Negren, Sergeant Edgar A. Negren, Second Lieutenant Charles D. Nelson, Mrs. Elizabeth K. Peters, Second Lieutenant Stuart L. Swenson, Private Martin W. Tellrank, Sergeant David C. Tilgman, Private Nicholas Varsamine, Otto Winkler, Wayne C. Williams, Morgan A. Gillette and Alice F. Getz, which appears to have occurred in an airplane crash en route to Los Angeles on January 16, 1942; and

WHEREAS, At the time of the crash Miss Lombard was returning from an extensive tour in connection with the defense bond drive and the National defense effort; and

WHEREAS, Her untimely death has brought to an end a career of one who on the stage and screen has delighted millions, and who will be sorely missed not only by the people of this State, but by those throughout the world who have enjoyed the performances of this beautiful and talented young woman; now, therefore, be it

Resolved, That this Assembly desires to express its profound sympathy to Clark Gable, the husband of Carole Lombard Gable, and to the bereaved families of the other deceased passengers; and be it further

Resolved, That when this Assembly adjourns this day it does so out of respect to the memory of the said persons; and be it further

Resolved, That suitably prepared copies of this resolution be prepared and transmitted by the Chief Clerk of this Assembly to the bereaved and to the Screen Actors Guild of Hollywood.

Request for Unanimous Consent

Mr. Burkhalter asked for, and was granted, unanimous consent to take up House Resolution No. 63, at this time, without reference to committee.

Resolution read.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Motion to Table

Mr. Doyle moved that Senate Concurrent Resolution No. 15 be laid on the table.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Doyle, Hawkins, Howser, F. N., Knight, T. Fenton; Pelletier, Pfaff, Potter, Richie, Salsman, Sheridan, and Watson—12.

NOES—Andreas, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Daley, Del Muto, Desmond, Dickey, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Johnson, Kellem, Kilpatrick, Knight, John B., Lowrey, Maloney, Meehan, Middough, Miller, Millington, O'Day, Phillips, Poole, Poulson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

Further consideration of Senate Concurrent Resolution No. 15 deferred.

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Muto, Desmond, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kilpatrick, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—Potter—1.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SPECIAL ORDER

The hour of 10 15 p.m. having arrived, Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Pfaff, Collins, Sam L., Howser, F. N., Knight, John B., and Stream demanded the previous question.

Demand for the previous question sustained.

The question being on the passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 10.20 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 52

Mr. Crowley moved that Assembly Bill No. 52 be withdrawn from the Committee on Ways and Means for purpose of amendment, and be re-referred to the Committee on Ways and Means.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Mr. Crowley asked for, and was granted, unanimous consent to take up Assembly Bill No. 52, at this time, for the purpose of amendment.

CONSIDERATION OF ASSEMBLY BILL NO. 52

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Crowley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "four million one hundred", and strike out all of line 3, and insert "three million four hundred twenty-one thousand eighty-seven (\$3,421,087) is".

Amendment No. 2

On page 1 of the printed bill, strike out lines 16 and 17, and insert "an increase for the period from February 1, 1942, to and including June 30, 1943, determined by the Governor, the Director of Finance and the State Personnel Board to be consistent with and not in excess of the percentage increase in the cost of living as reported by the Bureau of Labor Statistics of the United States Department of Labor, in no event to exceed twenty dollars (\$20) a month in, or 13.5 per cent of, the salary or wage of each employee of the State, whichever is lower."

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time for purpose of amendment.

**FURTHER CONSIDERATION OF SENATE CONCURRENT
RESOLUTION NO. 15**

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Motion to Amend

Mr. Cain moved the adoption of the following amendment:

Amendment No. 1

Strike out lines 4 to 12, inclusive, of the printed bill, and insert "WHEREAS, It appears that there are employees of the State of California who may possess dual citizenship; and

WHEREAS, It appears that many State civil service lists are almost completely filled with the names of children of alien nationals who may not have renounced their dual citizenship; now, therefore,"

Amendment read and adopted.

Resolution ordered reprinted, and to third reading.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Hawkins, Donnelly and Collins, Sam L. demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 14.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—65

NOES—Collins, Sam L., and Pfaff—2.

Resolution ordered transmitted to the Senate.

Hon. C. Don Field, Presiding

At 10.30 p.m., Hon. C. Don Field, Member of the Assembly from the Forty-third Assembly District, presiding.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to add Section 1.2 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 74: By Mr. Frederick F. Houser—An act to add Section 1.2 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON SENATE BILL NO. 29**

At 10.37 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with.

Explanations of Vote

We have voted against Senate Bill No. 29, feeling that it does not provide adequate protection to the lives and property of the people of California. We favor the present status of the State Guard with an adequate appropriation.

JOHN EDWARD CAIN
WM. I. GUNLOCK

I voted "No" on Senate Bill No. 29 as it is too restrictive and lowers the Military standards. I was not at all concerned in the amount of the appropriation.

T. J. DOYLE

I voted "No" on Senate Bill No. 29 because I believe this bill in reorganizing the State Guard renders it ineffective through restricting its mobility and nullifies the Governor's constitutional rights as Commander-in-Chief to move the Guard as changing conditions of this perilous war period may demand.

EDWARD M. GAFFNEY

Speaker Presiding

At 10.40 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

ADJOURNMENT

At 10.45 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10.45 a.m., Sunday, January 18, 1942.

C. W. QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY
THIRTY-FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Sunday, January 18, 1942

The Assembly met at 10.45 a m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellem, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Heisinger.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILLS
NOS. 71 AND 72**

Mr. Johnson moved that Assembly Bills Nos. 71 and 72 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 73

Mr. Desmond moved that Assembly Bill No. 73 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 74

Mr. Frederick F. Houser moved that Assembly Bill No. 74 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 71

Assembly Bill No. 72

Assembly Bill No. 73

Assembly Bill No. 74

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 72—An act to add Section 1.3 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 73—An act to add Section 1.5 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 74—An act to add Section 1.2 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 52

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 71
Assembly Bill No. 72

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 73
Assembly Bill No. 74

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 34—An act to amend Section 393 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 11.30 a m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 55

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Hastain moved a call of the Assembly.

Motion carried. Time, 10.46 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****MOTION TO EXPUNGE RECORD AND RESCIND ACTION**

Mr. O'Day moved to expunge the record, and rescind the action whereby all bills pending on file without reference to committee, and carrying an appropriation, together with bills before the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, were referred to the Committee on Ways and Means.

Ruling by Speaker

The Speaker ruled the motion out of order.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that Rule No. 58 be temporarily suspended for the purpose of withdrawing Assembly Bills Nos 50, 51 and 62 from the Committee on Ways and Means without the usual two-day notice.

Demand for Previous Question

Messrs. Turner, Thorp, Lyon, Waters and Collins, Sam L, demanded the previous question.

Demand for previous question sustained.

The question being on the temporary suspension of Rule No. 58.

The roll was called, and the motion lost by the following vote:

AYES—Andreas, Burkhalter, Cain, Del Mutolo, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Poole, Riche, Robertson, Russell, and Welch—21.

NOES—Bashore, Call, Carlson, Clarke, Collins, Sam L, Dickey, Dilworth, Doyle, Hastain, Houser, Frederick F., Howser, F. N. Johnson, Kellem, Kepple, Knight, John B, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pelletier, Phillips, Poulson, Stream, Thorp, Thurman, Turner, Waters, Watson, Weybret, and Mr. Speaker—31.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J. Cain, Call, Carlson, Clarke, Collins, Sam L, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney,

Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Millington, O'Day, Pelletier, Phillips, Poulson, Richue, Russell, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Waters, Welch, Weybret, and Mr. Speaker—48.
NOES—None

Resolution ordered transmitted to the Senate.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Heisinger moved to expunge the record, and rescind the action whereby Senate Bill No. 29 was refused passage.

Mr. Gaffney seconded the motion.

Motion Withdrawn

Mr. Heisinger, with the consent of the second, withdrew his motion.

Speaker Pro Tempore Presiding

At 10.48 a.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Hastain, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 24.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

Demand for Previous Question

Messrs. Howser, F. N., Gunlock, Watson, Collins, Sam L., and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Joint Resolution No. 24.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Hastain moved to expunge the record, and rescind the action whereby Assembly Joint Resolution No. 24 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Richue, Robertson, Russell, Salsman, Stream, Tenuv, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Welch, Wollenberg, and Mr. Speaker—54.
NOES—None.

Assembly Joint Resolution No. 24 ordered to third reading.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Desmond, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 22.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—52.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Cain, Call, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Tenney, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 18, 1942

State Assembly

Care Jack Tenney, Sacramento, California

No Military force can function without separate quartermaster unit whose function it is to procure and distribute an account for food, clothing and transportation. Speaking with the authority of 25 years of active and reserve experience, I find that the first quartermaster regiment composed of specialists working under great handicaps have done an admirable job. As a citizen and resident of California I recommend that quartermaster troops remain in the State Guard otherwise your State force will suffer greatly and the cost of the State Guard will be double your present figure. I sincerely hope you will give this matter your utmost consideration.

MAJOR BAYNE
Quartermaster Corps Res. U.S.A.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 68**

At 10.50 a.m., on motion of Mr. Hastain, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Call, Carlson, Clarke, Collins, Sam L. Dickey, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N. Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Dills, Hawkins, and Poole—3.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Call, Carlson, Clarke, Collins, Sam L. Dickey, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N. Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Dills, Hawkins, and Poole—3.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Motion to Grant Additional Time for Argument

Mr. Donnelly moved that Mr. Tenney be given an additional three minutes for argument on Senate Concurrent Resolution No. 15.

Motion carried.

Motion to Table Senate Concurrent Resolution No. 15

Mr. Bashore moved that Senate Concurrent Resolution No. 15 be laid on the table.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Carlson, Collins, Sam L. Hastain, Hawkins, Howser, F. N. Johnson, Kepple, Knight, T. Fenton; Lyon, Middough, Pelletier, Pfaff, Potter, Richie, Voigt, and Watson—17.

NOES—Allen, Burkhalter, Burns, Hugh M. Burns, Michael J. Cam, Call, Clarke, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Heisinger, Houser, Frederick F., Kellems, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Phillips, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

Demand for Previous Question

Messrs. Lyon, Potter, Dilworth, Waters and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Senate Concurrent Resolution No. 15.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gunlock, Heisinger, Howser, F. N., Kellems, King, Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Phillips, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Welch, and Weybret—41.

NOES—Bashore, Carlson, Clarke, Collins, George D., Collins, Sam L., Gaffney, Hastam, Hawkins, Johnson, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Middough, Pelletier, Pfaff, Potter, Poulson, Richie, Watson, Wollenberg, and Mr. Speaker—22.

Resolution ordered transmitted to the Senate.

Explanation of Vote

We voted against this resolution, as we are emphatically opposed to intolerance of any form. It is our fear that legislation of this character will lead to intolerance. Further, this resolution simply directs a governmental agency to do what the law already requires it to do. We have full confidence in the F.B.I. having the situation under complete control.

LEE T. BASHORE
GORDON H. GARLAND

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Augustus F. Hawkins.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 18, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1 and 555 of the Military and Veterans Code and to add Sections 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances, and rights of the State Guard, including unemployment and insurance benefits of persons who serve in the State Guard, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof,

declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Lloyd W. Lowrey.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 18, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR OHNIMUS: We have examined a measure entitled

"An act to amend Section 390 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC. Honorable Hugh M. Burns and Honorable Harold F. Sawallisch.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 75: By Mr. Hawkins—An act to amend Sections 553 1, 555 and 556 1 of the Military and Veterans Code, and to add Sections 555 2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 76: By Mr. Lowrey—An act to amend Sections 553.1 and 555 of the Military and Veterans Code and to add Sections 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances, and rights of the State Guard, including unemployment insurance benefits of persons who serve in the State Guard, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing it shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 77: By Messrs. Burns, Hugh M., and Sawallisch—An act to amend Section 390 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 32: By Messrs. Howser, F. N., Collins, Sam L., and Robertson—Relative to purchase of United States defense bonds by Members of the Legislature.

Request for Unanimous Consent

Mr. F. N. Howser asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 32, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 32

Assembly Concurrent Resolution No. 32—Relative to purchase of United States defense bonds by Members of the Legislature.

Resolution read.

Motion to Refer Assembly Concurrent Resolution No. 32 to Committee

Mr. Phillips moved that Assembly Concurrent Resolution No. 32 be referred to the Committee on Rules.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Clarke, Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, McDough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Richie, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, and Wollenberg—50

NOES—Carlson, Collins, George D., Collins, Sam L., Donnelly, Hawkins, Massion, Poole, Robertson, Welch, and Mr. Speaker—10.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 56

Assembly Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bills ordered to second reading.

RECESS

At 10.55 a.m., on motion of Mr. Lyon, the Assembly recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 25

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 51

House Resolution No. 51—Relative to an additional appropriation from the Contingent Fund for the Assembly Committee on Camps for Juvenile Delinquents.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Gaffney, Gunlock, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Lowrey, Lyon, Maloney, Meehan, Middough, Miller, O'Day, Pelletier, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Tenney, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—49

NOES—Carlson, Donnelly, and Heisinger—3.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 23

Assembly Concurrent Resolution No. 27

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Carlson moved to expunge the record, and rescind the action whereby House Resolution No. 63 was adopted on the previous legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 63

House Resolution No. 63—Relative to expression of sympathy to bereaved in air line crash.

Resolution read.

Motion to Amend

Mr. Carlson moved the adoption of amendments.

Amendments adopted.

Further Consideration of House Resolution No. 63, as Amended

House Resolution No. 63, as Amended January 18, 1942

Be it Resolved by the Assembly of the State of California, That House Resolution No. 63 be amended to read as follows:

House Resolution No. 63

Expressing sympathy to bereaved in airliner crash

WHEREAS, The Members of this Assembly have been profoundly shocked at the reported death of Carole Lombard Gable, Corporal M. B. Affrine, Second Lieutenant

James C. Barham, Sergeant A. M. Belejckak, Second Lieutenant Hal E. Browne, Jr., Sergeant Frederick P. Cooke, First Lieutenant Robert E. Crouch, Frederick J. Dittman, Second Lieutenant K. T. Donahue, Lois Hamilton, First Lieutenant Robert F. Negren, Sergeant Edgar A. Negren, Second Lieutenant Charles D. Nelson, Mrs. Elizabeth K. Peters, Second Lieutenant Stuart L. Swenson, Private Martin W. Tellrank, Sergeant David C. Tilgman, Private Nicholas Varsamine, Otto Winkler, Wayne C. Williams, Morgan A. Gillette and Alice F. Getz, which appears to have occurred in an airplane crash en route to Los Angeles on January 16, 1942; and

WHEREAS, The above named members of the armed forces, after dedicating their all to the cause of freedom and the defense of our heritage of liberty, have made the supreme sacrifice while in the active service of their Country; and

WHEREAS, At the time of the crash Miss Lombard was returning from an extensive tour in connection with the Defense Bond Drive and the National defense effort; and

WHEREAS, Her untimely death has brought to an end a career of one who on the stage and screen has delighted millions, and who will be sorely missed not only by the people of this State, but by those throughout the world who have enjoyed the performances of this beautiful and talented young woman; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly desires to express its profound sympathy to Clark Gable, the husband of Carole Lombard Gable, and to the bereaved families of the other deceased passengers; and be it further

Resolved, That when this Assembly adjourns this day it do so out of respect to the memory of the said persons, and be it further

Resolved, That suitably prepared copies of this resolution be prepared and transmitted by the Chief Clerk of this Assembly to the bereaved and to the Screen Actors Guild of Hollywood.

Resolution, as amended, read and adopted.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Frederick F. Houser:

Resolved, That Assembly Bill No. 74 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F. Houser, F. N., Johnson, Kellems, Kepple, Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Milington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybref, Wollenberg, and Mr. Speaker—57.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 74

Assembly Bill No. 74—An act to add Section 1.2 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57
NOES—None.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 5.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****MOTION TO TEMPORARILY SUSPEND RULE NO. 33**

Mr. Johnson moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Assembly Bill No. 71, and for the purpose of allowing further proceedings under the call of the Assembly, by unanimous consent, to consider Assembly Bill No. 71.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton, Leonard, Lowrey, Maloney, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—47.
NOES—Burkhalter, Cam, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 71**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Mr. Johnson:

Resolved, That Assembly Bill No. 71 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, T. Fenton, Leonard, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.
NOES—Donnelly, and Russell—2.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 5.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

**MOTION TO TEMPORARILY SUSPEND RULE NO. 33 AND
EXPUNGE RECORD**

Mr. Heisinger moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Senate Bill No. 29, and to allow further proceedings under the call of the Assembly; and to expunge the record and rescind the action whereby Senate Bill No. 29 was refused passage.

Division of the Question

Mr. Johnson demanded a division of the question.

The Speaker ordered a division of the question.

The question being on the motion to suspend that portion of Rule No. 33 in order to allow the placing of a call of the Assembly under a previous call of the Assembly?

The roll was called, and the motion lost by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Hastain, Heisinger, Maloney, Middough, Poole, Robertson, Sawallisch, and Sheridan—12.

NOES—Andreas, Burkhalter, Cam, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Leonard, Lowrey, Lyon, Masson, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Richie, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—50.

MOTION TO TEMPORARILY SUSPEND RULE NO. 33

Mr. Johnson moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Assembly Bill No. 72, and for the purpose of allowing further proceedings under the call of the Assembly by unanimous consent to consider Assembly Bill No. 72.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Desmond, Dickey, Dilworth, Doyle,

Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—52.

NOES—Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 72

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Mr. Johnson :

Resolved, That Assembly Bill No. 72 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 6.10 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

RECESS

At 6.15 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Poulson moved that that portion of Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on Assembly Bill No. 56.

The roll was called, and the Rules temporarily suspended by the following vote :

AYES—Bashore, Burkhalter, Carlson, Clarke, Crowley, Daley, Dickey, Dilworth, Doyle, Heisinger, Houser, Frederick F., Johnson, Kellems, Knight, John B., Leonard, Maloney, McCollister, Middough, Miller, Millington, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—38.

NOES—Cain, Collins, George D., Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, King, Lowrey, Massion, O'Day, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 56

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Mr. Poulson :

Resolved, That Assembly Bill No. 56 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F. Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F. Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F. Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately;

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes;

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 10 p.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 10 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that that portion of Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on Assembly Bill No. 62, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Dickey, Dills, Donnelly, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Maloney, Massion, Meehan, Millington, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—48.

NOES—Carlson, Clarke, Dilworth, Houser, Frederick F. Johnson, Knight, John B., Knight, T. Fenton; McCollister, Miller, Potter, and Turner—11

SECOND READING OF ASSEMBLY BILL NO. 62

Assembly Bill No. 62—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. O'Day:

Resolved, That Assembly Bill No. 62 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Thurman—28.

NOES—Allen, Carlson, Clarke, Crowley, Daley, Dickey, Dilworth, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Salsman, Sheridan, Stream, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—33.

Speaker Pro Tempore Presiding

At 10.15 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to

be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read third time.

Motion to Amend

Mr. Frederick F. Houser moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert "signed by a majority of the members, to the Governor, the State Department of Finance, and the State Board of Control.

(2) None of the moneys hereby appropriated shall be expended, allotted or encumbered or become available for expenditure for any purpose, unless and until the State Board of Control by unanimous vote (i) finds that a local agency has filed an application in accordance with subdivision (a) of subsection (1) and has expended since July 1, 1941, or agrees to expend, for State or local civilian defense purposes an amount equal to the moneys it proposes in its application be expended, allotted or encumbered; (ii) finds the State Council of Defense has made its recommendation in accordance with subdivision (b) of Subsection (1); (iii) finds that the purpose for an expenditure for which the local agency has filed an application is a civilian defense purpose; and (iv) specifically approves such purpose as to need and feasibility in relation to other defense needs and the maximum amount of money that may be expended therefor, and none of the moneys appropriated by this act shall be expended, allotted or encumbered or become available for expenditure for such purpose in excess of the amount so approved.

(3) In any case where local agency will expend money".

Amendment No. 2

On page 2, line 23, of the printed bill, as amended, strike out "3", and insert "4".

Amendment No. 3

On page 2, line 27, of the printed bill, as amended, strike out "proposed to", and insert "it proposes in its application".

Amendments read.

Demand for Previous Question

Messrs. Welch, Knight, John B., Collins, Sam L., Burkhalter and Lyon demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Assembly Bill No. 63.

The roll was called, and the amendments adopted by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—40.

NOES—Andreas, Cam. Crowley, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, Lowrey, Maloney, Massion, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—20.

Bill ordered reprinted, and re-re-engrossed.

Explanation of Vote

While as a co-author I am in sympathy with objectives of Assembly Bill No. 63 I wish to record my disapproval of amendment by Mr. Frederick F. Houser limiting the prerogatives of the Governor.

(Signed) EDWARD M. GAFFNEY

MOTION TO PRINT IN JOURNAL

Mr. Johnson moved that the following communication from the Director of Finance be ordered printed in the Journal:

Mr. O'Day seconded the motion.

Motion carried.

January 18, 1942

*Honorable W. P. Rich, Chairman, Legislative Budget Committee
State Legislature, Sacramento, California*

SUBJECT: Emergency Fund Allotments

DEAR SENATOR RICH: In the Senate Journal of January 17, 1942, there was printed a communication by Mr. Vandegrift, Legislative Auditor, addressed to you, containing statements which it is my privilege and duty to clarify. I do not wish to be presumptuous in challenging Mr. Vandegrift's intent in addressing this communication to you, but I do say without hesitation that his conclusions are not predicated upon a clear understanding of the problems facing California during this time of great crisis.

In his memorandum the Legislative Auditor stated that your committee had been presented a list "purporting" to represent allocations promised or made from the Emergency Fund to provide for the immediate needs of several State agencies to undertake additional work made necessary by the present war between the United States and Japan, Germany, and Italy.

The list presented *was* a list of allocations which had been promised or made up to the date when it was presented to you and not a "purported" list. The actual allocation documents had been drawn and signed by me before the list was prepared.

In his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he "presumed" that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities but the contingent necessities should the present war continue until January 1, 1943.

In no instance has the Department of Natural Resources been informed by me that the \$138,301 allocated to the Division of Forestry would not be made available. No one has been authorized by me to make such a statement.

The Department of Agriculture was informed that because the Legislature has failed to make an adequate appropriation to the Emergency Fund to meet contingencies, which, if the war continues, are now known will be of more relative importance than those confronting the Department of Agriculture, it was found necessary to cancel for the present the allotment, totaling \$34,055, previously made to that agency. Furthermore, no other State agency has been informed, directly or indirectly, that their allotments promised would not be available as indicated.

On the other hand, it has become necessary for us to increase the allotment previously promised the Department of Institutions, made necessary by a recognized increase in its activities. I am sure that you recognize that the current situation in matters of State defense are so unstable that deviations from allotments made originally may from time to time be necessary.

You may recall that the Legislative Auditor made no provision in his recommendation covering the war-time essential activities for the Personnel Board, Department of Agriculture, California Maritime Academy, Department of Industrial Relations, Department of Public Health other than Vital Statistics, Department of Social Welfare, Division of Water Resources, and the Division of Architecture. In fact, his specific recommendations covered only the Bureau of Criminal Identification and Investigation, Bureau of Parole, Division of Forestry, Bureau of Vital Statistics, and State Council of Defense, within the list recommended directly by the Department of Finance. Further, your Legislative Auditor stated, substantially, to your committee that it was his opinion all items, except those which he recommended, should never have been granted. He informed the committee that "unfortunately" it had no power to change the allocations already made by the Director of Finance.

However, since informing the committee that he believed all the allocations made by the Department of Finance, with the exception of three or four, were unnecessary, he now presumes to champion the very agencies which he stated should not have been given any allocation whatever from the Emergency Fund for war-time activities by recommending that they be given special appropriations, which would carry them only until June 30, 1942. Incidentally, his recommendation for the Bureau of Vital Statistics of \$69,280 is \$44,337 greater than that allowed by this department.

The Legislative Auditor's comment in his memorandum to you regarding the State Fire Marshal that no money be allotted from the General Fund for the State Fire Marshal "for the reason that there is a balance in his special fund, used to support his office," is based only upon the auditor's own private opinion. Legal counsel has informed us that it is doubtful that the money in this fund can be spent for purposes other than the regulation of cleaning and dyeing industries. In a Supreme Court case relative to an attempt of the Legislature to appropriate for General Fund purposes, moneys collected under the police power of the State, the court held that such money could not be used for the ordinary operation of the State Government. There is sufficient doubt with reference to this matter that an allocation was made to the State Fire Marshal from the Emergency Fund. We are now awaiting an opinion from the Attorney General as to whether the unallocated balance in the State Fire Marshal's Fund may be used for general fire prevention work.

I shall appreciate it if you would have this answer to the Legislative Auditor's memorandum printed in today's Journal.

Very sincerely yours,

GEORGE KILLION, Director of Finance

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

Motion to Amend

Mr. Hastain moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed measure, strike out "price control measure enacted" and insert "measure for the control of prices of agricultural products".

Amendment read and adopted.

Resolution ordered reprinted, and re-engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 18—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

Senate Concurrent Resolution No. 18—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Carlson, Clarke, Daley, Desmond, Diekey, Dilworth, Doyle, Evans, Hastain, Helsing, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick,

Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Meehan, Mid-dough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, and Weybret—52.

None—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dilworth:

House Resolution No. 71

Relative to withdrawals from the Contingent Fund for interim committees

Resolved by the Assembly of the State of California, That, unless and until Assembly Bill No. 61 of the First Extra Session of the Fifty-fourth Legislature becomes law (An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately), the Controller shall draw no warrants, except as permitted by this resolution, upon any appropriations made from the Contingent Fund of Assembly by Assembly house resolutions of the First Extra Session of the Fifty-fourth Legislature for the expenditures of any Interim Committee of the First Extra Session of the Fifty-fourth Legislature or for the expenditures of any Interim Committee of the Regular Session of the Fifty-fourth Legislature; and be it further

Resolved, That claims for any expenditure made or incurred prior to the approval of this resolution by the Assembly of the State of California shall not be subject to the first clause of this resolution and may be paid by the Controller, if no other money is available, from money made available by Assembly house resolutions of the First Extra Session of the Fifty-fourth Legislature.

Resolution read, and referred to Committee on Rules.

By Messrs. Sawallisch and Burns, Hugh M.:

House Resolution No. 72

WHEREAS, Carroll Dudley has faithfully and diligently served the Members of the Fifty-fourth Session of the Legislature in the capacities of Bill Room Clerk, File Clerk and Assistant Clerk; and

WHEREAS, He has secured a position with the W. K. Kellogg Company and will no longer be able to devote his time to the legislative service; and

WHEREAS, This Assembly is appreciative of the efficient manner in which he discharged the duties of his office and of the many courtesies which he extended to all members during the years he has been identified with the Legislature of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly join in commending Carroll Dudley for his fine work as an attache of the Assembly and though they deeply regret that he finds it necessary to sever his connection with the Assembly, yet they extend to him every good wish for continued success in his new endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly present a suitably engrossed copy of this resolution to Carroll Dudley.

Request for Unanimous Consent

Mr. Sawallisch asked for, and was granted, unanimous consent to take up House Resolution No. 72, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Burkhalter:

House Resolution No. 73

Relative to payment of claims incurred by or on behalf of units of the State Guard

WHEREAS, Obligations have been incurred since December 7, 1941, by or on behalf of units of the State Guard; and

WHEREAS, Many of these obligations remain unsatisfied, while at the same time money is available or has been promised to be allocated from the Emergency Fund in order to pay these obligations; now, therefore, be it

Resolved by the Assembly of the State of California, That appropriate executive officers of the State Government at once make provision for the payment of these obligations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, The Adjutant General, and the Director of Finance.

Resolution read, and referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Collins, George D., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Howser, F. N., Johnson, Kilpatrick, Knight, John B. Lowrey, Maloney, Massion, Meehan, Miller, O'Day, Poole, Poulson, Robertson, Russell, Salsman, Sheridan, Tenney, Thomas, Thorp, Thurman, Voigt, Weber, Welch, and Wollenberg—41.

NOES—Clarke, Hastain, Heisinger, Kellems, Knight, T. Fenton; Millington, Pelletier, Pfaff, Phillips, Potter, Stream, Waters, and Weybret—13.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 19—Relative to defense of the California Coast.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Evans, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Turner, Voigt, Waters, Weber, Wollenberg, and Mr. Speaker—49.

NOES—Richie—1.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 33: By Mr. Lyon—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 34: By Mr. O'Day—Relative to requesting an investigation into milk prices.

Motion to Temporarily Suspend Rules

Mr. O'Day moved that the Rules be temporarily suspended to permit consideration of Assembly Concurrent Resolution No. 34 under a call of the Assembly, at this time.

Motion to Table Motion

Mr. Dills moved that the motion by Mr. O'Day be laid on the table.
Motion carried.

MOTION TO PRINT EXPLANATION IN JOURNAL

Mr. Weber moved that his explanation of absence from the Assembly be printed in the Journal.

Motion carried.

Explanation of Absence

In justice to the Members of the Assembly, my absence from the Assembly on Saturday should be explained.

In Saint Dominics Church, San Francisco, at high noon, my niece, Miss Helen Weber Kennedy, became the bride of John Edward Cahill.

The event was of special significance to many people in California.

To members of my family and to me it was a solemn and joyous occasion, as I hold my niece with the same regard that many Members do their own daughters.

At frequent intervals I was in touch with the Speaker's desk by long distance phone and stood ready to return and cast my vote, but it was felt that it would not affect the results.

CHARLES M. WEBER

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Turner, Voigt, Waters, Weber, Welch, and Wollenberg—51.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 71

At 11.45 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Burkhalter, Cain, Collins, George D., Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, O'Day, Richie, Russell, and Thomas—16.

Further consideration of Assembly Bill No. 71 deferred.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION TO CONSIDER ASSEMBLY BILL NO. 72

At 11.47 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

Motion to Expunge Record and Rescind Action

Mr. Johnson moved to expunge the record and rescind the action whereby the resolution to suspend the constitutional provision in order to consider Assembly Bill No. 72 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—50.

NOES—Burkhalter, Cam, Collins, George D., Dills, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, Massion, Richie, Russell, and Thomas—13.

Further consideration of Assembly Bill No. 72 deferred.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 74

At 11.50 p.m., on motion of Mr. Frederick F. Houser, further proceedings under the call of the Assembly were dispensed with.

Motion to Expunge Record and Rescind Action

Mr. Frederick F. Houser moved to expunge the record and rescind the action whereby Assembly Bill No. 74 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—45.

NOES—Burkhalter, Cain, Collins, George D., Dills, Evans, Gaffney, Gunlock, Kilpatrick, Massion, O'Day, Richie, and Thomas—12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. F. N. Howser, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John B. DeMaria of San Francisco.

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Walter Mails, publicity director, San Francisco Baseball Club.

ADJOURNMENT

At 11.57 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Monday, January 19, 1942.

C. WILLIAM QUEALE, Minute Clerk

Assembly Journals
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Assembly Journals
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CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWELFTH LEGISLATIVE DAY
THIRTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, January 19, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mrs. Daley.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 24

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 63
And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 24

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
NOES—None.

Bill ordered transmitted to the Senate.

Explanation of Vote

I am opposed to the political prejudice implied in this bill and further to the dissipation of State property to the counties. I would not expect the counties to appropriate funds to the State and am opposed to the reverse order.

VERNON KILPATRICK

Assembly Bill No. 1—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain,

Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
NOES—Bashore—1.

Motion to Expunge Record and Rescind Action

Mr. Pfaff moved to expunge the record and rescind the action whereby Assembly Bill No. 1 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—None.

Assembly Bill No. 1 ordered to third reading.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Lyon moved to expunge the record and rescind the action whereby House Resolution No. 68 was adopted.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Donnelly, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—Evans—1.

House Resolution No. 68 re-referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Further consideration of Assembly Bill No. 71 deferred.

MOTION TO REQUEST THE SENATE TO RETURN SENATE BILL NO. 29

Mr. Wollenberg moved that the Assembly request the Senate to return Senate Bill No. 29 to the Assembly for possible consideration.

Motion carried.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Allen, seconded by Mr. Waters, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 10, 1942

Mr. Gordon Garland

DEAR FRIEND: The enclosed resolution has been sent to most of the Southern California Assemblymen, and our other elected leaders as stated. The same has also been presented to local civic and religious leaders. This task is a spontaneous expression of all types of our citizens, this resulted in forming an independent "Citizens' Welfare Council," at the suggestion of Supervisor Gordon McDonough and some 500 citizens meeting in the board room, I had the honor to be selected as chairman. We meet every Thursday at 2 p.m. in the board of supervisors' assembly room. Many of these unfortunate women are mothers of boys in the service of the Army. I can personally vouch for the high intelligence and integrity that their influence has radiated in this community. Many of them were known to be of high position and wealth, but hard luck and bad investments sounded the count of 10 for these victims of circumstances, and they are now leaning on the "ropes of our consideration." They are placing all of their hopes on us, and for humanity's sake we can not let them down.

I have not forgotten the friendly letter you wrote me months ago when we were discussing the same problem of relief before the S.R.A. was disbanded. Just to maintain our sense of humor even in these trying times, my husband accuses me of taking over the S.R.A. (Suchman Relief Administration) as he contemplates my diminishing bank balance. In all seriousness the proper increase is important to meet the rise of food and rent prices. We must not take away the self respect of these mothers of men. As a last resort they are banking all of their hopes on you to show the "Least of these" that you do care.

May God guide and guard you and all entrusted with the tremendous responsibility that this crisis demands.

Sincerely yours,

MRS. EDWARD SUCHMAN

P. S.—Please read to Assembly in session.

December 29, 1941

To the Governor and Members of the California Legislature

GENTLEMEN: The inclosed petition explains the unfortunate condition of thousands of relief clients in Los Angeles County.

Common justice and humanity, as well as the necessity for maintaining civilian morale in time of emergency, require that Government agencies shall not neglect even these relatively small groups in the community, thus giving plausibility to the oft-repeated charge that public officials do not care for the people.

Mr. Wayne Allen, Manager of Los Angeles County, has stated that the county could take adequate care of so-called "unemployables," if the State will make sufficient appropriation for "employables."

Therefore, we suggest that the Governor and the Legislature include in its agenda during the present session, proposals for meeting this tragic relief situation in Los Angeles County.

This matter was presented to the Board of Supervisors of Los Angeles County in public hearing on December 23, 1941, and later the same day to Mr. Allen, County Manager.

We trust that you will give this your earnest consideration.

Respectfully yours,

CITIZENS WELFARE COUNCIL

MRS. GLENDORA PARKER

MRS. JAMES GUTHRIE

D. B. TROTH

TED E. FELT

By MRS. EDWARD SUCHMAN, Chairman

COPY OF PETITION PRESENTED TO THE BOARD OF SUPERVISORS,
LOS ANGELES COUNTY, DECEMBER 23, 1941

To the Honorable Board of Supervisors

The undersigned committee, appointed by representatives of civic, taxpayer, Red Cross, citizens welfare committees, patriotic and charitable organizations, etc., do hereby make the following resolution to be presented to the board of supervisors, the advisory board and Mr. Wayne Allen, Manager of Los Angeles County.

WHEREAS, The aged and unemployed women on relief in Los Angeles County find the sum of \$19.55 insufficient to furnish the necessities of life; this scant sum of \$19.55 is not only a reflection upon the humanity of Los Angeles County,

but also causes, through improper food and lack of balanced diet, many cases of illness and hospitalization which adds much additional cost to the charity budget.

The State of California has established the sum of \$40 as the minimum amount necessary to maintain elderly persons over the age of 65 years. It is obvious that the small sum of \$19.55 falls far below the minimum requirements of those who in a large number of cases are only slightly under 65 years of age. Therefore we, the members of the committee, propose that not less than \$25 per month be paid to all single women receiving this type of relief with the unrestricted privilege of residing in places of their own choosing, free from any interference whatsoever.

Respectfully yours,

CITIZENS WELFARE COUNCIL

MRS. GLENDORA PARKER

MRS. JAMES GUTHRIE

D. B. TROTH

TED E. FELT

By Mrs. EDWARD SUCHMAN, Chairman

We, the undersigned, citizens of Los Angeles County, believe that the above petition is worthy of careful consideration and that the reasons advanced speak for themselves; therefore,

We request, That the board of supervisors and/or other governmental bodies which allocate public funds take immediate steps to rectify this tragic condition.

Signature

Address

Milton K. Young-----	611 S. Kenmore Avenue, Los Angeles
Harry L. Ferguson-----	6325 Rita Avenue, Huntington Park
Elwood H. Lightholder-----	1933 W. 42d Street, Los Angeles
Jessie Pearl Lytle (Mrs. Paxton)-----	5253 W. 21st Street, Los Angeles
Mabel E. Kinney-----	3726 Grayburn Avenue, Los Angeles
Ida Stock-----	1962 Avon Street, Los Angeles
Mrs. Mabel White (Representing Women of America)-----	
-----	648 S. Broadway, Los Angeles
Mrs. O. P. Hanna-----	260 Cerrelas, Long Beach
Mrs. Helen Adams Neely-----	1151 E. Menlo Drive, Altadena
John B. Carruthers-----	1015 Prospect Blvd., Pasadena
Elizabeth Mason Hohl-----	671 N. Mariposa, Los Angeles
Ann Meservey-----	1315 N. La Brea, Los Angeles
Florence K. Robertson-----	2447 S. Orange Drive, Los Angeles
Janie McCarty (Founder, Women Courageous)-----	
-----	c/o The Altadena Press, Altadena

The following communication was received and read, and on motion of Mr. Kellems, ordered printed in the Journal:

SANTA MONICA, CALIFORNIA, January 17, 1942

Hon. Jesse Kellems, Sixtieth District Assemblyman
Care Western Union at the State Capitol

You were nominated by Democratic Party at last primary. After last night's debacle, Women's Division, National Democratic Party, Sixtieth Assembly District, now request that you as nominee of majority Democratic Party in this district change your vote to favor program approaching unanimous vote of Senate in relation to State Guard. Respectfully request that this telegram be read on floor of Assembly same as communications against Guard.

JANNIE LEE HUTCHINS, Chairman
 Women's Division, National Democratic Party
 Sixtieth Assembly District

Remarks by Dr. Kellems

I have consistently voted for the only State Guard bill which has been brought before the Assembly for a vote.

JESSE RANDOLPH KELLEMS

The following communication was received, read, and on motion of Mr. Thurman, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 19, 1942

Honorable Charles W. Lyon
State Assemblyman, State Capitol

I have just returned from Washington where I secured information relative to plans of the Army to organize a guard unit and have just received additional

information from the Executive Director of the United States Conference of Mayors after conversation with Army Officers in War Department today. It appears quite definitely that the announcement last week by Secretary of War Stimson of organization of 50 battalions of Military Police for guarding property is only beginning of the Expansion Program of the Army, and that plans are being developed to induct into service many of those who may not meet Army requirements for regular combat units in order that trained soldiers may be released from any form of guard duty. In other words, it seems certain that while the necessity for relieving combat units of the Army of guarding property is well recognized, this function will, within a comparatively short time, be taken over by the United States Army. It also further very definitely appears that the protection of life and property in California will be the responsibility of the Federal and local governments through the organization of Army units and increased personnel of sheriffs' forces and police in incorporated cities. While in Washington I also secured satisfactory information that the fund of \$150,000,000 created by the two bills now in conference will not materially aid local governments in the financial burden of providing adequate defense for life and property. Federal funds will be used for purchase of equipment including following: Gas masks, surgical equipment for medical teams, casualty stations, stretchers, folding cots, first aid belts, identification tags, armbands, gas proof capes, steel helmets, firemen's helmets, firemen's boots, coats and gas protective clothing, fire wardens' equipment and a limited number of pumper units and nothing else. I urge State funds for assistance of cities and counties to as great an extent as possible under limitation of Governor's call.

FLETCHER BOWRON, Mayor

The following communication was received, read, and on motion of Mr. Cain, ordered printed in the Journal:

BROTHERHOOD RAILWAY CARMEN OF AMERICA

OAK PARK LODGE, No. 1344, SACRAMENTO, CALIFORNIA, January 16, 1942

WHEREAS, The State of California has been declared a Theater of War by the War Department; and

WHEREAS, It is of vital importance to the welfare, security and protection of our citizens that Governor Culbert L. Olson's request for \$17,000,000 appropriation to the California State Guard be enacted by the Legislature; and

WHEREAS, It is essential that no restrictions whatsoever be placed upon the State Guard by the Legislature, so it can function efficiently in guarding and protecting life and property in California; now, therefore, be it

Resolved by the Oak Park Lodge No. 1344 Brotherhood of Railway Carmen of America, That the California Legislature, now meeting in Special Session, immediately pass the legislation suggested by the Governor without any further political debate; and be it further

Resolved by the Oak Park Lodge No. 1344 Brotherhood of Railway Carmen of America, That at least \$10,000,000 be appropriated to the Governor's Emergency Fund for the use of the Governor to meet any emergency which may arise due to the state of war which now exists; and be it further

Resolved, That copies of this resolution be furnished the press and copies be sent to Governor Culbert L. Olson; Senators Swan, Dillinger and Rich and to Assemblymen Cain, Desmond, Thurman, Millington; D. B. Huggins, President System Federation No. 117 Railway Employees and to Speaker of the Assembly, Gordon Garland, so that the Speaker may order the printing of this resolution in the Assembly Journal.

[SEAL]

DEL PARKER, Secretary Legislative Committee

B. R. C. of A.

MOTION TO PRINT IN JOURNAL

Mrs. Daley moved that the following list be ordered printed in the Journal:

Membership State Council of Defense

Governor Culbert L. Olson, Chairman.

Assemblyman Don Allen, 3867 South Degan Boulevard, Los Angeles.

Dr. Bertram Brown, Director of Public Health, Room 603, Phelan Building, 760 Market Street, San Francisco.

Mr. William J. Cecil, Director, State Department of Agriculture, State Office Building No. 1, Sacramento.

Assemblywoman Jeanette E. Daley, 4231 Witherby Street, San Diego.

Major Milton T. Dean, U. S. Army, Ret., 2097 West 29th Street, Los Angeles.

Dr. Walter F. Dexter, Supt. of Public Instruction, State Department of Education, Library and Courts Building, Sacramento.

The Honorable J. O. Donovan, Adjutant General of California, State Office Building No. 1, Sacramento.

Robert F. Garner, Jr., 117 Veterans Bureau, San Francisco, Commander American Legion.

Colonel F. E. Foster, General Manager, California Oil and Gas Association, 510 West Sixth Street.

L. G. Taggart, Department Commander, Department of California Veterans of Foreign Wars, 110 Harding Ave., Bakersfield.

C. J. Haggerty, State President, American Federation of Labor, 538 Maple Avenue, Los Angeles.

Harold Kennedy, Secretary, California Council of County Officials, Hall of Records, Los Angeles.

John B. Long, General Manager, California Newspaper Publishers Association, 610 South Main Street, Los Angeles.

Prof. Samuel C. May, Director, Bureau of Public Administration, 117 Library Bldg., University of California, Berkeley.

President Robert Millikan, California Institute of Technology, 1201 East California Street, Pasadena.

James Mussatti, General Manager, California State Chamber of Commerce, 350 Bush Street, San Francisco.

Senator Irwin T. Quinn, 2205 H Street, Eureka.

Mrs. Thomas Richards, 330 Ivy Street, Chico.

E. F. Scattergood, General Manager, Los Angeles Department of Water and Power, 207 South Broadway, Los Angeles.

John Despol, 5616 Adale Place, Los Angeles.

Harry See, State Representative, Brotherhood of Railroad Trainmen, Pacific Building, San Francisco.

Senator Ralph E. Swing, 311 Central Building, San Bernardino.

Jesse W. Tapp, Vice President, Bank of America, No 1 Powell Street, San Francisco.

The Honorable Earl Warren, Attorney General of California, State Building, San Francisco.

Assemblyman Fred Weybret, Soledad.

President Ray Lyman Wilbur, Stanford University, Palo Alto.

Dr. Baldwin M. Woods, 212 Post Office Building, Berkeley.

Archibald Young, Chairman, State Social Welfare Board, 808 South San Rafael Avenue, Pasadena.

Frank W. Clark, Director of Public Works, Sacramento.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Pursuant to your request, and instructions of the Senate, I am returning to you herewith Senate Bill No. 29.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Johnson moved to expunge the record, and rescind the action whereby Senate Bill No 29 was refused passage.

Mr. John B. Knight seconded the motion.

Demand for Previous Question

Messrs. Knight, John B., Leonard, Pfaff, Potter and Dilworth demanded the previous question.

The roll was called, and the demand for previous question not sustained by the following vote:

AYES—Carlson, Clarke, Dickey, Dilworth, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Salsman, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—30.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Knight, T. Fenton; Lowrey, Maloney, Massion, Meehan, Mid-

dough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, and Welch—33.

The question being on the motion to expunge the record and rescind the action whereby Senate Bill No. 29 was refused passage.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 2.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO EXPUNGE RECORD AND RESCIND ACTION ON SENATE BILL NO. 29

At 2.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Russell, Tenney, and Thomas—24.

THIRD READING OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553 1, 555 and 556 1 of the Military and Veterans Code, and to add Section 555 2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Johnson moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike out "other".

Amendment No. 2

On page 3, line 20, of the printed bill, as amended, after "regiments", insert "including a quartermasters regiment to be organized on the same basis as herein after provided for infantry regiments".

Amendment No. 3

On page 3, line 34, of the printed bill, as amended, strike out "and", and insert "one officer having the rank of lieutenant who shall act as regimental".

Amendment No. 4

On page 5, line 16, of the printed bill, as amended, strike out "5,000", and insert "7,000".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 19, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS. We have examined a measure entitled:

"An act making an appropriation for the expenses of the Assembly, this act to take effect immediately"

and report that in our opinion it appears to be within the scope of the Proclamation
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Seth Millington.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 78: By Mr. Millington—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Referred to Committee on Ways and Means.

WITHDRAWAL OF ASSEMBLY BILL NO. 78

Mr. Millington asked for, and was granted, unanimous consent to have Assembly Bill No. 78 withdrawn from the Committee on Ways and Means, and placed on file.

Motion carried.

Request for Unanimous Consent

Mr. Millington asked for, and was granted, unanimous consent to take up Assembly Bill No. 78, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 78 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Dvle, Gaffney, Gunlock, Hastam, Hawkins, Hensing, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Masson, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Wateis, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read second time.

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg and Mr. Speaker—60.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg and Mr. Speaker—60.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways;

And reports that the same has been correctly enrolled, and presented to the Governor on the nineteenth day of January, 1942, at 4 p.m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up **Assembly Concurrent Resolution No. 33**, at this time, without reference to file, and that same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 33

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 52

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read third time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, as amended, strike out "the Governor, the Director of Finance", and insert "the State Board of Control".

Amendment No. 2

On page 2, line 6, of the printed bill, as amended, after "SEC. 3.", insert "None of the money appropriated by this act shall be used for any purpose other than as provided in this act nor be used to augment any appropriation for support for the payment of any other salary adjustment than the adjustments for which money is provided in this act.

None of the money appropriated by this act shall be used to pay all or any part of the salary of any member of the State Guard.

SEC. 4."

Amendments read and adopted.

Bill ordered reprinted, and re-re-engrossed.

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Donnelly, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Sals-

man, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, and Weybret—41.

NOES—Bashore, Burkhalter, Burns, Michael J., Crowley, Evans, Gaffney, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, Middough, O'Day, Poole, Richie, Russell, Tenney, Thomas, Welch, and Wollenberg—21.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and on motion of Mr. Johnson, ordered printed in the Journal:

COPY

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 19, 1942

*Honorable Gardner Johnson, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Motions to Rescind

DEAR MR. JOHNSON: You have asked our opinion as to the vote necessary in the Assembly to rescind the action whereby an urgency measure is defeated.

It is our opinion that under Rule No. 60 of the Assembly Standing Rules 41 votes are required to rescind the action whereby an urgency measure is defeated in the Assembly.

Standing Rule No. 60 provides that "Any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership."

In this case the "action" was the defeat of the bill. Since the bill was an urgency measure requiring 54 votes for passage, and the "action" was the defeat of the bill which required 27 votes, it appears that 27 votes were sufficient to take such "action" i.e., defeat of the bill, originally. However, the rule further provides that in any case the minimum vote for rescission is 41 votes.

Conversely, if the "action" had been the passage of an urgency measure the vote required to rescind that action would be 54 votes.

This interpretation of the Rule appears to be consistent with the interpretation of the Rule heretofore by the Assembly.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Johnson, Houser, Frederick F., Potter, Pfaff and Watson demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 4.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****REPORTS OF STANDING COMMITTEES****Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 9

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 9—An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1, Division 2, of the Military and Veterans Code, relating to suspending enforcement of certain civil liabilities of persons in the Military service of the State and providing for the reinstatement in employment of such persons upon their completion of Military service, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "and Veterans Code relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the home guards as provided herein, declaring the urgency of this act,".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 9 to 25, inclusive, and insert

"580. Each officer and enlisted man in the State Guard on the effective date of this section shall have the right to determine whether he shall be available for full-time active service in the State Guard or for limited service only. Any member of the State Guard who desires to be available for limited service only shall so declare in writing within 30 days after the effective date of this section. All persons who become members of the State Guard after the effective date of this section shall declare in writing whether they elect to be available for full-time active service or for limited service.

581. The members of the State Guard on the effective date of this section who elect to be available for limited service and all persons who hereafter become members of the State Guard and declare at the time that they desire to be available for limited service only shall constitute the reserve force of the State Guard. The reserve force of the State Guard shall be designated the home guards.

582. The home guards shall not be available for service except by virtue of the exercise by the Governor of his power to call forth the Militia as provided in Section 1 of Article VIII of the Constitution of this State. No member of the home

guards shall be paid for service therein unless called into active full-time service as provided in Section 1 of Article VIII of the Constitution of the State.

583 The members of any unit of the home guards may at any time voluntarily serve on limited active duty, without pay of any kind, pursuant to authorization of such service by The Adjutant General and subject to such general or special orders as The Adjutant General may issue, whenever a sheriff or chief of police requests such unit to volunteer for service to assist the sheriff or chief of police in connection with National defense problems.

584. The home guard shall be organized into such number of units as The Adjutant General may approve, the commissioned and enlisted strength of each such unit to conform generally to the Tables of Organization of the United States Army or Tables of Organization for the National Guard, subject to the provisions of this chapter."

Amendment No. 3

On page 2, line 10, of the printed bill, as amended, strike out "sheriff of the county", and insert "Adjutant General".

Amendment No. 4

On page 2, lines 25 and 26, of the printed bill, as amended, strike out "and under the order of the sheriff or", and insert "as provided in this chapter and under the order of".

Amendment No. 5

On page 2, line 32, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 6

On page 2, line 33, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 7

On page 2, line 36, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 38 and 39, and insert "590. The".

Amendment No. 9

On page 2, line 42, of the printed bill, as amended, strike out "from the sheriff or".

Amendment No. 10

On page 2, line 49, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out lines 16 to 18, inclusive.

Amendment No. 12

On page 3 of the printed bill, as amended, strike out line 25, and insert "States or of the active membership of the State Guard of this State."

Amendment No. 13

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "the sheriff of a county, or".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible Special Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister,

Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowiey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 73—An act to add Section 15 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and refused adoption by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Middough, Miller, Millington, Pfaff, Poole, Potter, Poulson, Russell, Salsman, Sawallisch, Stream, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—44.
NOES—Andreas, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, O'Day, Pelletier, Richie, Robertson, Tenney, and Thomas—20.

Notice of Motion to Reconsider Urgency Clause to Assembly Bill No. 73

Mr. Desmond gave notice that on the next legislative day he would move to reconsider the vote whereby the urgency clause to Assembly Bill No. 73 was this day refused adoption.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 35: By Mr. Lyon—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 35, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 35

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Russell, Salsman, Sawalbsch, Stream, Thorp, Thurman, Turner, Voigt, Wateis, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—42

NOES—Andreas, Burkhalter, Cam, Collins, George D., Crowley, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Tenney, Thomas, and Welch—25.

Resolution ordered transmitted to the Senate.

Explanations of Vote

I am very much opposed to recessing without first having appropriated ample funds for maintenance of the State Guard as now constituted and organized. It is regrettable that the prevailing "mistrust and distrust" between our own members exists.

VERNON KILPATRICK

I voted "No" on the motion to recess because we have failed to pass an appropriation for the already existent State Guard or an adequate sum for the Governor's Emergency Fund to assist local and State governmental units with defense activities. I believe that the Legislature should vote adequate funds and demonstrate the unity of California to do everything possible to protect the life and property of our citizens.

RALPH C. DILLS

I am opposed to recessing without funds to continue the State Guard to protect lives and property. Several bills to do this have been introduced. A so-called economy bloc is forcing recess after considering only one bill which all authorities agree would kill the State Guard.

AUGUSTUS F. HAWKINS

We, the undersigned, voted against Assembly Concurrent Resolution No. 35 recessing to December 7, 1942, because we feel that all legislative work should be completed now. If an emergency arises the Governor can reconvene the Legislature.

JOHN EDWARD CAIN
EDWARD F. O'DAY

Speaker Pro Tempore Presiding

At 4.50 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 19

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—Hawkins, Kilpatrick, King, and Richie—4.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 29

At 5.10 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Senate Bill No. 29 refused passage by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pelletier, Pfaff, Potter, Purison, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, and Thomas—25.

Explanations of Vote

The undersigned voted against the passage of Senate Bill No. 29 for the following reasons:

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery.

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit, cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the nationally important war industries located here of the complete protection they must have.

Leading Guardsmen have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Senate Bill No. 29 hamstring the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans' organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

FRANK C. RUSSELL
VINCENT THOMAS
EVERETT G. BURKHALTER
ERNEST C. CROWLEY
GODFREY A. ANDREAS
EDWARD M. GAFFNEY
JOHN EDWARD CAIN
WM. I. GUNLOCK
HENRY P. MEEHAN
EDWARD F. O'DAY
GEORGE D. COLLINS, JR.

JACK B. TENNEY
LLOYD W. LOWREY
S. L. HEISINGER
JACK MASSION
HUGH P. DONNELLY
PAUL A. RICHIE
CECIL R. KING
VERNON KILPATRICK
RALPH C. DILLS
LORNE D. MIDDOUGH

I voted for Senate Bill No. 29 because we were called to a special session of the Legislature for the sole purpose of enacting a State Guard Bill. Since it was the only State Guard Bill presented to us for consideration I had to vote for it.

JOHN B. PELLETIER

Speaker Presiding

At 5.12 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 74

Resolved, That the following named person be stricken from the list of Assembly attaches and his name be stricken from the pay roll of the Assembly, to take effect upon the completion of work on January 18, 1942:

	<i>Per day</i>
Carroll Dudley, Assistant Clerk.....	\$7 00

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 74, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

By Mr. Lyon:

House Resolution No. 75

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day of January 19, 1942, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to House Resolution No. 65 adopted by the Assembly on January 16, 1942.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 75, at this time, without reference to committee. Resolution read.

By Mr. Lyon:

House Resolution No. 76

Resolved That Arthur A. Ohmmus, Chief Clerk, he and he is hereby authorized and empowered to receipt for any warrants that may be due members, officers, or other attaches of the Assembly, during the recess of this session, or that may be drawn upon the Contingent Fund of the Assembly

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 76, at this time, without reference to committee. Resolution read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Dills, ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, January 19, 1942

Ralph C. Dills

State Assembly, State Capitol, Sacramento, California

American Legion has indorsed State Guard and its organization by Resolution 56 adopted 1941 Sacramento convention. This approved present tables organization and implies that State Guard be adequately financed. Request your cooperation with our Legislative Chairman Jack Tenney in helping accomplish these patriotic and essential measures.

ROBERT F. GARNER, JR., Department Commander
JAMES FISK, Department Adjutant

MOTION TO PRINT SPEAKER'S REMARKS IN JOURNAL

Mr. Desmond moved that the following remarks by the Speaker relative to Senate Bill No. 29 be reduced to writing, and ordered printed in the Journal:

Remarks by the Speaker of the Assembly

MR. GARLAND: I understand Mr. Johnson expects to move to lift the call immediately. Inasmuch as this will be the last roll call appertaining to legislation on the Guard Bill, I should like to have permission at this time to make a brief statement.

You realize as I do that I would be out of order to make a statement after the call is lifted because we would be in the midst of a roll call. May I have permission?

MR. DESMOND: There is no objection, Mr. Garland.

MR. GARLAND: In taking a few minutes of your time to reflect back over what has happened concerning this Guard legislation, I want to start from the time of the incident at Pearl Harbor. It happened on that day that I was up near Marysville with Congressman Leland Ford duck shooting. We were informed while in the blinds as to what was going on. We went immediately to the club house to listen to further developments, and after listening to the news broadcasts, and in order that there might be no misapprehension on the part of the Governor as far as my stand was concerned in the Legislature affecting National defense, I sent Governor Olson a wire and asked if he did not think it feasible to call a special session to deal with legislation peculiar to the State Guard Act and many other problems which might arise.

Subsequent to that time, but not by reason of the fact that I sent a wire to him, he called a session of the Legislature for the purposes set forth in the Proclamation.

Upon coming to Sacramento, the members of the Legislature were immediately thrown into considerable confusion, in my opinion, by reason of the fact that in a 24-hour period the Chief Executive of the State requested a sum of money ranging from a high of \$37,000,000 plus down to a low of \$17,000,000 plus—all within the 24-hour period.

Now, I am sure the other members of the Legislature have had no greater opportunity to study the problem than I have had and, naturally, when it was indicated by that change of figure in that short period of time that the Chief Executive did not understand the problem, confusion surrounded the entire situation for which reason I think the Legislature very wisely agreed to recess and make a study of the problem.

During that recess, as you now well know, 22 members of the Legislature, 11 from each house, made as thorough a study of the problem as could be made in the time in which they had to make the study. Subcommittees were set up to take different phases of the problem; one dealt with the possibility of making subventions to the cities and counties or political subdivisions with the idea in mind, after listening to evidence, that the best way to reach a solution of that problem was by subventions and that an overwhelming number of outstanding citizens testifying before the subcommittee recommended that solution to the problem. The committee made that recommendation and sent a committee consisting of four members of the Committee of Twenty-two to the Governor requesting that he issue a new Proclamation after they had ascertained that such legislation would not come within the scope of the first Proclamation, in order that they might find a solution to the problem through those means. The Governor did not see fit to do that.

Another subcommittee dealt with the problem of fire suppression and a program outlined by the State Division of Forestry in connection with the State Council of Defense. Mr. Desmond and Mr. Clarke from this House brought back recommendations to take effect and submitted them to the main committee and they made certain recommendations in that regard.

Another committee was appointed consisting of Senator Kenny and myself to go to Washington to ascertain, if possible, what legislation had been passed or might be passed which might provide a Federal solution to this State Guard problem. We brought back information as set forth in the report printed here a few days ago. We have had further information in that regard as has been submitted from time to time, the last contained in a wire from Congressman Lea which I read here this afternoon.

The Assembly and Senate then, pursuant to their agreement in the concurrent resolution met again on the date set forth in that resolution, to deal further with this problem. Their recommendations were embodied in the bill introduced in the form of Senate Bill No. 29, which bill was introduced and passed in the Senate but not in anywise in the form in which it was introduced, and I am of the opinion—and I want you to understand this statement very distinctly and clearly—that the action taken by the Senate on this bill was, in my opinion, considerably influenced by the hysteria which has prevailed since the problem was presented, otherwise, I am sure the recommendations made by the Joint Committee of Twenty-two would have had considerably more weight than that evidenced by the action taken. Be that as it may, the bill came back to the Assembly and we have had it under consideration for, lo! these many days.

I want to refresh your memory now concerning statements made in this Chamber when we were in extraordinary session, statements to the effect that this was no time to deal in politics and that we should put aside political differences and deal with this problem in such a manner as to represent to our best knowledge and belief the absolute majority opinion in our respective districts. It is my opinion that this feeling prevailed during the early part of this session, but I do not feel that this feeling has prevailed throughout the session. I do not wish to speak disparagingly of any member of this House, nor question their motives, but it must now be apparent to each and every one of us that if this same spirit and desire to find a solution prevailed and was carried to an end, we would have a solution to this problem. After all, legislation is only a matter of compromise. We have tried to reach a compromise and the majority group has offered to concede certain points in order that a solution might be found. It is now apparent that unless we do adhere strictly and immediately to the admonitions of the Governor at the time we were convened in special session, that there will be no legislation on the Guard Bill. I am convinced this will be the last roll call when this call is lifted. I think it is most unfortunate indeed for the State of California that mistrust and perhaps distrust has existed between the executive and legislative branches of this State and it seems to me that if there was ever a time when we who are charged with the responsibility of passing laws and those who are charged with the responsibility of administering the laws we have passed should rise above petty party differences that this is that time. And I believe that we will do just that and a solution will be found to this problem wisely and judiciously. If we fail to do that, it is my opinion that if petty partisan differences have not been laid aside by those in the executive branch of

Government, with a sufficient amount of influence they could wield that influence in such a way as to find a solution to this problem and if any ill effects are experienced from the result of lack of legislation, I am sure the blame will be placed where it justly belongs—on those who failed to act as they could and should have. I trust that each and every one of us on this last roll call will think only in terms of what is best for the State of California and, in saying that, I realize that not one of us has the proper or complete answer to this problem but believing in the principles of Democracy and its fundamental principles of majority rule—after we have spent the time we have, I am certain the solution offered in the bill before us is the best solution that can be found.

MOTION TO PRINT IN JOURNAL

Mr. Johnson moved that the following letter be ordered printed in the Journal in answer to a letter from the Director of Finance appearing in the Journal of January 18, 1942, on pages 331-332.

Motion carried.

JOINT LEGISLATIVE BUDGET COMMITTEE
SACRAMENTO, CALIFORNIA, January 19, 1942

*To the Honorable Members of the Assembly
of the State of California*

SUBJECT: Letter from the Director of Finance to Honorable W. P. Rich, in re Communication from the Legislative Auditor, printed in the Senate Journal January 17, 1942.

This reply is made solely because of the request of the Assembly of the State of California, made January 18, 1942. No reply to Mr. Killion's letter is essential, for the letter addressed to Senator Rich above referred to and the documents attached thereto, together with reference to the documents presented by the Director of Finance and his testimony before the Legislative Budget Committee, amply present the facts which are in no way changed by his letter. This letter has further been answered by members of both houses in open discussion.

The conclusions contained in the letter addressed to Senator Rich are based entirely on written documents issued under the authority of the Director of Finance, documents which were presented personally by the Director of Finance before the Budget Committee, further explained by the Director of Finance and his staff, and on information secured from civil service employees of the State.

Mr. Killion's statement that my conclusions are not predicated upon a clear understanding of the problem facing California during this time of great crisis is not worthy of answer, for it is quite clear from the request made by the Director of Finance for emergency appropriations listed in his schedule as necessary to cover "activities of immediate necessity" (copy herewith attached and marked Schedule "A") further supported by his issuance of promises to these departments and his withdrawal of some of them within less than two weeks' time demonstrates conclusively that his understanding is more than confused and is such that he is unable to make decisions as to what is of primary importance in this emergency and to abide by the same.

This confused thinking is further evidenced in the third and fourth paragraphs of his letter to Senator Rich in which he states:

"The list presented was a list of allocations which had been promised or made up to the date when it was presented to you and not a 'purported' list. The actual allocation documents had been drawn and signed by me before the list was prepared."

In the next paragraph, the Director of Finance however indicates he had a mental reservation for he states further:

"However, in his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he 'presumed' that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities, but the contingent necessities should the present war continue until January 1, 1943." (Copy herewith attached, marked Schedule B.)

Please note that in the title to this list he refers to the Emergency Fund augmented by Chapter 2, Statutes of 1941, First Extraordinary Session, which means

that he was then considering not a future allotment to the Emergency Fund but the augmented amount which he was free to allocate in the sum of \$500,000.

Furthermore, at the bottom of this schedule, under recapitulation, he indicated that he was allocating from the stop-gap emergency and so labels it. Undoubtedly the Director of Finance did have this "stop-gap" appropriation in mind when he said so in writing and when he already had drawn the actual allocation documents, and furthermore signed them, before this list was prepared as admitted in his letter. It is possible that the Director of Finance approved these Emergency Fund allotments with mental reservation, as he indicates in the statement just quoted—mental reservation which he now states was based on getting enough money in the Emergency Fund not only to meet known necessities but *contingent necessities*. It is very difficult to determine the extent of such mental reservation, but we might presume that the sole purpose of canceling allocations from the Emergency Fund which he once classified as of immediate necessity was to retain in his own control money, which it was presumed from his own statement in documents, issued by his department, had been allocated to several agencies of the State. The director fails to state what he considers of more importance than the matters covered in the list he prepared. He apparently has changed his mind as to the relative importance of requests for Emergency Fund matters, and is now keeping this valuable information from the Legislature for in the case of the Department of Agriculture the testimony of the Department of Finance was that spray residue enforcement was requested by the United States Army and it was imperative that it be done at once.

If these emergency allotments are required for the period January 1, 1942, to June 30, 1942, as the director claims, then the ordinary procedure of making promises of money from the Emergency Fund to be made effective if and when other funds are exhausted, should not have been followed for if money was available from other sources or savings, it should have been used and the Legislature so informed. This matter of meeting needs of furthering war efforts out of existing appropriations is the subject of Senate Concurrent Resolution No. 6, Chapter 4, First Extraordinary Session, 1941. The fact is other moneys were available in most instances, and actually these departments could operate for many months on funds appropriated. This is certainly true of the Department of Finance itself which was promised \$11,400 (Fifth Item on Schedule B) for it had a balance of \$950,753.76 in support on January 6, 1942, according to the Controller's records.

It is rather strange that only one of these emergency allocations listed by the Director of Finance has been converted into an actual transfer filed in the Controller's Office. This is Executive Order No. 567, dated January 14, 1942. It has been filed with the Controller, and it transfers to the Revolving Fund of the Division of Architecture \$5,000 to carry on architectural surveys. This probably is an illegal transfer and is being questioned by the Controller. An examination of funds of this division shows that on this date (January 14, 1942) they still had in the Revolving Fund, Division of Architecture, a balance of \$4,558,351.14. We presume none of this could have been spent for the purpose of surveys.

However, there is serious question as to whether these surveys could not have been carried on by the regular staff of the division since it is found that they have little work to do in comparison with a normal building program and that very soon they will have to lay off some of their staff because of lack of work. On January 14, 1942, the Division of Architecture had in its budget for support \$158,793.91.

Not a single other allotment on this list of allotments from the Emergency Fund, Schedule "B", except \$419,000 to the State Guard, which is Executive Order No. 568, had been filed with the Controller up to January 15, 1942. It seems strange that the Director of Finance states that the actual allocation documents had been drawn and signed by him according to his own statement before the list above referred to was prepared and yet none of them, other than the two mentioned, were received by the Controller's office and these were both dated subsequent to the date of the list issued by the Director of Finance.

In my communication to Senator Rich, I recalled that in the discussions held with Mr. Killion before the Budget Committee that this schedule was presented *purporting* to be a list of allocations promised or made from the Emergency Fund to take care of immediate and pressing needs for the several departments concerned. I used this word "purporting" because of the very technical meaning that it has in relation to such public presentations, particularly when same are supported by public documents; that is, documents from a public official presented in a public hearing. A much stronger word might have been used, and amply supported by the circumstances which have followed.

It is my understanding that it is a normal procedure, both in public affairs and in private business, that when a promise is made to advance funds for a particular purpose that it is presumed that these are dependable and reliable promises upon which action can be taken and they are particularly more binding when they involve the action of a third innocent party. In this case the Legislature of the State of California was the third innocent party and passed Assembly Bill No. 44, appro-

priating \$642,319 to the Emergency Fund on the assumption that this amount would provide \$185,000 which could be allocated to the State Council of Defense if the Governor desired and the remainder would bring the General Emergency Fund, Item 216, Chapter 600, Statutes 1941, up to \$1,000,000 after allocations, which Mr. Killion now says were definitely promised, were allowed. Furthermore, Mr. Killion was informed of this by documents pre-ented to him personally by a member of the staff of the Legislative Auditor. These documents were in his possession when he canceled some of these emergency orders and when this bill was in the Governor's possession for approval. It is presumed that the Director of Finance is cognizant of all appropriation bills that are approved by the Legislature and that he knows the circumstances concerning the same. Knowing these circumstances it seems reasonable that he should have informed the third innocent party—in this case the California State Legislature so that they might have acted accordingly.

The Director of Finance in referring to the allocation he has made in the sum of \$138,301 to the Division of Forestry, states that neither he, nor anyone authorized by him, has informed the Division of Forestry that the allocation of the sum would not be made available. While this bit of information may be interesting it in no way answers the statement in my letter that this division has been told by the Department of Finance that the \$138,301 will have to be repaid out of its appropriation then before the Legislature and that the Emergency Fund will be restored to this extent. If it is not the intention of the Director of Finance to follow this procedure why has he not issued an executive order and had it filed with the Controller?

The Legislature in making its appropriation to the Emergency Fund restoring it to a full \$1,000,000, unincumbered by any promise, did this believing that the Director of Finance would actually make an outright transfer from the then existing Emergency Fund according to his promise.

In the case of the Department of Agriculture, mentioned in the sixth paragraph of the Director of Finance's letter, he specifically admits my statement and this is conclusive proof of the intent of the Director of Finance to get as much money as possible into the Emergency Fund and to subsequently be the judge of the relative importance of contingencies and to whom any Emergency Fund will be allotted, notwithstanding the implied intent of the Legislature. The additional statement of the Director of Finance in the last sentence in this paragraph "furthermore no other State agency has been informed directly or indirectly that their allotments promised would not be available as indicated" has absolutely no meaning for the fact that they have not been informed does not at all guarantee that they ever will get any of this money which is demonstrated in the case of the Department of Agriculture. They can make no plans based on such promise until they actually have a definite Budget approval—or better still for their peace of mind, an actual Executive Order filed with the State Controller. Under the present circumstances, they are subject to the changing mind of the Director of Finance, as admitted in the first part of his letter.

In the seventh paragraph of his letter, the director states that it has become necessary for him to increase the allotment previously promised the Department of Institutions. If such is the case why has he not told the Legislative Budget Committee and presented the case? We have no evidence that indicates that the funds of any of the State institutions are in such a condition that they can not for the next six months, or even a year, carry on all of their necessary activities with the funds regularly appropriated by the Legislature and the supplemental amounts believed to be available to them, as promised by the Director of Finance, as set up in Schedule "B" attached. In fact a cursory review of certain of the institutions will demonstrate conclusively that if economies are instituted in accordance with the direction of the Legislature they will have a substantial saving at the end of the biennium, with possibly an exception in the matter of food.

It is reasonable that matters of State defense will change so that deviations from allotments made originally may from time to time be necessary, but it is not reasonable to believe that these changes have occurred between January 6, 1942, and January 14, 1942, the period in which the Director of Finance has so drastically changed his mind in regard to the matter of "activities of immediate necessity" and from his estimate of war emergency requirements, classified according to immediate and contingent need, as indicated on Schedule "A". The Legislature is still in session and if these changes have occurred it is believed that the Director of Finance should have made these facts known to the Legislature and that they should act on them, rather than to place this grave responsibility on the Director of Finance. There is no evidence in the communication of the director as to just what these changes are. There is ample evidence coming to light each day that the emergency is far less than has been represented and that the Federal Government is assuming a larger and larger proportion of it.

In reference to the eighth paragraph of the letter of the Director of Finance, we find here additional confusion in his understanding of appropriations made and

a failure apparently to follow the action of the Legislature. My recommendation made to the Budget Committee was that no additional appropriations be approved for the increased activities of the Personnel Board, the Department of Agriculture, the California Maritime Academy, the Department of Industrial Relations, the Department of Public Health, other than Vital Statistics, the Department of Social Welfare, the Division of Water Resources and the Division of Architecture, for the reason that the Director of Finance, according to Schedule "B" herewith attached, and according to his own testimony, had already made allotments out of the Emergency Fund to these divisions and also to many others, and that it was believed that these allocations, together with possible savings and other possible available funds from the unincumbered Emergency Fund would be sufficient to carry them until the Legislature would next be in session. I furthermore stated that specific recommendations concerning these departments of the State and others would have been made if the Director of Finance had not taken hasty action and taken the matter out of the hands of the Legislature while they were still in session. I further remarked that since this is out of the control of the Legislature I am making no recommendation for further appropriations except to the Bureau of Criminal Identification and Investigation, Bureau of Paroles, the Division of Forestry, and the Bureau of Vital Statistics. I did not include the Council of Defense, as the Director of Finance states.

In relation to the Council of Defense, I did state that since the Director of Finance had allocated \$100,000 for a four months' period, as shown on Schedule "B", that I believed if we put the remaining amount he had requested \$185,780 in the Emergency Fund then the Governor could allot so much thereof as was necessary for this purpose. However, in view of the information before the Budget Committee, it was doubtful if they could justify their request. The subsequent resignation of the Executive Officer of the Council of Defense and the summary dismissal of the Fire Coordinator of the Council of Defense, indicates clearly that this body is not yet in a position to lay out a definite program and a reliable budget.

Recommendations for appropriations were made specifically in the cases of the Bureau of Criminal Identification and Investigation, the Bureau of Paroles, Division of Forestry, and the Bureau of Vital Statistics, in sums necessary to bring the sums allocated by the Director of Finance up to the amount recommended by him. For example, the Director of Finance recommended for the Division of Criminal Identification and Investigation the sum of \$76,690, Schedule "A". On Schedule "B" he informed the Budget Committee that he had already allocated this division \$37,380. However, on page 32 of the Director of Finance's document further explaining this list under "activities of immediate necessity" the director says that he has given the finger print identification function \$37,380 and the teletype for a 24 hour service, \$7,200, making a total of \$44,580. Subtracting this amount from the \$76,690, we find that \$32,110 is required to provide the amount of money that the Director of Finance said was needed. This amount, you will find, was appropriated by Assembly Bill No. 43, which is approved by both houses, and is before the Governor.

In our letter to Senator Rich we recommended specifically that this item be allocated from the Emergency Fund, Chapter 600, Statutes of 1941, augmented by Chapter 2 of the Statutes of 1941, First Extraordinary Session, for the simple reason that the Director of Finance himself said that amount had been allocated according to Schedule "B" and we merely wish to recommend to the Legislature that they make his word good, particularly where these divisions in our opinion have an immediate and demonstrated necessity.

In the case of the Bureau of Vital Statistics the figure in our letter as recommended is the sum of \$69,280. This is an error and it should have been \$24,943, which the Director of Finance could have readily understood if he had followed across the line in his schedule, for in copying from his schedule a member of our temporary staff copied the figure immediately below the proper one, as you can see in referring to Schedule "B". However, if you will refer to Assembly Bill No. 74, in your file, you will find that the correct amount is stated therein.

The Director of Finance is again in error in the ninth paragraph of his letter for your Legislative Auditor has not championed any agency of the State Government but has reported the facts as he has found them and has followed the directions of the Budget Committee and the Legislature, and has only made recommendations concerning specific appropriations when requested to do so.

The matter of the Department of Agriculture was fully presented to us by the department after we learned that the promise of the Director of Finance for an allocation of \$34,055, as set up on Schedule "B", had been withdrawn and we recommended that this amount be appropriated from the Emergency Fund as the Director of Finance had promised. However, the bill originally introduced, Assembly Bill No. 68, was in the sum of \$59,870, or the total amount indicated by the Director of Finance under "Activities of Immediate Necessity" on Schedule "A". This included \$25,815 more than the Director of Finance recommended on Schedule "B". We therefore told the Department of Agriculture that we could not approve this request

for the reason that the Budget Committee had only considered the items of Plant Quarantine Service and Spray Residue Enforcement, and that the other three items, Plant Pathology, Market News Service and Agricultural Statistics had not been considered by the committee and that we could not include them unless they were brought before the committee.

Neither the Budget Committee nor your Legislative Auditor has ever said that \$34,055 was enough to operate the Department of Agriculture for plant quarantine, and spray residue for the entire year of 1942. What was said was that since the Director of Finance had already allocated \$34,055 to the department, we would not go into the matter further, but would recommend this sum to carry on those services which they considered most essential. Your Legislative Auditor at no time has recommended appropriations which will only carry an activity to June 30, 1942—that is an unfounded assumption of the Director of Finance.

As respects paragraph 10 of the Director of Finance's letter, regarding the State Fire Marshal and the allocation of General Fund moneys to this special service, we did specifically recommend that no money be allocated from the General Fund to the State Fire Marshal. We wish to reiterate that recommendation in light of additional information that has become available. This is for the reason that his program based on a request for \$5,000,000 would materially interfere with the Council of Defense Emergency Fire Program, to be provided through the Division of Forestry, made possible through the passage of Assembly Bill No. 36, appropriating \$4,022,700 to this division, largely for this purpose. The Legislature considered this matter of a State-wide fire protection plan fully so that it is no longer a hypothetical question, but is expressed in conclusive action in Assembly Bill No. 36.

We still maintain that no appropriations should be made to the Fire Marshal "for the reason that there is a balance in his Special Fund." Eminent counsel, undoubtedly of equal ability to that available to the Director of Finance, maintains that the Fire Marshal may carry on all of those functions provided by law but that no allocation from the Emergency Fund or appropriation by the Legislature under the Governor's call will make it possible for the Fire Marshal to carry on any functions which are new and do not now exist. If the Director of Finance's contention is correct then under his authorization and budgetary control the Fire Marshal during the past two years has carried on such functions and furthermore the Director of Finance is recommending expenditures both in Schedule "A" and Schedule "B," attached hereto, for the Department of Institutions complying with recommendation of the State Fire Marshal and following, from reports made by him concerning the fire hazards at institutions, a function which certainly has nothing to do with the regulation of the cleaning and dyeing industry. If these are illegal expenditures this should be brought to the notice of the Legislature, and the Controller and proper restitution should be made, and those responsible for authorizing them should be called to account. Certainly until this matter is decided the Director of Finance should have waited for the opinion from the Attorney General, which he states in his letter he has requested, before making an allocation from the Emergency Fund. However, despite the grave doubt the Director of Finance states he has, in the past he has approved, according to his definition, allocations from this Special Fund for general purposes. Clearly he did not follow the advice of his legal counsel. It, therefore, seems unreasonable that he should continue to employ three attorneys in his office when at the same time he has access to the full services of the Attorney General.

We would like to call your attention to the fact that the Director of Finance has failed to answer many important matters in our communication and that many of his answers are only half answers. He has only answered those he selected. Furthermore, we would like to suggest to your body that the cooperation of the Director of Finance with your Legislative Auditor will result in a far better understanding on the part of the Legislature of just how the funds which you appropriate are being managed, controlled and expended. We have asked for this cooperation and we again ask for it in all sincerity. Both offices have an important function to perform. The intent of the Legislature in making appropriations should become effective in fact as well as in theory and no diversion of these funds should be allowed through administrative procedure other than of those funds which the Legislature places under unrestricted administrative control. Moreover, the constitutional officers, the departments and agencies of the Government of California also have a responsibility under the law and they should be allowed to carry out this responsibility once appropriations have been made. Furthermore, they should be allowed to give to your Legislative Auditor information on all appropriations and the expenditure thereof without the interference of the Director of Finance through the very large power he possesses in the controlling of expenditures.

This is a time of great emergency, when all officers and employees of the State should work for a single purpose—the welfare of the State of California, and your Legislative Auditor pledges himself to that purpose, reminding, however, that the

emergency has not changed the relative responsibilities of any division or branch of State Government.

Respectfully submitted.

ROLLAND A VANDEGRIFT, Legislative Auditor

Schedule "A"

Summary of Estimated War Emergency Requirements of State Governmental Agencies for the Calendar Year 1942, Classified According to Immediate and Contingent Need

Agency	Activities of Immediate Necessity	Activities of Contingent Necessity	Total
Department of Agriculture-----	\$59,870	\$54,405	\$114,275
Department of Education:			
Maritime Academy -----	13,790	-----	13,790
Department of Industrial Relations:			
Division of Industrial Accidents and Safety-----	202,380	20,580	222,960
Division of Immigration and Housing-----	12,260	-----	12,260
Division of Fire Safety-----	76,380	23,160	99,540
Division of Industrial Welfare-----	11,440	-----	11,440
Division of Labor Statistics and Law En- forcement -----	2,720	-----	2,720
Totals, Industrial Relations -----	\$305,180	\$43,740	\$348,920
Department of Institutions-----	46,890	-----	46,890
Department of Military and Veterans' Affairs.			
Veterans' Home -----	4,849	-----	4,849
Department of Natural Resources.			
Division of Forestry-----	4,976,944	-----	4,976,944
Division of Mines -----	-----	160,360	160,360
Totals, Natural Resources-----	\$4,976,944	\$160,360	\$5,137,304
Department of Penology:			
Division of Criminal Identification and In- vestigation -----	76,690	-----	76,690
Bureau of Parole-----	32,136	-----	32,136
California State Prison at Chino-----	5,300	-----	5,300
California State Prison at Folsom-----	1,842	-----	1,842
California State Prison at San Quentin-----	8,929	-----	8,929
California Institution for Women-----	4,350	-----	4,350
Totals, Penology -----	\$129,247	-----	\$129,247
Department of Public Health-----	140,293	99,415	239,708
Department of Public Works:			
Division of Architecture-----	5,000	250,000	255,000
Division of Water Resources-----	2,000	100,000	102,000
Totals, Public Works-----	\$7,000	\$350,000	\$357,000
Department of Social Welfare-----	24,025	51,145	75,170
State Council of Defense-----	285,780	-----	285,780
State Personnel Board-----	30,050	7,860	37,910
Commodity Price Increases*-----	2,500,000	-----	2,500,000
Totals, All Agencies-----	\$8,523,918	\$766,925	\$9,290,843

* For balance of 1941-1943 biennium.

Schedule "B"

Emergency Fund

*Provided by Chapter 600, Statutes of 1941 and Augmented by Chapter 2,
Statutes of 1941, First Extraordinary Session*

State Council of Defense (approximately four months)-----	\$100,000
Personnel Board-----	15,025
Department of Agriculture-----	34,055
California Maritime Academy-----	6,130
Department of Finance-----	11,400
Department of Industrial Relations:	
Industrial Accidents and Safety-----	116,130
Labor Statistics and Law Enforcement-----	1,360
Industrial Welfare-----	7,220
Immigration and Housing-----	7,310
Fire Safety-----	40,820
Department of Institutions:	
Agnews State Hospital-----	6,530
Camarillo State Hospital-----	1,080
Mendocino State Hospital-----	4,988
Napa State Hospital-----	3,135
Norwalk State Hospital-----	5,836
Patton State Hospital-----	1,503
Pacific Colony-----	5,688
Sonoma State Home-----	5,783
Ventura School for Girls-----	1,923
Preston School of Industry-----	3,728
Fred C. Nelles School for Boys-----	4,711
Industrial Home for Adult Blind-----	725
Veterans' Home-----	3,949
Division of Forestry (To January 31, 1942)-----	138,301
Penology:	
Criminal Identification and Investigation-----	37,880
Board of Prison Directors—Bureau of Parole-----	19,596
Folsom State Prison-----	1,842
San Quentin State Prison-----	8,929
California Institution for Men-----	5,300
California Institution for Women-----	4,850
Department of Public Health:	
Vital Statistics-----	24,943
Other than Vital Statistics-----	69,280
Division of Architecture-----	5,000
Division of Water Resources-----	2,000
Department of Social Welfare-----	15,099
Total, War Emergency Allotments-----	\$721,049
California State Guard Allotments:	
State Guard (To January 12, 1942)-----	419,000
Total, Allotments for War Emergencies-----	\$1,140,049
Allotments out of the Regular Emergency Fund-----	236,270
Total Allotments-----	\$1,376,319

Recapitulation:

	Regular Emergency	Stop-Gap Emergency	State Guard Stop-Gap Emergencies	Total
Total Emergency Fund----	\$1,000,000	\$500,000	\$500,000	\$2,000,000
Less: Allotments-----	236,270	721,049	419,000	1,376,319
Balance Available ---	\$763,730	—\$221,049	\$81,000	\$623,681

RECESS

At 5.20 p.m., on motion of Mr. Lyon, the Assembly recessed until 5.45 p.m.

REASSEMBLED

At 5.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day refused adoption to:

Assembly Concurrent Resolution No. 35

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

ABSENCE OF QUORUM SUGGESTED

Mr. Johnson suggested the absence of a quorum.

ADJOURNMENT

At 5.48 p m., on motion of Mr. Wollenberg, seconded by Mr. Doyle, the Speaker declared the Assembly adjourned until 11 a.m., Tuesday, January 20, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY
THIRTY-THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, January 20, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Muddough, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—48.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Russell.

Call of the Assembly

Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 11.25 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 56

Assembly Bill No. 68

Assembly Bill No. 78

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 22

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 28

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 33

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER
CALL OF THE ASSEMBLY

Mr. Hawkins moved that further proceedings under the call of the Assembly be dispensed with.

Motion lost.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 52

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately;

Assembly Bill No. 68—An act to add Section 1.1 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Department of Agriculture, declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 20, 1942

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined.
Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces;

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253;

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee;
 And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

SENATE MESSAGES

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Section 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

THE ADJUTANT GENERAL'S OFFICE
 SACRAMENTO, January 18, 1942

Mr. Arthur A. Ohnimus, Chief Clerk

Assembly Chamber, State Capitol, Sacramento, California

DEAR SIR: The Adjutant General has directed that I reply to your communication of January 15th wherein you inclose a copy of a communication from Doctor Harold M. Hogan offering the services of the California Association of Chiropractors. He further desires that you be advised that he has had interviews with Doctor Hogan's representatives and has expressed to them his appreciation of their offer and is prepared to take advantage of it when provisions for so doing have been made.

Very truly yours,

J. PIERCE, Lt. Col., A. G. D., C. S. G.
 Executive Officer

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Lyon moved to expunge the record, and rescind the action whereby House Resolution No. 75 was adopted.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney,

Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Stream, Thomas, Thorp, Voigt, Waters, Weber, Welch, and Mr. Speaker—46.
NOES—None.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 76
FROM COMMITTEE**

Mr. Lowrey gave notice that on the second legislative day, he would move to withdraw Assembly Bill No. 76 from the Committee on Ways and Means, and have it placed upon the file.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 75
FROM COMMITTEE**

Mr. Hawkins gave notice that on the second legislative day, he would move to withdraw Assembly Bill No. 75 from the Committee on Ways and Means, and have it placed upon the file.

MOTION TO EMPOWER SPEAKER TO NOTIFY ABSENT MEMBERS

Mr. Maloney moved that the Speaker be empowered to notify the absentee Members of the Assembly to return to Sacramento.

Mr. Bashore seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Stream, Tenney, Thorp, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—42.

NOES—None.

Hon. C. Don Field, Presiding

At 1.15 p.m., Hon. C. Don Field, Member of the Assembly from the Forty-third Assembly District, presiding.

MOTION TO FURNISH ABSENTEE MEMBERS' NAMES TO PRESS

Mr. Bashore moved that the Sergeant-at-Arms be instructed to furnish authorized members of the press with a list of the absentee members of the Assembly.

Mr. Evans seconded the motion.

Hon. Gordon H. Garland, Speaker, Presiding

At 1.20 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Motion to Amend Motion

Mr. Field moved, as an amendment, to the above motion, that Mr. Desmond's name be deleted from the above named list.

Motion to Refer to Rules Committee

Mr. Donnelly moved that both motions be referred to the Committee on Rules.

Motion carried.

SENATE MESSAGES

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Joint Resolution No. 20

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Concurrent Resolution No. 30

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 20?

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 7 after the word "Act" and strike out lines 8 to 11, inclusive; and in line 12, strike out "provided", and insert "to provide".

Amendment No. 2

On page 1, line 20, of the printed measure, as amended, strike out the comma, and insert a semicolon and "and".

Amendment No. 3

On page 1, line 21, of the printed measure, as amended, strike out "and depend-"; and on page 2, strike out lines 1 to 6, inclusive, and insert

"WHEREAS, Some small income should be permitted beneficiaries under the categorical measures in said Social Security Act not only to stimulate the beneficiary concerned, but to aid in maintaining such person's self-respect and to permit".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Joint Resolution No. 20 by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Waters, Welch, Wollenberg, and Mr. Speaker—51.

NOES—None.

Above resolution ordered enrolled.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible Special Session.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 30?

Amendment No. 1

On page 1, line 26, of the printed measure, strike out "second", and insert "third".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Concurrent Resolution No. 30 by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lyon, Maloney, Massion, Meehan, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Russell, Sawallisch, Sheridan, Stream, Tenney, Thorp, Waters, Welch, Wollenberg, and Mr. Speaker—46.

NOES—None.

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Concurrent Resolution No. 31—Relative to the consideration at a Special Session of the Legislature of subventions by the State to local governmental units.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dilworth, Doyle, Evans, Field, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Lyon, Maloney, Mid-dough, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—41.

NOES—Bashore, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—14.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, and on motion of Mrs. Daley, ordered printed in the Journal:

Under date of January 16, 1942, State Controller issued warrants G-57878 to G-58245 inc, in the total sum of \$7,744.05, same in payment of Adjutant General's Claim Schedule No. 121, drawn against appropriation Maintenance State Guard, Chapter 755, Statutes 1941, Ninety-third Fiscal Year.

List of personnel to whom warrants were issued attached.

CLARENCE H. SMITH

Deputy State Controller

Subscribed and sworn to before me this twentieth day of January, 1942.

[SEAL]

BERT FOSTER

Deputy State Controller

Pay Roll of The Adjutant General

Fund or Appropriation—Maintenance, State Guard

Chap. 755, 1941—Fiscal Year 93rd

Schedule #121 (Page 1)

Estab. Pos. #	Name	Occupation	Employed Fr To		Rate	Amount Earned
	<i>Southern Area, Group 3</i>		December			
	<i>Headquarters, 8th Regiment CSG.</i>		1941			
9A14S	Murney Mintzer	Lt. Colonel	12-31	20	16.98	339.60
"	Norman D. Mayne	Major	12-31	20	13.46	269.20
"	Ralph W. Wallace	Major	12-31	20	13.46	269.20
"	Victor Whitaker	Captain	12-31	20	10.54	210.80
"	John D. Wimmer	Captain	12-31	20	10.54	210.80
	<i>Medical Detachment, 8th Regiment</i>					
9B14S	Frank E. Ronald	1st Sgt.	15-20	6	2.00	12.00
"	John D. Bresingham	St. Sgt.	15-20	6	2.00	12.00
"	Lee A. Brugger	Cpl.	15-18	4	2.00	8.00
"	Arthur S. Leitch	Corporal	15-20	6	2.00	12.00
"	Chester A. Way	Corporal	15-20	6	2.00	12.00
"	Robert G. Braithwait	Corporal	15-20	6	2.00	12.00
"	Lloyd N. Manning	Pvt.	15-20	6	2.00	12.00
"	Freeman A. Blount	Pvt.	15-20	6	2.00	12.00
"	Atlee H. Worsham	Pvt.	15-20	6	2.00	12.00
"	Albert N. Randall	Pvt.	15-20	6	2.00	12.00
"	Donald L. Randall	Pvt.	15-20	6	2.00	12.00
"	John A. Schneider	Pvt.	15-20	6	2.00	12.00
"	John F. Durbin	Pvt.	15-20	6	2.00	12.00
"	James L. Slack	Pvt.	15-20	6	2.00	12.00
"	Chester A. Hattebough	Pvt.	15-16	2	2.00	4.00
"	Robert G. Graham	Pvt.	15-20	6	2.00	12.00
"	Frank E. Ronald	1st Sgt.	21-31	11	2.00	22.00
"	John D. Bresingham	St. Sgt.	21-31	11	2.00	22.00
"	Arthur S. Leitch	Corporal	21-31	11	2.00	22.00
"	Robert G. Braithwait	Corporal	21-31	11	2.00	22.00
"	Lloyd N. Manning	Pvt.	21-31	11	2.00	22.00
"	Freeman A. Blount	Pvt.	21-31	11	2.00	22.00
"	John A. Schneider	Pvt.	28-31	4	2.00	8.00

Page total -----1,619.60

Schedule #121 (Page 2)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.	Rate	Amount Earned
	<i>Headquarters Co., 8th Reg.</i>		December		
	<i>Headquarters Detach.</i>		1941		
9B14S	August H. DeFord	Sgt.	15-20	6	2.00
"	Frank B. Harrison	Sgt.	15-20	6	2.00
"	Humphrey D. Knight	Corp.	15-20	6	2.00
"	Frederick F. Ingram	Pvt.	15-20	6	2.00
"	Charles Lyall	Pvt.	17-20	4	2.00
"	Frank Purkyt	Pvt.	18-20	3	2.00
"	Harry G. Webber	Pvt.	15-20	6	2.00
"	Jack W. Wilton	Pvt.	18-20	3	2.00
"	Francis C. Wisdom	Pvt.	17	1	2.00
	<i>Supply and Transport. Sect.</i>				
"	Earl F. Brizendine	Sgt.	15-20	6	2.00
"	Charles W. Ehrhardt	Sgt.	15-20	6	2.00
"	Ray Irvine	Sgt.	15-20	6	2.00
"	Milton F. Leeper	Sgt.	15-20	6	2.00
"	Harold S. Mason	Sgt.	15-20	6	2.00
"	George M. Miller	Sgt.	15-20	6	2.00
"	Thomas W. Rabbett	Sgt.	15-20	6	2.00
"	Arthur S. Flood	Corp	15-19	5	2.00
"	Jack S. Board	Pvt.	15-20	6	2.00
"	James T. Brower	Pvt.	15-20	6	2.00
"	Norval L. Cole	Pvt.	15-20	6	2.00
"	James S. Eastmen	Pvt.	15-20	6	2.00
"	Rudolph J. Escabedo	Pvt.	15-20	6	2.00
"	Edwin Junghans	Pvt.	15-20	6	2.00
"	Harry E. Johnson	Pvt.	15-20	6	2.00
"	Woodrow L. Mayer	Pvt.	17-18	2	2.00
"	Clarence W. O'Marra	Pvt.	15-20	6	2.00
"	Roland C. Peterson	Pvt.	15-20	6	2.00
"	John G. Ronis	Pvt.	15-20	6	2.00
Page total -----					1,919.60

Schedule #121 (Page 3)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December 1941			
Supply & Transport Sect. (Cont'd)						
9B14S	Charles Roberts	Pvt.	15-20	6	2.00	12.00
"	John Sosa	Pvt.	15-20	6	2.00	12.00
"	James L. Thornburg	Pvt.	15-16	2	2.00	4.00
Engineering Section						
9B14S	Lawrence Varney	Sgt.	15-20	6	2.00	12.00
"	Kurtz D. Heiny	Pvt	15-18	4	2.00	8.00
"	Earnest Boyle	Pvt.	15-18	4	2.00	8.00
"	Howard Payne	Pvt	15-18	4	2.00	8.00
"	J. P. Bartlett	Pvt	15-18	4	2.00	8.00
Headquarters Staff						
"	Francis S. Reynolds	Sgt.	15-20	6	2.00	12.00
"	Elmer C. Chiles	Pvt.	15-20	6	2.00	12.00
"	Harold H. Cowley	Pvt	15-20	6	2.00	12.00
"	Ivan Finn	Pvt.	15-20	6	2.00	12.00
"	Charles W. Hill	Pvt	15-20	6	2.00	12.00
"	Jay G. Palmer	Pvt.	15-20	6	2.00	12.00
Communications Section						
"	Robert Bowen	Sgt	15-20	6	2.00	12.00
"	Melvin J. Grigsby	Corp.	15-20	6	2.00	12.00
"	Kennard Dobler	Pvt	15-18	4	2.00	8.00
"	Ray F. Hickmen	Pvt	15-18	4	2.00	8.00
"	Robert W. Hooper	Pvt	15-18	4	2.00	8.00
"	Greyson C. Lovell	Pvt	15-18	4	2.00	8.00
"	Magnus A. Magnuson	Pvt.	15-18	4	2.00	8.00
"	Samuel Weiss	Pvt	15-18	4	2.00	8.00
Motor Patrol Section						
"	Everett P. Biggs	Pvt.	17	1	2.00	2.00
"	Herbert W. Barton	Pvt.	16-17	3	2.00	4.00
"	Harry L. Vermeulen	Pvt.	17	1	2.00	2.00
Page total -----						2,143.60

Schedule #121 (Page 5)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
	<i>Company "A", 8th Regt. (Cont'd)</i>		December 1941			
9B14S	L. Y. Barnes	Pvt.	15-21	7	2.00	14.00
"	Marcus Berger	Pvt.	17-21	5	2.00	10.00
"	Gwynne H. Boucher	Pvt.	15-21	7	2.00	14.00
"	Earl R. Boyd	Pvt.	18-31	14	2.00	28.00
"	James T. Brewer	Pvt.	15-21	7	2.00	14.00
"	Marston Burnham	Pvt.	15-21	7	2.00	14.00
"	Richard L. Cannon	Pvt.	15-21	7	2.00	14.00
"	John H. Deaton	Pvt.	15-21	7	2.00	14.00
"	Arthur B. Demuth	Pvt.	15-21	7	2.00	14.00
"	J. E. Engelstad	Pvt.	15-21	7	2.00	14.00
"	John A. Floyd	Pvt.	15-21	7	2.00	14.00
"	Charles Owen Forsberg	Pvt.	15-16	2	2.00	4.00
"	Robert Donald Fraser	Pvt.	15-21	7	2.00	14.00
"	Ralph F. Golden	Pvt.	15-18	4	2.00	8.00
"	Donald Greig	Pvt.	15-21	7	2.00	14.00
"	Carl O. Gruner	Pvt.	15-21	7	2.00	14.00
"	Peter Guldemon	Pvt.	15-16	2	2.00	4.00
"	David Haffly	Pvt.	18-21	4	2.00	8.00
"	Benjamin L. Hansen	Pvt.	15-31	17	2.00	34.00
"	William D. Harmer	Pvt.	15-18	4	2.00	8.00
"	Robert F. Hartman	Pvt.	15-31	17	2.00	34.00
"	Beverly Hensell	Pvt.	19-31	13	2.00	26.00
"	H. R. Hill	Pvt.	15-21	7	2.00	14.00
"	Alger E. Howell	Pvt.	15-21	8	2.00	14.00
"	J. W. Humphries	Pvt.	19-21	3	2.00	6.00
"	Kenneth W. Hutchinson	Pvt.	19-31	13	2.00	26.00
"	Bernard Jacobson	Pvt.	15-21	7	2.00	14.00
"	Alfred T. Jones	Pvt.	15-21	7	2.00	14.00
"	Carl W. Kaland	Pvt.	15-21	7	2.00	14.00
"	Bob Kincaid	Pvt.	19-21	3	2.00	6.00
Total						3,629 60

Schedule #121 (Page 6)

Estab. Pos. #	Name	Occupation	Employed		Rate	Amount Earned
			Fr	To Das		
			December			
	<i>Company "A", 8th Regt. (Cont'd)</i>		1941			
9B14S	William Kilkey	Pvt	15-21	7	2.00	14.00
"	Gordon Kessling	Pvt	15-31	17	2.00	34.00
"	Harvey E. Learner	Pvt.	16-21	6	2.00	12.00
"	Dwight V. Lee	Pvt	15-21	7	2.00	14.00
"	Melvin E. Lind	Pvt	15-21	7	2.00	14.00
"	Everett J. Lytle	Pvt.	15-31	17	2.00	34.00
"	Leroy E. May	Pvt.	15-21	7	2.00	14.00
"	Jerome W. McCorkell	Pvt.	15-19	3	2.00	10.00
"	Edgar R. Neely	Pvt.	15-21	7	2.00	14.00
"	Dominick Nenna	Pvt.	19-21	3	2.00	6.00
"	James A. Newell	Pvt.	19-21	3	2.00	6.00
"	George Odom	Pvt.	19-21	3	2.00	6.00
"	Roy E. Parker	Pvt	15-20	6	2.00	12.00
"	Ray W. Patrick	Pvt.	15-21	7	2.00	14.00
"	Marmus Peterson	Pvt.	15-21	7	2.00	14.00
"	Merle R. Plummer	Pvt	15-21	7	2.00	14.00
"	Jonas W. Pumphrey	Pvt	15-16	2	2.00	4.00
"	Aloysius Reed	Pvt.	17-21	5	2.00	10.00
"	Harry Regas	Pvt	15-20	6	2.00	12.00
"	Stanley D. Richard	Pvt	15-21	7	2.00	14.00
"	Glenwood L. Richardson	Pvt	15-18	4	2.00	8.00
"	John E. Roberts	Pvt	15-31	17	2.00	34.00
"	Jackson C. Roether	Pvt.	15-16	2	2.00	4.00
"	Victor D. Rogers	Pvt	15	1	2.00	2.00
"	Milton Schwartz	Pvt	19-21	3	2.00	6.00
"	Gaylord L. Scott	Pvt	15-31	17	2.00	34.00
"	Joseph Selig	Pvt	15-21	7	2.00	14.00
"	Carl H. Shaw	Pvt.	15-17	3	2.00	6.00
"	James I. Slack	Pvt	15-17	3	2.00	6.00
"	Paul W. Surry	Pvt.	15-21	7	2.00	14.00
"	Ernest G. McIntosh	Pvt.	15-21	7	2.00	14.00
Total						4,043.00

Schedule #121 (Page 7)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December 1941			
9B14S	Company "A", 8th Regt. (Cont'd)					
	Albert L. Taylor	Pvt.	15-21	7	2.00	14.00
"	Ivan B. Thom	Pvt.	15-21	7	2.00	14.00
"	Elmer D. Vorce	Pvt.	16-31	16	2.00	32.00
"	R. F. Webber	Pvt.	16-21	6	2.00	12.00
"	William D. Weed	Pvt.	15-21	7	2.00	14.00
"	Robert Weseloh	Pvt.	19-31	13	2.00	26.00
"	Fremont Wilson	Pvt.	19-21	3	2.00	6.00
"	Marvin F. Young	Pvt.	15-21	7	2.00	14.00
"	John F. Zittell	Pvt.	16-21	6	2.00	12.00
	Company B, 8th Regt.					
9A14S	Eugene J. Hartley	Captain	9-31	23	10.54	242.42
"	Neal G. Moore	2nd Lieutenant	12-31	20	6.10	122.00
9B14S	George M. Considine	Sergeant	9-31	23	2.00	46.00
"	Orville Hauck	Sergeant	15-31	17	2.00	34.00
"	Richard F. Thorpe	Sergeant	15-21	7	2.00	14.00
"	Karl Zorn	Sergeant	15-21	7	2.00	14.00
"	Charles Bush	Corporal	15-21	7	2.00	14.00
"	Harold E. Cowley	Corporal	15-21	7	2.00	14.00
"	Wilford S. Hawkins	Corporal	15-21	7	2.00	14.00
"	Walter F. Knowlden	Corporal	15-21	7	2.00	14.00
"	Harold M. Aiken	Pvt.	15-21	7	2.00	14.00
"	Richard R. Aiken	Pvt.	15-21	7	2.00	14.00
"	Roy Akers	Pvt.	15-21	7	2.00	14.00
"	Thorvald Anderson	Pvt.	19-21	3	2.00	6.00
"	Davis Baker	Pvt.	15-21	7	2.00	14.00
"	John Balason	Pvt.	15-21	7	2.00	14.00
"	William Beaghtler	Pvt.	15-21	7	2.00	14.00
"	John Behrns	Pvt.	15-18	4	2.00	8.00
"	Donald Berger	Pvt.	15-31	17	2.00	34.00
"	Christian Bruening	Pvt.	15-31	17	2.00	34.00
Total						4,882.02

Schedule #121 (Page 8)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
	<i>Company B, 8th Regt (Cont'd)</i>		December 1941			
9R148	Jack Brisker	Pvt.	15-21	7	2.00	14.00
"	Henry Bruneau	Pvt.	15-19	5	2.00	10.00
"	George Bunyard	Pvt.	15-21	7	2.00	14.00
"	Homer Chambers	Pvt.	15-21	7	2.00	14.00
"	Paul Chiles	Pvt.	15-31	17	2.00	34.00
"	John D. Clifton	Pvt.	15-31	17	2.00	34.00
"	Benjamin Cohn	Pvt.	15-21	7	2.00	14.00
"	John F. Corby	Pvt.	15-21	7	2.00	14.00
"	Franklin Crumrive	Pvt.	15-31	17	2.00	34.00
"	Oscar DeBeck	Pvt.	15-18	4	2.00	8.00
"	Charles Dicken	Pvt.	15-21	7	2.00	14.00
"	William DuBose	Pvt.	15-21	7	2.00	14.00
"	Albert Dumont	Pvt.	15-31	17	2.00	34.00
"	Eugene Dustin	Pvt.	(15-20 23-31	15	2.00	30.00
"	James Eastman	Pvt.	15-21	7	2.00	14.00
"	Robt. E. Edwards	Pvt.	15-21	7	2.00	14.00
"	Richard E. Geissler	Pvt.	15-31	17	2.00	34.00
"	Kay Goff	Pvt.	15-21	7	2.00	14.00
"	William Gold	Pvt.	15-21	7	2.00	14.00
"	Stanley Grobecker	Pvt.	15-21	7	2.00	14.00
"	Kenneth Gross	Pvt.	16-21	6	2.00	12.00
"	Phillip G. Hall	Pvt.	15-30	16	2.00	32.00
"	Robert N. Hanby	Pvt.	15-21	7	2.00	14.00
"	John Haan	Pvt.	15-19	5	2.00	10.00
"	Ralph Heath	Pvt.	15-31	17	2.00	34.00
"	Howard Heraty	Pvt.	15-21	7	2.00	14.00
"	Curtis Hill	Pvt.	15-21	7	2.00	14.00
"	Harold Hotchkiss	Pvt.	15-21	7	2.00	14.00
"	James Humphries	Pvt.	15-21	7	2.00	14.00
"	Albert Hunt	Pvt.	15-21	7	2.00	14.00
Total						5,440 02

Schedule #121 (Page 9)

Estab. Pos. #	Name	Occupation	Employed		Rate	Amount Earned
			Fr	To Das.		
			December 1941			
	Company B, 8th Regt. (Cont'd)					
9B14S	Alexander Hunt	Pvt	15-31	17	2.00	34.00
"	Jack Hunt	Pvt.	15-21	7	2.00	14.00
"	William Hupp	Pvt.	15-29	15	2.00	30.00
"	Wyatt Ingraham	Pvt	15-21	7	2.00	14.00
"	Omar Kappner	Pvt	15-21	7	2.00	14.00
"	Robert C. Kelly	Pvt.	15-31	17	2.00	34.00
"	Donald Kuchni	Pvt.	15-21	7	2.00	14.00
"	Dick Koester	Pvt.	15-21	8	2.00	14.00
"	Dan Latiok	Pvt.	15-31	17	2.00	34.00
"	Frederick Lawrence	Pvt.	15-21	7	2.00	14.00
"	Alfred Lee	Pvt	15-31	17	2.00	34.00
"	Warren Lindsey	Pvt.	15-18	4	2.00	8.00
"	Donald Livingston	Pvt.	15-18	4	2.00	8.00
"	Dexter Maddox	Pvt.	15-31	17	2.00	34.00
"	Donald McMath	Pvt.	15-21	7	2.00	14.00
"	David Mills	Pvt.	15-21	7	2.00	14.00
"	William Mills	Pvt.	15-21	7	2.00	14.00
"	R. Dale Moore	Pvt.	15-21	7	2.00	14.00
"	Vivian Oates	Pvt.	15-31	17	2.00	34.00
"	Alfred Olsson	Pvt.	15-16	2	2.00	4.00
"	Ralph O'Niel	Pvt.	15-31	17	2.00	34.00
"	Richard Osborn	Pvt.	15-19	5	2.00	10.00
"	Daniel Parker	Pvt	19-21	3	2.00	6.00
"	Wm. Schwartz	Pvt.	15-21	7	2.00	14.00
"	Fredrick Southard	Pvt.	15-21	7	2.00	14.00
"	Eldon Stalnaker	Pvt.	15-21	7	2.00	14.00
"	Burce Stoddard	Pvt.	15-21	7	2.00	14.00
"	Clarence Turner	Pvt.	15-17	3	2.00	6.00
"	Ulrich Turner	Pvt.	15-26	12	2.00	24.00
"	Johaam Vermeulin	Pvt.	15-21	7	2.00	14.00
Total						5,984.02

Schedule #121 (Page 10)

Estab. Pos. #	Name	Occupation	Employed Fr To		Das.	Rate	Amount Earned
			December 1941				
<i>Company B, 8th Regt. (Cont'd)</i>							
9B14S	Donald H. Wells	Pvt.	15-21	7		2.00	14.00
"	Sparks Wilson	Pvt.	15-21	7		2.00	14.00
"	Robt. Woolman	Pvt.	15-21	7		2.00	14.00
"	Franklin Wiley	Pvt.	15-21	7		2.00	14.00
"	Kenneth Yzelman	Pvt.	15-31	17		2.00	34.00
"	Karl Zorn	Pvt.	15-20	6		2.00	12.00
"	Gordon Small	Pvt.	16-31	16		2.00	32.00
"	Lloyd White	Pvt.	17-31	15		2.00	30.00
"	Wm. Merfield	Pvt.	17-31	15		2.00	30.00
"	Jack Wilkinson	Pvt.	19-21	3		2.00	6.00
"	Paul Purdue	Pvt.	19-21	3		2.00	6.00
"	Keith Cheney	Pvt.	19-21	3		2.00	6.00
"	Don Coleman	Pvt.	19-31	13		2.00	26.00
"	James A. Daly	Pvt.	19-21	3		2.00	6.00
"	Wilburn Hale	Pvt.	19-21	3		2.00	6.00
"	Stuart Hardy	Pvt.	19-21	3		2.00	6.00
"	Melville Aubrey	Pvt.	19-21	3		2.00	6.00
"	Ralph Kahan	Pvt.	19-21	3		2.00	6.00
"	Wilson Ludwick	Pvt.	19-21	3		2.00	6.00
"	Earl Marteeny	Pvt.	19-21	3		2.00	6.00
"	Henry Murray	Pvt.	19-21	3		2.00	6.00
"	Harvey Trammell	Pvt.	19-31	13		2.00	26.00
"	Lawrence Worch	Pvt.	19-21	3		2.00	6.00
<i>Company C, 8th Regiment CSG</i>							
"	Robert Bowen	Pvt.	9-14	6		2.00	12.00
"	Cleo S. Bowlin	Pvt.	9-14	6		2.00	12.00
"	John D. Biesingham	Pvt.	9-14	6		2.00	12.00
"	Donovan F. Cartwright	Pvt.	9-14	6		2.00	12.00
"	Elmer C. Chiles	Pvt.	9-14	6		2.00	12.00
"	Paul A. Chiles	Pvt.	9-14	6		2.00	12.00
Total							6.374 02

Schedule #121 (Page 11)

Estab Pos #	Name	Occupation	Employed Fr To Das	Rate	Amount Earned
			December 1941		
9B14S	<i>Company C, 8th Regt CSG (Cont'd)</i>				
	Harold H. Cowley	Pvt.	9-14	6	2 00
"	Leroy E. Dopp	Pvt.	9-14	6	2 00
"	Joseph C. Eaton Jr.	Pvt.	9-14	6	2.00
"	Errol L. English	Pvt.	9-14	6	2.00
"	Ivan Finn	Pvt.	9-14	6	2.00
"	Melvin J. Grigsby	Pvt.	9-14	6	2 00
"	Orville L. Hauck	Pvt.	9-14	6	2.00
"	Ralph M. Heath	Pvt.	9-14	6	2.00
"	Joseph L. Hewes	Pvt.	9-14	6	2.00
"	Fred H. Huston	Pvt.	9-14	6	2.00
"	Beverly W. Kelly	Pvt.	9-14	6	2.00
"	John M. King	Pvt.	9-14	6	2.00
"	Burton G. Lash	Pvt.	9-14	6	2 00
"	Walter R. Linn	Pvt.	9-14	6	2 00
"	John L. Lorenz	Pvt.	9-14	6	2 00
"	Joe W. McCain	Pvt.	9-14	6	2.00
"	Roscoe H. Munroe	Pvt.	9-14	6	2.00
"	Oscar E. Nelson	Pvt.	9-14	6	2 00
"	Vivian J. Oates	Pvt.	9-14	6	2 00
"	O. D. Overton	Pvt.	9-14	6	2.00
"	Jay G. Palmer	Pvt.	9-14	6	2 00
"	Lloyd A. Parish	Pvt.	9-14	6	2 00
"	Benigno R. Pedroza	Pvt.	9-14	6	2 00
"	Marinus Peterson	Pvt.	9-14	6	2 00
"	Wendell S. Phillips	Pvt.	9-14	6	2 00
"	James L. Prince	Pvt.	9-14	6	2 00
"	Eugene L. Prizer	Pvt.	9-14	6	2 00
"	Daniel M. Reade	Pvt.	9-14	6	2 00
"	Francis S. Revnolds	Pvt.	9-14	6	2 00
"	Lawrence W. Roberts	Pvt.	9-14	6	2.00
Total					6,734 02

Schedule #121 (Page 12)

Estab. Pos. #	Name	Occupation	Employed Fr To	Das.	Rate	Amount Earned
December 1941						
<i>Company C, 8th Regt CSG (Cont'd)</i>						
9B14S	Robert Schmidt	Pvt.	9-14	6	2.00	12.00
"	Robert Shull	Pvt.	9-14	6	2.00	12.00
"	William F. Shull	Pvt.	9-14	6	2.00	12.00
"	Theodore B. Thomas	Pvt.	9-14	6	2.00	12.00
"	Courtney M. Walton	Pvt.	9-14	6	2.00	12.00
"	Leo G. Watts	Pvt.	9-14	6	2.00	12.00
"	Lloyd White	Pvt.	9-14	6	2.00	12.00
"	George E. Wright	Pvt.	9-14	6	2.00	12.00
"	Theodore A. Wright	Pvt.	9-14	6	2.00	12.00
"	Kenneth E. Yzelman	Pvt.	9-14	6	2.00	12.00
<i>Hq. Det. 2nd Bn. 8th Reg.</i>						
9A14S	Donald A. Briggs	Captain	11, 14 15-31	19	10.54	200.26
9A14S	W. J. Kirk	2nd Lieutenant	(11, 14 15-31	19	6.10	115.90
"	K. L. Warner	2nd Lieutenant	11-13 17-18	5	6.10	30.50
9B14S	Theodore A. Wright	Pvt.	15-27 (13, 15, 16	13	2.00	26.00
"	I. J. Harris	Pvt.	17, 19	5	2.00	10.00
"	Donovan F. Cartwright	Pvt.	(17, 19 15-31	17	2.00	34.00
"	E. L. Prizer	Pvt.	15-31	17	2.00	34.00
"	Jack J. Harrington	Pvt.	27-31	5	2.00	10.00
<i>Company E, 8th Regt. CSG, Vista, Calif.</i>						
9A14S	George A. Shaffer	Captain	7-13	5	11.87	59.35
"	Merritt E. Strickland	2nd Lieutenant	7-10	4	6.10	24.40
"	Frank Harlan	2nd Lieutenant	7-10	4	6.10	24.40
9B14S	George M. Butler	1st Sgt.	7- 8	2	2.00	4.00
"	Roy P. Councilman	Mess Sgt.	7	1	2.00	2.00
"	Joseph V. Clement	Sgt.	7	1	2.00	2.00
"	Oliver K. Williamson	Sgt.	7	1	2.00	2.00
"	Thomas S. Lofthouse	Sgt.	7	1	2.00	2.00
"	Wright C. Bissinger	Sgt.	7- 8	2	2.00	4.00
"	Arden W. Godwin	Sgt.	7- 8	2	2.00	4.00
Total	-----					7,442.83

Schedule #121 (Page 13)

Estab Pos. #	Name	Occupation	Employed Fr To		Das.	Rate	Amount Earned
	<i>Company E, 8th Regt. CSG. Vista, Calif. (Cont'd)</i>		December 1941				
9B14S	Kenneth M. Morse	Sgt.	7	1		2.00	2.00
"	Charles H. Mull, Jr.	Corporal	7	1		2.00	2.00
"	James G. Crismon	Corporal	8	1		2.00	2.00
"	Dewey G. Devold	Corporal	8-9	2		2.00	4.00
"	George W. Roberts	Corporal	7-8	2		2.00	4.00
"	William A. Roberts	Corporal	7-8	2		2.00	4.00
"	Lewis H. Fields	Private	7-8	2		2.00	4.00
"	Patricio Rojas	Pvt.	7	1		2.00	2.00
"	Albert L. LaVaque	Pvt.	7	1		2.00	2.00
"	John S. Webb	Pvt.	8-9	2		2.00	4.00
"	Harry C. White	Pvt.	7-8	2		2.00	4.00
"	Elmer L. Baskins	Pvt.	8	1		2.00	2.00
"	Harry N. Halfhill	Pvt.	7	1		2.00	2.00
"	Stanley D. Hawkins	Pvt.	7	1		2.00	2.00
"	Richard W. Iveson	Pvt.	7	1		2.00	2.00
"	Richard W. Files	Pvt.	7-8	2		2.00	4.00
	<i>Company "I", 8th Regiment</i>						
"	Roscoe H. Munroe	Pvt	15-23	9		2.00	18.00
	<i>Company "L", 8th Reg., CSG.</i>						
"	Lloyd A. Parish	Pvt.	15-20	6		2.00	12.00
	<i>Company M, 8th Regiment</i>						
9A14S	Eugene H. Imler	1st Lieutenant	9-28	20		8.76	175.20
9B14S	Cleo S. Bowlin	Pvt.	15-28	14		2.00	28.00
"	Fred H. Huston	Pvt.	15-24	10		2.00	20.00
"	Wm. J. Thacker	Pvt.	21	1		2.00	2.00
GRAND TOTAL -----							7,744.03
		9A14S—\$2,974.03					
		9B14S— 4,770.00					

Under date of January 19, 1942, State Controller issued warrants M-9321 to M-9384 inc, in the total sum of \$754.88, same in payment of Adjutant General Claim Schedule No. 130 drawn against appropriation Maintenance State Guard, Chapter 755, Statutes 1941, Ninety-third Fiscal Year.

List of personnel to whom warrants were issued attached.

CLARENCE H. SMITH

Deputy State Controller

Subscribed and sworn to before me this twentieth day of January, 1942.

[SEAL]

BERT FOSTER

Deputy State Controller

Pay Roll of The Adjutant General

Fund or Appropriation—Maintenance, State Guard

Chap. 755, 1941—Fiscal Year 93rd

Schedule #130 (Page 1)

Estab Pos. #	Name	Occupation	Employed Fr To Das.	Rate	Amount Earned
	<i>Southern Area—Group Three Company F—8th Regt.</i>		December 1941		
9A14S	Raymond E Badger	1st Lieutenant	9, 10, 16, 18 22, 23, 25 (7-10-11-13-18)	7 8.76	61 32
"	John P. Kirby	2d Lieutenant	(19-25-26-29 7-9-12-21-30)	9 6.10	54.90
"	Roy A. Seeman	2d Lieutenant	30 (7-9-11-13-17 24-27-29-31)	6 6 10	36 60
9B14S	James W. Coles	Sgt.	26-31	9 2 00	18.00
"	Oscar E. Nelson	Sgt.	10	6 2.00	12 00
"	Roy W. Magnuson	Sgt.	11	1 2 00	2 00
"	Daniel A. Noble	Sgt.	9	1 2 00	2 00
"	Edward L. Hammond	Corp.	11	1 2 00	2 00
"	Emmett O. Peugh	Corp.	11-17-18	3 2.00	6 00
"	Donald C. Lentz	Corp.	12-16-17	3 2.00	6 00
"	Charles R. Nelson	Corp.	9	1 2 00	2 00
"	Howard L. Land	Corp.	10	1 2 00	2 00
"	Sam C. Miller	Corp.	12-13 (9-12-14-17-19 23-24-30-31)	2 2 00	4 00
"	Thomas F. Harrington	Corp.	14-20	9 2 00	18.00
"	George E. Wright	Corp.	9-11-21	7 2 00	14.00
"	Harry E. Johnston	Corp.	12	3 2.00	6 00
"	Leigh W. Young	Corp.	10	1 2 00	2 00
"	Russell H. Millar	Pvt.	10	1 2 00	2 00
"	William J. Kirk	Pvt.	7-13	7 2.00	14 00
"	Morgan Glinski	Pvt.	10, 24	2 2.00	4 00
"	Bernie Ferguson	Pvt.	12	1 2 00	2 00
"	John Knipe	Pvt.	13	1 2 00	2 00
"	Carl Nieman	Pvt.	12	1 2 00	2 00
"	Frank H. Cable	Pvt.	14	1 2 00	2 00
"	Richard Gilbert	Pvt.	10	1 2 00	2 00
"	Lawrence L. Lux	Pvt.	12-19-26	3 2 00	6 00
"	Myron A. Gean	Pvt.	9	1 2 00	2 00
"	Charles E. Spainhower	Pvt.	10	1 2 00	2 00
"	Milton McCoy	Pvt.	12	1 2 00	2 00
"	Eugene C. Cunning	Pvt.	11	1 2.00	2 00

292 82

Schedule #130 (Page 2)

Estab. Pos. #	Name	Occupation	Employed Fr To Das		Rate	Amount Earned
<i>Company F—8th Regt. (Cont'd)</i>			December 1941			
9B14S	Frederick Turner	Pvt.	13	1	2 00	2 00
"	Jack R. Fox	Pvt.	9	1	2 00	2 00
"	Henry Zimmerman	Pvt.	9, 22, 29	3	2 00	6 00
"	Alfred V. Greer	Pvt.	12	1	2 00	2 00
"	Elmoud Thornton	Pvt.	10	1	2 00	2 00
"	Evatt McCleneghan	Pvt.	11	1	2 00	2 00
"	Hans Hartman	Pvt.	11	1	2 00	2 00
"	Calvin Thomas	Pvt.	21, 28	2	2 00	4 00
"	Walter Conley	Pvt.	9	1	2 00	2 00
"	Neil Conrad	Pvt.	12	1	2 00	2 00
"	David Bricks	Pvt.	14, 16, 17	3	2 00	6 00
"	James E. Myers	Pvt.	20, 27	2	2 00	4 00
"	Joe Zimmerman	Pvt.	19, 23	2	2 00	4 00
"	Stanley Whitten	Pvt.	12, 24, 31	3	2 00	6 00
"	Charles J. Zimmerman	Pvt.	26	1	2 00	2 00
"	Joseph L. Hewes	Pvt.	22-31	10	2 00	20 00
"	Oscar E. Nelson	Pvt.	16-25	10	2 00	20 00
"	Daniel M. Reade	Pvt.	16-20	5	2 00	10 00
"	Benigno R. Pedroza	Pvt.	16-31	16	2 00	32 00
"	William F. Shull	Pvt.	16-27	12	2 00	24 00
<i>Company H—8th Regt.</i>			7, 9, 13, 19			
9A14S	William A. Smart	1st Lt.	22, 29	6	8 76	52 56
"	John M. McCawley	2nd Lt.	7, 9, 11			
9B14S	George G. Hunt	1st Sgt.	13-19 27-31	15	6 10	91 50
"	Melville Wilkinson	Corp.	7, 23	2	2 00	4 00
"	Henry M. Burton	Corp.	7, 23	2	2 00	4 00
"	Donald K. Palm	Corp.	7	1	2 00	2 00
"	Gordan W. West	Corp.	7	1	2 00	2 00
"	John M. King	Pvt.	22-31	10	2 00	20 00
"	W. H. Bulen	Pvt.	26-31	6	2 00	12 00
						636.88

Schedule #130 (Page 3)

Estab. Pos. #	Name	Occupation	Employed Fr To Das		Rate	Amount Earned
<i>Company H—8th Regt. (Cont'd)</i>			December 1941			
9B14S	Beverly W. Kelley	Pvt.	15-31	17	2 00	34 00
"	Frank L. Lusardi	Pvt.	26-31	6	2 00	12 00
"	R. D. Overton	Pvt.	14-31	18	2 00	36 00
"	James L. Prince	Pvt.	22-31	10	2 00	20 00
"	Arthur Stewart	Pvt.	7-14	8	2 00	16 00
						754.88

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lieutenant W. P. Menzies of Kelso, Washington, Lieutenant Nelson Eddy of Courtland, California, and Lieutenant R. A. Browning of Larkio, Missouri.

On request of Messrs. Bashore and Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to

C. B. Voorhis, Pasadena, father of Congressman Jerry Voorhis, and John Hunt, Assistant Superintendent City Schools, Los Angeles.

On request of Messrs. Doyle and Lowrey, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Assemblyman John O'Donnell of Woodland.

**NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL NO. 73
CONTINUED**

By unanimous consent, the consideration of motion to reconsider Assembly Bill No. 73 was continued until the next legislative day.

MOTION TO TEMPORARILY SUSPEND RULES

Mr. Maloney moved that Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placed upon the file.

Mr. Stream seconded the motion.

Substitute Motion

Mr. Hawkins moved, as a substitute motion, that Assembly Bill No. 75 also be withdrawn from Committee on Ways and Means, and placed upon the file.

Ruling by Speaker

The Speaker ruled the substitute motion by Mr. Hawkins out of order because Senate Bill No. 36 and Assembly Bill No. 75 were not in the same committee.

Substitute Motion

Mr. Lowrey moved, as a substitute motion, that Senate Bill No. 2 also be withdrawn from Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placed upon the file.

Motion to Adjourn

Mr. Lyon moved that the Assembly adjourn until 9 a. m., Wednesday, January 21, 1942.

The roll was called, and the motion carried by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dilworth, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Lyon, Maloney, McCollister, Middough, Pelletier, Pfaff, Phillips, Poole, Potter, Robertson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—35

NOES—Allen, Andreas, Burkhalter, Cam, Collins, George D., Dills, Donnelly, Doyle, Gaffney, Hawkins, Heisinger, Kilpatrick, Lowrey, Massion, Meehan, O'Day, Richie, Russell, and Thomas—19.

Explanation of Vote

I voted "No" because our Rules provide that no adjournment shall be made under a call of the House. Further, I favor working until we act upon an adequate appropriation for the State Guard

AUGUSTUS F. HAWKINS

ADJOURNMENT

At 5.40 p. m., the Speaker declared the Assembly adjourned until 9 a. m., Wednesday, January 21, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY
THIRTY-FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, January 21, 1942

The Assembly met at 9 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohninus at the desk.

ROLL CALL

The roll was called, and the following answered to their names.

Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hustain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kelless, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middlough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—56.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Cain.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day by unanimous consent:

Mr. Desmond, on motion of Mr. Turner.

EXPLANATION OF ABSENCE

**Complete and Final Explanation of My Temporary Absence From the
Assembly Chambers on Tuesday, January 20, 1942**

To Whom It May Concern:

After being in session for eight consecutive days I went home to get a clean pair of socks. And if we are in session for another eight days I am going home again.

BYRL R. SALSMAN

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined **Assembly Joint Resolution No. 22**—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment; And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 8 p m

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Joint Resolution No. 20**—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1942, at 10 a m.

JOHN B. KNIGHT, Chairman

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of Home Guard units, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Kilpatrick, Evans and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Senate Bill No. 9.

The roll was called, and urgency clause adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—54.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—54.

NOES—None.

Bill ordered transmitted to the Senate.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on motion to suspend Rules and withdraw bill from committee.

MOTION TO TEMPORARILY SUSPEND RULE NO. 58

Mr. Maloney moved that Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placing it upon the file.

Mr. Johnson seconded the motion.

Motion to Amend

Mr. Hawkins moved to amend Mr. Maloney's motion, to include Assembly Bill No. 75 and Senate Bill No. 2.

Mr. Thomas seconded the motion.

Division of Question

Mr. Field asked for a division of the question.

Division of the question granted.

The question being: Shall Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placing it on file.

Substitute Motion

Mr. Lyon moved, as a substitute motion, that Senate Bill No. 36 be re-referred from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs to the Committee on Ways and Means.

Mr. Frederick F. Houser seconded the motion.

The roll was called, and the substitute motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dickey, Dilworth, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, T. Fenton; Lowiey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—55.

NOES—Dills, Donnelly, Richie, and Tenney—4.

RECESS

At 10.40 a.m., on motion of Mr. Lyon, the Assembly recessed until 10.55 a.m.

REASSEMBLED

At 10.55 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RECESS

At 12 m., on motion of Mr. Carlson, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 36

Respectfully reports the same back without recommendation.

MILLINGTON, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON QUORUM CALL

At 3.37 p.m., on motion of Mr. Turner, further proceedings under the call of the Assembly were dispensed with.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Motion to Grant Additional Time for Argument

Mr. Carlson moved that Mr. Thomas be given an additional three minutes for arguments on Senate Bill No. 36.

Motion carried.

Motion to Amend

Mr. Tenney moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 9, inclusive, and insert "An act making an appropriation for the".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 17, inclusive; strike out all of pages 2 to 6, inclusive; on page 7, strike out lines 1 to 46, inclusive; and in line 47, strike out "Sec 8.", and insert "SECTION 1."

Amendment No. 3

On page 7, line 49, of the printed bill, strike out "seven million."; strike out line 50; and in line 51, strike out "dollars (\$7,934,365)", and insert "five million, five hundred thousand dollars (\$5,500,000)".

Amendment No. 4

On page 8, line 3, of the printed bill, strike out "eight thousand, five hundred dollars (\$8,500)", and insert "four thousand, five hundred dollars (\$4,500)".

Amendment No. 5

On page 8 of the printed bill, strike out lines 10 to 15, inclusive.

Amendment No. 6

On page 8 of the printed bill, strike out lines 47 and 48; and in line 49, strike out "SEC. 10", and insert "SEC. 2".

Amendment No. 7

On page 9 of the printed bill, strike out lines 13 to 36, inclusive.

Motion to Table Amendments

Mr. F. N. Howser moved that the amendments to Senate Bill No. 36, offered by Mr. Tenney, be laid on the table.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Tenney moved a call of the Assembly.

The roll was called, and the motion lost by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J. Cain, Collins, George D. Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—32

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

The question being on the motion to lay the amendments offered by Mr. Tenney to Senate Bill No. 36 on the table.

The roll was called, and the amendments laid on the table by the following vote:

AYES—Allen, Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—34.

Demand for Previous Question

Messrs. Collins, Sam L., Waters, Sheridan, Howser, F. N., and Evans demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Doyle, Hastain, Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Poulson, Salsman, Sawalisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—39.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Dills, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Fred-

erick F., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Poole, Potter, Riche, Robertson, Russell, Tenney, Thomas, and Mr. Speaker—31.

The question being on the further consideration of Senate Bill No. 36.

Further Consideration of Senate Bill No. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Maloney:

Resolved, That Senate Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 36: By Messrs. Dills, Allen, Donnelly and Andreas—Relative to the refund of sales taxes.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Relative to the refund of sales taxes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Matolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

**CALIFORNIA FEDERATION OF WOMEN'S CLUBS
HEADQUARTERS, LOS ANGELES, CALIFORNIA**

RESOLUTION

WHEREAS, Spadra, the State Hospital for the care, cure and rehabilitation of drug addicts has been closed to drug addicts, and

WHEREAS, The California Federation of Women's Clubs worked unceasingly since 1919 to establish a much needed institution for the rehabilitation of drug addicts, and

WHEREAS, Governor Olson at the Convention of the California Federation of Women's Clubs held at Fresno, 1940, promised the federation in his address that as long as he was Governor of California, Spadra would not be abandoned; therefore be it

Resolved, That we, the Executive Board of the California Federation of Women's Clubs, most strongly protest the action taken in regard to the closing of Spadra to drug addicts; and be it further

Resolved, That copies of this resolution be sent to Governor Olson, to Dr. Rosanoff, to the Legislature and to the newspapers.

(Signed)

MRS. D. M. BURKE, Narcotic Chairman, S. F. District
MRS. JAY T. COOPER, President, S. F. District

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 37

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 37—An act to add Section 690c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up Senate Bill No. 37, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 37**Temporary Suspension of Assembly Rule No. 33**

On motion of Mr. Johnson, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Bill No. 37.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Johnson:

Resolved, That Senate Bill No. 37 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain,

Hawkins, Heisinger, Houser, Frederick F, Howser, F N, Johnson, Kellems, Kilpatrick, Knight, T Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M, Burns, Michael J, Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L, Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Field, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F N, Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65
NOES—Knight, T. Fenton—1

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 30**—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1942, at 3 30 p m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 20

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Lyon, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Concurrent Resolution No. 20.

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

Motion to Amend

Mr. Lyon moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed measure, strike out "adjournment sine die", and insert "a recess".

Amendment No. 2

On page 1 of the printed measure, strike out line 4, and insert "recess at 11 55 o'clock p.m., on the twenty-first day of January, 1942, to reconvene at 2 o'clock p.m., on the first day of September, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to the said first day of September, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate, and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in this notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each Member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such Member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the Members as herein provided shall be conclusive evidence of the facts therein stated."

Amendments read.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION
TO CONSIDER SENATE BILL NO. 36**

At 4.22 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.
NOES—Burkhalter, Cam, Collins, George D., Crowley, Dills, Donnelly, Gaffney, Gunlock, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Tenney, and Thomas—17.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556 1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****FURTHER CONSIDERATION OF SENATE CONCURRENT
RESOLUTION NO. 20**

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Further Consideration of Amendments by Mr. Lyon

The question being on the adoption of the amendments offered by Mr. Lyon.

Amendments read and adopted.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, without reference to reprint.

Consideration of Senate Concurrent Resolution No. 20, as Amended

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Basbore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Woltenberg, and Mr. Speaker—41.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—29.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Gunlock, Lyon, and Garland:

House Resolution No. 77

Relative to death of N. V. Wemple

WHEREAS, The Members of this Assembly have learned with sorrow that their former associate and friend, N. V. Wemple, has passed from this life; and

WHEREAS, N. V. Wemple, native son of California, served with devotion and faithfulness the people of Modoc, Lassen, Plumas, and Sierra Counties in the 1925 and 1927 Regular Sessions of the Legislature; and

WHEREAS, Besides his services in the Halls of the Assembly, N. V. Wemple generously gave other years of his life to public service, occupying the office of County Assessor of Lassen County for eight years and performing the duties of Justice of the Peace for Honey Lake Township, Lassen County, at the time of his death; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assemblage expresses its real sorrow and regret at the loss of an old friend and colleague; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to the bereaved family of N. V. Wemple.

Request for Unanimous Consent

Mr. Gunlock asked for, and was granted, unanimous consent to take up House Resolution No. 77, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. McCollister:

House Resolution No. 78

WHEREAS, On December 22, 1941, the Legislature passed Assembly Bill No. 4 which was approved by the Governor and is now a law of this State providing that members of the State Guard may resign from the service for any one of several reasons; and

WHEREAS, It has come to the attention of Members of the Legislature that due, either to misunderstanding on the part of members or officers of the Guard, or due to a wilful or subtle thwarting of the intent and purpose of this law on the part of some officers of the Guard, or for whatever reason, men have been prevented from resigning from the Guard; now, therefore, be it

Resolved by the Assembly of the State of California, That The Adjutant General of this State be requested and directed to prepare a general order setting forth the fact that a member of the Guard may resign under the terms of the law referred to herein, on his own volition and request, such order to set forth word for word, as they appear in the law, the grounds upon which a member may resign; and be it further

Resolved, That The Adjutant General be directed to cause a copy of this general order to be sent to each company commander with the direction that it be read to each company, and that the same be immediately posted at company headquarters, and that said order shall set forth the date after which such resignations can not be submitted; and be it further

Resolved, That The Adjutant General and all officers of the State Guard having such matters under their jurisdiction lend every facility to men who wish to resign from the Guard, and that they be directed to construe liberally the law on this matter where construction may be necessary so as to resolve any doubt in the favor of the member requesting resignation.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up House Resolution No. 78, at this time, without reference to committee.

Resolution read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Thurman, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 20, 1942

Honorable Allen G. Thurman, Assembly Chamber
State Capitol, Sacramento, California

SUBJECT: Resignations from the State Guard pursuant to Chapter 3 of the First Extra Session of the Fifty-fourth Legislature.

REQUEST: No. 4963.

DEAR MR. THURMAN:

Question

You have asked us whether or not a member of the State Guard upon giving five days' notice in writing to his commanding officer for a cause stated in Section 555.1 of the Military and Veterans Code is upon the expiration of the five days no longer a member of the State Guard. You have also asked us whether or not the recommendation of the company commander of a member so giving notice is necessary to effect the member's withdrawal from the State Guard

Opinion

In our opinion, upon the expiration of five days from the giving of the notice, the member of the State Guard has resigned. No approval of a superior officer is in our opinion necessary to effect the resignation.

Analysis

Section 555.1 was added to the Military and Veterans Code by Chapter 3 of the First Extra Session of the Fifty-fourth Legislature, the section becoming effective on January 2, 1942, and reading as follows:

"Within 30 days after the effective date hereof, any member of the State Guard may upon five days' notice in writing to his commanding officer withdraw and resign therefrom on the ground of unreasonable hardship for any of the following causes:

- (a) The existence of one or more dependents
- (b) Inability to serve outside the county of enlistment, because of unreasonable business or financial loss
- (c) Inability to render full time service because of unreasonable business or financial loss
- (d) Physical inability to perform full time duties
- (e) Such other reason, as may be approved by the battalion and regimental commanders
- (f) Employment as a National defense worker.

Authority is also hereby created, for the 30-day period of effect of this legislation, for any company commander of any unit of the State Guard to recommend the retirement or withdrawal from the State Guard of any men within his command whose services are known to be of greater value in civil occupation, or who should retire to other defense organization work, and The Adjutant General of the State Guard shall forthwith, in accordance with the intent of this legislation, effect the release of men so recommended."

Giving to the language of this section its normal meaning, it would appear that within 30 days after the effective date of Section 555.1 any member of the State Guard might, upon giving five days' notice in writing to his commanding officer, withdraw and resign from the State Guard for any one of the causes set forth in subdivisions (a) to (f), inclusive, of the section if unreasonable hardship is caused

thereby. No procedural requirement for any other action is made by the section, and we know of no reason for implying one.

While the final paragraph of Section 555.1 gives to any company commander authority to recommend the retirement or withdrawal from the State Guard of men in certain circumstances, the wording of the section would seem to us to clearly indicate that this authority is divorced entirely from the right given to a member of the State Guard to resign therefrom in the manner provided in Section 555.1.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Assistant Counsel

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON URGENCY CLAUSE TO SENATE BILL NO. 36**

At 4.40 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 36 adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Hesinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, McDough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawalhsch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Meehan, O'Day, Richie, Tenney, and Thomas—17.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 37: By Mr. Dills—Relative to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Referred to Committee on Rules.

Hon. Charles W. Lyon, Presiding

At 4 48 p m. Hon Charles W Lyon, Member of the Assembly from the Fifty-ninth Assembly District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

MR. SPEAKER: Your Committee on Rules desires to report that it recommends that the request of Assemblyman Phillips for the printing of 2,000 additional copies of Assembly Bill No. 777 of the 1941 Session be granted.

LYON, Chairman

Report read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Lowrey, ordered printed in the Journal:

RESOLUTION No. 2286

WHEREAS, Companies "K" and "M" of the First Regiment, California State Guard, under command of Captain Gerald De Graf and Captain H. L. Winterrowd respectively, have been assigned to guard and protect the Golden Gate Bridge against damage from sabotage by enemies of the United States; and

WHEREAS, The conditions under which the officers and enlisted personnel of said Companies "K" and "M" performing this service are such as to require great fortitude, personal sacrifice and an inspiring spirit of patriotism; now, therefore, be it

Resolved by the Directors of the Golden Gate Bridge and Highway District, That they do hereby express to Captain Gerald De Graf and Captain H. L. Winterrowd, and, through them respectively, to the commissioned officers, noncommissioned officers and enlisted personnel of Companies "K" and "M" First Regiment, California State Guard, the sincere thanks and appreciation of the directors, officers and people of the Golden Gate Bridge and Highway District for the thoroughly efficient and soldier-like manner in which the Golden Gate Bridge is being safeguarded from damage; and be it further

Resolved, That this resolution be spread in full upon the minutes of this board and the secretary authorized and directed to furnish copies, attested by him and signed by the president, to the Governor, The Adjutant General of the State of California, the commanding officer of the First Regiment, California State Guard, and the commanding officers of said Companies "K" and "M" of said regiment

Unanimously adopted this ninth day of January, 1942, by the following vote of the Board:

AYES—Directors Bagshaw, Berry, Coombs, Doyle, Felhely, Haase, Haderer, McLaughlin, Newhouse, Rickets and Thompson.

NOES—Directors none.

ABSENT—Directors O'Brien, Varley and Welch.

Approved this ninth day of January, 1942.

[SEAL]

H. D. NEWHOUSE

President of the Board of Directors

Attest: W. W. FELT, JR.

Secretary of the Board of Directors

MOTION TO PRINT OPINION IN JOURNAL

Mr. Robertson asked for, and was granted, unanimous consent to have the following communication from the Legislative Counsel Bureau read, and ordered printed in the Journal with the understanding that it reflects legislative intent on Senate Bill No. 9 and Senate Bill No. 36 at the time of passage of Senate Bill No. 9.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 21, 1942

Honorable Frederick F. Houser, Assembly Chamber
State Capitol, Sacramento, California

SUBJECT: State Guard Legislation

DEAR MR. HOUSER: You have called our attention to the provisions of Senate Bill No. 36, as introduced, and to Senate Bill No. 9, as amended in Assembly January 19, 1942. You ask our opinion as to whether, if both of these bills are

enacted, the provisions of Senate Bill No. 9 will in any way modify the limitations on the size of the active membership of the State Guard or upon the number of officers and enlisted men comprising the active membership who may be called for full time active service at any one time, as provided in Senate Bill No. 36.

It is our opinion that if both of these bills are enacted, Senate Bill No. 9 will not in any way alter or affect the provisions of Senate Bill No. 36 relating to the active membership of the State Guard.

Senate Bill No. 36 provides for the division of the State Guard into an active membership and a reserve force. Specific numerical limitations are placed upon the size of the active membership and upon the total from the active membership who may be called into active duty at any one time for service in the absence of actual invasion of the State or the proclamation of a state of insurrection.

Senate Bill No. 9 similarly provides that members of the State Guard shall elect whether they shall be available for full time active service or for limited service in a reserve force. The bill is silent as to the organization or size of the active membership. It does contain provisions, however, for the organization of the reserve force into units to be designated as Home Guards.

While there is a conflict between the two bills with respect to the organization of what is designated as the reserve force of the State Guard that may create a problem of statutory interpretation, there appears to be no conflict so far as the active membership of the State Guard is concerned and the provisions of Senate Bill No. 36 will govern the active membership if both bills become law. The order in which these two bills might be chaptered and become law would not affect this conclusion.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Copy to authors of Senate Bill No. 36 and Senate Bill No. 9, pursuant to Joint Rule 37.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 36

At 5.05 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called.

Explanations of Vote

I voted "Aye" on Assembly Bill No. 36 because of the following reasons:

Section D, page 4, lines 40 to 48, inclusive, gives the Governor all the powers in case of emergency such as invasion, etc., and also does not reduce the pay of the men who are receiving \$2 per day.

DOYLE

The State Guard as now organized under Federal regulations has functioned properly.

The Federal Congress is now formulating legislation to assist the States in civilian defense.

Until we learn what help California will receive, we should at this time appropriate sufficient funds as a stopgap until such Federal action

S. L. HEISINGER

The undersigned voted against the passage of Senate Bill No. 36 for the following reasons:

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery.

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit; cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the Nationally important war industries located here of the complete protection they must have.

Leading Guardsmen have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Senate Bill No. 36 hamstring the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

We favor passage of Senate Bill No. 2.

JOHN EDWARD CAIN
EDWARD M. GAFNEY
RALPH C. DILLS
VERNON KILPATRICK
VINCENT THOMAS
EVERETT G. BURKHALTER
HUGH P. DONNELLY
EDWARD F. O'DAY

JACK B. TENNLY
LORNI D. MIDDOUGH
JACK MASSION
FRANK C. RUSSELL
GEORGE D. COLLINS, JR.
LLOYD W. LOWREY
WM. I. GUNLOCK

Speaker Presiding

At 5.30 p m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 38

Respectfully reports the same back without recommendation

MILLINGTON, Chairman

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 38—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "appropriations for The Adjutant General for the support of the State Guard", and insert "an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two million eight hundred thirty-three thousand, three hundred thirty-three dollars (\$2,833,333) which may be expended only during the months of February, March and April of 1942 for the operation, maintenance and organization of the State Guard, including not to exceed two thousand eight hundred dollars (\$2,800) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

Pursuant to rules adopted by The Adjutant General and approved by unanimous vote of the State Board of Control, the Controller shall audit and allow all proper claims incurred by officers and troops of the State Guard in the service of the State against the appropriation made therefor by this act and shall draw his warrant for any amount so approved and allowed and the Treasurer shall pay the same.

Claims so audited and allowed are exempt from the provisions of law relating to the audit and allowance of claims by the Department of Finance.

The Adjutant General may, without at the time furnishing vouchers and itemized statements, draw from this appropriation the sum of three hundred thousand dollars (\$300,000) for a Revolving Fund where cash payments are necessary. After said sum has been withdrawn, no further money may be withdrawn and deposited in the Revolving Fund until moneys previously withdrawn, deposited in the Revolving Fund and expended have been accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

The expenditure of the appropriation made by this act to The Adjutant General for the State Guard shall be exempt from Sections 664, 669, 675a, and 677.5 of the Political Code and from an act entitled "An act to create a State Purchasing Department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 15, 1915.

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

The declaration of war by the United States and the fact that the State of California is an area designated as a combat zone necessitate an adequate provision for an effective State Guard to meet the demands of State and National defense. It is necessary that adequate funds be made available to the State Guard in order that it may perform its functions properly in this critical period, hence this act must take effect immediately.

Amendments read.

Motion to Substitute Amendments to Assembly Bill No. 38

Mr. F. N. Howser moved that the following amendments be substituted in place of the amendments offered by Mr. Bashore:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert

"An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. Section 555 of the Military and Veterans Code is hereby amended to read as follows:

555. (a) The members of the State Guard or of a licensed military company when called into active service by order of the Governor shall be subject to all military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard[, and]. *Members of a licensed military company shall receive the same pay and allowances while in active service as the members of the National Guard.*

(b) *Commissioned officers of the State Guard while in active service shall be paid a salary equivalent to the base pay only of officers of the same rank or grade in the United States Army.*

No commissioned officer shall receive or be entitled to any additional salary, compensation or allowance, except commutation of rations, other than the salaries provided by this subdivision (b), except that any officer traveling on State Guard business may be reimbursed for his actual and necessary expenses on the same basis as is provided for State officers.

Enlisted men of the State Guard when in active service shall be paid two dollars (\$2) per day. The pay per day for enlisted men above the rank of private when in active service shall be as follows:

<i>Privates First Class</i> -----	<i>\$2.20</i>
<i>Corporals</i> -----	<i>2.40</i>
<i>Sergeants</i> -----	<i>2.60</i>
<i>Staff Sergeants</i> -----	<i>2.80</i>
<i>First Sergeants and Technical Sergeants</i> -----	<i>3.00</i>
<i>Master Sergeants</i> -----	<i>3.25</i>

Commutation of rations, if allowed to any officer or enlisted man, shall not exceed one dollar and twenty cents (\$1.20) per day.

Officers and enlisted men in the nautical and marine force when in active service shall receive the same pay and allowances as are provided in this section for officers and enlisted men of comparable rank or grade in the infantry.

SEC 2. Section 555 2 is hereby added to the Military and Veterans Code, to read as follows:

555 2. Officers and enlisted men in the State Guard shall not be required to perform full-time active service except within the limitations provided in this code. Each officer and enlisted man who is now in the State Guard shall have the right to determine whether he desires to be enrolled in the active membership or in the reserve forces of the State Guard. Officers and enlisted men who hereafter become members of the State Guard shall be enrolled either in the active membership or in the reserve forces as may be indicated by them, within the maximum numerical limitations provided in this section. In order that the privileges and rights of the members of the State Guard in this respect may be exercised as completely as possible consistent with the need of the State for an adequate mobile force available for general duty and a sufficient reserve force in the State Guard to meet any emergency that may arise, to the end that the State Guard may effectively perform its functions in protecting the people of this State, the State Guard shall be reorganized and administered as provided in this section and in accordance with the provisions of this code not inconsistent with this section.

(a) The State Guard is part of the active militia of the State. All of the members of the State Guard are hereby declared to be engaged in military service within the meaning of that term as used in Article XXIV of the Constitution of this State and are exempt from civil service.

The State Guard shall consist only of the following:

1. The Adjutant General, and the commissioned and enlisted personnel comprising his staff.

2. Infantry, consisting of not more than 13 regiments, including a quartermasters regiment to be organized on the same basis as hereinafter provided for infantry regiments.

3. The nautical and marine force with an enlisted strength not in excess of 700 men, consisting of not more than five naval units and two companies of marines.

(b) 1. The Adjutant General shall organize not more than 13 regiments of infantry in the State Guard of a maximum strength of not more than 2,160 enlisted men in each regiment. Of this number, not more than 720 men shall constitute the active membership, and the remainder shall constitute the reserve forces. Each regiment shall consist of three battalions of not exceeding four companies in each battalion.

For each regiment there shall be one colonel or lieutenant colonel, not exceeding three majors, one officer having the rank of not higher than captain who shall act as regimental adjutant, one officer having the rank of lieutenant who shall act as regimental supply officer, three medical officers having the rank of not higher than captain, and one chaplain with the rank of first lieutenant.

Each regiment shall have one regimental staff sergeant and one regimental supply sergeant, and each battalion shall have one sergeant major.

Each company shall consist of not more than 60 enlisted men constituting its active membership, and, in addition, not to exceed 120 men organized into four platoons constituting the reserve force. The reserve force of a company may consist of platoons organized in different counties, but all of the membership of a reserve force platoon shall consist of men enlisted in the same county.

Each company shall be commanded by a captain or first lieutenant and shall have one lieutenant in addition thereto. The noncommissioned officers for the active membership in each company shall be one first sergeant, three duty sergeants and six corporals. In addition thereto there shall be appointed for each company one lieutenant for each platoon of the reserve force, together with the necessary noncommissioned officers therefor. Commissioned officers in command of reserve force platoons shall constitute a part of the reserve force.

If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision, The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate.

The Adjutant General may designate any regimental commander as an area commander and shall prescribe his duties, but such officer shall not receive any additional compensation.

2. The Adjutant General may organize the nautical and marine force of the State Guard into not more than five separate naval units designated "ship's companies" and not more than two separate companies of marines.

Each ship's company shall consist of not more than 100 enlisted men. The officers of a ship's company shall be one lieutenant senior grade, two lieutenants junior grade, and three ensigns. Warrant officers and rated men selected from the enlisted men of a ship's company shall be of the same number and grades as are prescribed by the laws and regulations of the United States for similar organizations of the United States Navy.

Each company of marines shall consist of not more than 100 enlisted men. Each company shall be commanded by a captain or first lieutenant and shall have not to exceed three lieutenants in addition thereto. The noncommissioned officers for each company of marines shall be of the same number and grades as are authorized or prescribed by the laws and regulations of the United States for companies of marines of comparable strength.

A chaplain with the rank of lieutenant junior grade shall be appointed for the nautical and marine force.

Within the numerical limit on the maximum strength of the nautical and marine forces, the units thereof shall consist of such number of the active membership or of the reserve force, or both, as may be determined by The Adjutant General, but the total active membership of the infantry regiments shall be reduced by the number of men in the nautical and marine force who comprise a part of the active membership of the State Guard. All of the provisions of law relating to the State Guard and the members thereof are applicable to the nautical and marine force except as otherwise expressly provided.

(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service, but all members of the State Guard, whether in the active membership or the reserve forces, shall be paid for their full-time active service.

(d) 1. If the Governor by proclamation declares any county or city or portion thereof to be in a state of insurrection, as provided in Section 143 of the Military and Veterans Code, or if the State is actually invaded by a foreign enemy force, he may call into active service all or any part of the active membership of the State Guard not then on duty and, in addition thereto, such portion or all of the reserve force as he may deem necessary, to serve until the termination of the state of insurrection or the invasion.

2. During such time as the United States is engaged in war, the Governor, in addition to his power to call forth the militia either under Section 1 of Article VIII of the Constitution or as provided in paragraph 1 of this subdivision (d), shall have power to call into full-time active service such part of the active membership of the State Guard, not exceeding 5,000 enlisted men together with the officers provided therefor, for service in any part of the State for the performance of such duties as may be necessary. The provisions of this paragraph constitute a limitation upon the power to call the State Guard into active service under Section 554.

3. In addition to the men in active service as provided in paragraph 2 of this subdivision (d), in each regiment not to exceed three officers and not more than 12 enlisted men may be called into active service on a full-time basis for the administration of the regiment.

4. The members of any unit of the State Guard, including both the active membership and the reserve forces, may at any time voluntarily serve on limited active duty, without compensation of any kind, pursuant to the authorization thereof by the Governor or The Adjutant General and subject to such general or special orders as the Governor or The Adjutant General may issue, whenever such service is requested by a sheriff or chief of police for assistance in connection with National defense problems.

(e) Any person appointed and commissioned an officer of the State Guard shall successfully pass such tests as to his physical, moral and professional fitness as The Adjutant General may prescribe. Officers of the rank of captain or higher, other than medical officers, shall have had active commissioned service, either in the Army of the United States or the United States Marine Corps in command of troops in one of the combatant arms or in the United States Navy, or shall have had at least one year of commissioned service in the State Guard, but the provisions of this sentence shall not be applicable to any member of the State Guard who is a commissioned officer on the effective date of this section and who enlisted or was commissioned prior to December 7, 1941. Commissioned officers shall have the same qualifications as are required of commissioned officers in the United States Army in any case where professional qualifications, other than Military, are prescribed by Federal law, rules or regulations for such officers. The examination to determine the qualifications for commissions of officers shall be conducted by a board of three commissioned officers appointed by The Adjutant General.

The Adjutant General shall remove and release from active service any officer now in the State Guard who does not have the qualifications provided in this subdivision (e). The Adjutant General, with the approval of the Governor, shall remove or release such number of officers and enlisted men of the several ranks or grades as may be necessary to reduce the total number thereof to the maximum number authorized by this section, and in doing so shall be guided by the records of efficiency, training and experience of the officers and men to the end that a high standard of efficiency and experience shall be maintained in the State Guard. Each member now in the State Guard shall elect in writing whether he desires to serve in the active State Guard or the reserve force thereof and shall thereupon and within 30 days after the effective date of this section be transferred in accordance with such election, within the maximum numerical limits of each as provided herein.

At any time the moral character, capacity and general fitness for the service of any State Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, such board to be appointed by The Adjutant General, and if the findings of such board be unfavorable to such officer and be approved by The Adjutant General and the Governor he shall be discharged.

(f) No member of the State Guard shall by reason of service therein be entitled to any pension, bounty, bonus, or gratuity, and no member shall be entitled to workmen's compensation insurance benefits by reason of service in the State Guard except for traumatic injuries incurred as a direct result of active service therein in time of war or National emergency.

SEC. 3 Section 555.5 is hereby added to the Military and Veterans Code, to read as follows:

555.5. Upon request of a regimental commander the governing board of any school district may permit the State Guard to use any school bus owned by the district, without charge, for the transportation of members of the State Guard engaged in State Guard activities. Such use of any school bus by the State Guard shall not impose any liability by reason thereof upon the district or the members of the governing board thereof.

SEC. 4. Section 556.1 of said code is hereby amended to read as follows:

556.1 The Governor is [directed] *authorized* to organize and maintain a State Guard [with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe] *within the limitations thereon provided in this chapter.*

SEC. 5. Section 556.3 is hereby added to said code, to read as follows:

556.3. The shoulder ornament required by Section 556.2 as part of the uniform of members of the State Guard shall be blue in color with the words "State Guard" lettered thereon. Such ornaments shall forthwith be supplied to and worn by all members of the State Guard.

SEC. 6. Section 556.4 is hereby added to said code, to read as follows:

556.4 No officer or member of the State Guard shall be paid for active service at any time subsequent to 120 days after the effective date of any Federal law providing for the organization of State or Home Guards under the direction or control of the United States Government.

SEC. 7. Section 555.6 is hereby added to said code, to read as follows:

555.6 (a) Members of the State Guard shall have the right to unemployment insurance benefits and it is the purpose of this section to provide such benefits without loss because of active service with the State Guard.

(b) Benefit rights of members of the State Guard shall be determined in accordance with the provisions of the Unemployment Insurance Act, except as otherwise provided in this section.

(c) Where there are 45 days (hereinafter referred to as the minimum period) or more of active service within any calendar quarter of the base period as determined under Section 52.2 of the Unemployment Insurance Act, then his benefits shall be determined under whichever of the following methods results in the higher maximum total amount of benefits payable:

1. The base period is to be determined in accordance with Section 52.2 of the Unemployment Insurance Act.

2. (i) The base period is to consist of the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that every calendar quarter in which the individual was in active service with the State Guard for the minimum period or more days shall be excluded from the base period and, in lieu of each excluded calendar quarter, a calendar quarter prior to the normal base period shall be considered until there are four calendar quarters, none of which contain the minimum period or more days of active service in the State Guard, from which to determine his benefits.

(ii) Where benefits are computed and paid upon the basis provided in subparagraph (i), that proportion of benefits based upon quarters within the normal base period as defined in Section 52.2 of the Unemployment Insurance Act, shall be charged against the account of employers employing the individual during the normal base period quarters and that proportion of benefits based upon quarters outside the normal base period shall not be charged against any employer.

(d) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of active service in the State Guard are payable by the United States, an individual shall be disqualified for benefits with respect to any week for which he receives such payments and no benefits shall be paid under the Unemployment Insurance Act until he has exhausted all his rights to such payments from the United States.

SEC. 8. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two million five hundred thousand dollars (\$2,500,000) to be expended only during the months of February, March and April, 1942, for the equipment, support and maintenance of the State Guard, including not to exceed two thousand five hundred

dollars (\$2,500) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

No part of the appropriation made by this act shall be available or shall be expended for payment to any commissioned officer of a salary or allowance in excess of salary and allowance for such officer as set forth in Section 553 of the Military and Veterans Code as amended by Section 1 of this act.

Pursuant to rules adopted by The Adjutant General and approved by unanimous vote of the State Board of Control, the Controller shall audit and allow all proper claims incurred by officers and troops of the State Guard in the service of the State against the appropriation made therefor by this act and shall draw his warrant for any amount so approved and allowed and the Treasurer shall pay the same.

Claims so audited and allowed are exempt from the provisions of law relating to the audit and allowance of claims by the Department of Finance.

The Adjutant General may without at the time furnishing vouchers and itemized statements draw from this appropriation the sum of three hundred thousand dollars (\$300,000) for a revolving fund where cash payments are necessary. After said sum has been withdrawn, no further money may be withdrawn and deposited in the revolving fund until moneys previously withdrawn, deposited in the revolving fund and expended have been accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

The expenditure of the appropriation made by this act to The Adjutant General for the State Guard shall be exempt from Sections 664, 669, 675a and 677 5 of the Political Code and from an act entitled "An act to create a State Purchasing Department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department, and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 15, 1915.

SEC. 9. This act shall be known and may be cited as the California Guard Act of 1942.

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The declaration of war by the United States and the fact that the State of California is an area designated as a combat zone necessitate an immediate redefining of the rights and privileges of the State Guard and adequate provision in connection therewith for providing an effective State Guard to meet the demands of State and National defense. It is also necessary that adequate funds be made available to the State Guard in order that it may perform its functions properly in this critical period.

SEC. 11. If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be not in immediate effect, it is the express legislative intent that such decision shall not affect the immediate operation or validity of the remaining portions of this act.

It is the intent of the Legislature that this entire act shall take effect immediately and that if any portion thereof can not, under the Constitution of this State, so take effect, that all of the remaining provisions hereof shall take effect immediately and that such portion or portions, if any, that can not take effect immediately, shall take effect at the time provided by law. Any portion of this act that may for any reason be held to be not in immediate effect is hereby expressly declared to be severable from the remaining portions of this act.

Further, in the event it is determined that the inclusion of a provision in this act that can not take effect immediately would prevent this act from being construed to be an urgency measure, then any such provision in this act shall be held to be inoperative, and the remaining portions of this act shall take effect immediately.

SEC. 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendments read.

Demand for Previous Question

Messrs. Turner, Call, Burns, Hugh M., Collins, Sam L., and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Mr. Howser's substitute amendments to Assembly Bill No. 38.

The roll was called, and the amendments adopted by the following vote:

AYES—Call, Carlson, Clarke, Collins, Sam L. Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallsch, Sheridan, Stream, Thorp, Thutman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Riche, Robertson, Russell, Tenney, Thomas, and Welch—34.

Bill ordered to reprint, and re-engrossment.

RESOLUTIONS

The following resolution was offered:

By Mrs. Daley and Mr. Stream:

House Resolution No. 79

Relative to creation of an Assembly Committee on the State Guard

WHEREAS, Numerous proposals are being advanced for changes in the organization, functions, and administration of the State Guard; and

WHEREAS, Proper legislation on this subject is dependent upon the securing of accurate and unbiased information as to the structure of the State Guard, its personnel and officers, its policies, and its over-all administration; and

WHEREAS, It is necessary in the interests of efficiency and economy and essential to the maintenance of the State Guard in the spirit in which it is set up that the Legislature be enabled to have available information of the nature above described; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on the State Guard, which committee shall study and investigate, accurately and in detail, the organization, functions, and administration of the State Guard, and any and all phases thereof, for the purpose of ascertaining if the State Guard is being administered in accordance with its proper purpose and functions, and for the purpose of recommending changes and proposing legislation in order to increase the efficiency of the State Guard.

The committee shall consist of five Members of the Assembly appointed by the Speaker of the Assembly. Vacancies on the committee shall be filled by appointment by the Speaker.

Upon the appointment of its members the committee may organize, appoint a secretary and employ such clerical and technical assistants and adopt such rules as in its discretion it deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein.

The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records, of every kind and description, and to take all necessary means to compel the attendance of witnesses and to procure testimony. The members of the committee may each administer oaths, and all the provisions of Article 8 of Chapter 2, Title 1, Part 3 of the Political Code, relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution.

The committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects heretofore referred to and relating thereto, and to do any and all things necessary or convenient to enable it to exercise the powers and duties granted to and imposed upon it.

The committee may create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to take or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter, defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The committee may hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee. The committee may also meet in executive session. The committee is hereby authorized to act during sessions of the Legislature, including any recess thereof, or after final adjournment, but in no event beyond the convening of the Fifty-fifth Legislature. The committee may report to any session of this Legislature or to the regular session of the Fifty-fifth Legislature, on or before March 15, 1943

Every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee upon request, and all assistance and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created. The Sergeant-at-Arms of the Assembly, or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of eight dollars (\$8) per day for accommodations and meals.

The sum of five thousand dollars (\$5,000) is hereby made available from the Contingent Fund of the Assembly, for expenses of the committee hereby created and its members, and for any other charges, expenses or claims it may incur under this resolution to be disbursed after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

RECESS

At 5.40 p.m., on motion of Mr. Lyon, the Assembly recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 38
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred.

Assembly Concurrent Resolution No. 37

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to third reading.

RECESS

Mr. Lowrey moved that the Assembly do recess for three minutes to hear from Lieutenant Governor Ellis E. Patterson.

Mrs. Daley seconded the motion.

Motion carried.

At 8.05 p.m., the Assembly recessed until 8.08 p.m.

REASSEMBLED

At 8.08 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs. Cain, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins,

Sam L., Crowley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Garland, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, Mrs. Daley and Miss Miller:

House Resolution No. 80

WHEREAS, The illness of Earl D. Desmond, Speaker pro tempore of the Assembly, has deprived this House temporarily of one of its leaders whose presence and participation has been sorely missed; and

WHEREAS, The illness of said Earl D. Desmond is attributed largely, if not entirely, to the strain of this extraordinary session; now, therefore, be it

Resolved, That the Assembly hereby expresses its deep sympathy and the hope of a speedy and complete recovery to said Earl D. Desmond; and be it further

Resolved, That a copy of this resolution be transmitted to said Earl D. Desmond by the Chief Clerk of the Assembly.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up House Resolution No. 80, at this time, without reference to committee.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT

Mr. Dills asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, without reference to file, and that same be considered engrossed

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—54.

NOES—Bashore, Dilworth, Evans, Houser, Frederick F., and Knight, T. Fenton—5.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 38

Assembly Bill No. 38—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for

the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Johnson, Waters, Dills, Howser, F. N., and Evans demanded the previous question.

The roll was called, and previous question not sustained by the following vote:

AYES—Dickey, Dilworth, Hastain, Johnson, Leonard, Phillips, Salsman, Waters, Weybret, and Mr. Speaker—10.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Kellems, Kilpatrick, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thurman, and Welch—45.

Further consideration of Assembly Bill No. 38 deferred.

RECESS

Mr. O'Day moved that the Assembly recess for five minutes.

Mr. Meehan seconded the motion.

Motion carried.

At 9 p.m., the Assembly recessed until 9.05 p.m.

REASSEMBLED

At 9.05 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 38

Assembly Bill No. 38—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Hawkins moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 18, inclusive, and insert

"An act to make an appropriation for the operation, maintenance and organization of the State Guard, declaring the".

Amendment No. 2

Strike out all of pages 2 to 7, inclusive, of the printed bill, as amended; and on page 8, strike out lines 1 to 14, inclusive, and in line 15, strike out "Sec. 8", and insert "Section 1".

Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 17, 18, 19; and in line 20, strike out "April, 1942," and insert "State Treasury not otherwise appropriated the sum of seven million five hundred thousand dollars (\$7,500,000) for expenditure during the Ninety-third and Ninety-fourth Fiscal Years,".

Amendment No. 4

On page 8 of the printed bill, as amended, strike out lines 24 to 33, inclusive.

Amendment No. 5

On page 9 of the printed bill, as amended, strike out lines 14 and 15, inclusive.

Amendment No. 6

On page 9 of the printed bill, as amended, strike out lines 22 to 50, inclusive; and on page 10, strike out lines 2 to 4, inclusive, and insert

"An emergency exists in the United States and the State of California in protecting the lives of the citizens within the State and in the protection of both public and private property from enemies from within and without the Country. The National Guard which has heretofore been available to this State as an organization for such purposes has been called into the service of the United States, and many units of the State Guard have been called into the service of the State. It is therefore necessary that steps be taken to provide for the proper equipment, support, and maintenance of the State Guard to take place of the National Guard and to enable the State Guard effectively to protect the lives and property of citizens and the State. It is therefore necessary that this act take effect immediately."

Amendments read.

Demand for Previous Question

Messrs. Collins, Sam L., Turner, Waters, Poulson and Hastain demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Assembly Bill No. 38.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Voigt, and Welch—32.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

Consideration of Urgency Clause to Assembly Bill No. 38

Urgency clause read.

Demand for Previous Question

Messrs. Collins, Sam L., Waters, Call, Robertson and Dickey demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 38.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. F. N. Howser moved a call of the Assembly.

Motion carried. Time, 10.10 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****MESSAGES FROM THE SENATE**

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to:

Assembly Concurrent Resolution No. 36

J. A. BEEK, Secretary of the Senate
By **JOHN F. LEA,** Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 37

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 81

Resolved. That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day of January 21, 1942, save and except the following:

Chief Clerk	Arthur A. Ohnimus
Assistant Chief Clerk	Frank Reed
Minute Clerk	C. William Queale
Sergeant-at-Arms	Wilkie Ogg
Chaplain	Rev. Thomas H. Markham
Engrossing and Enrolling Clerk	Charles Robbins
Assistant Clerk	Harold Lewright
Assistant Clerk	Juanita Dependener
Assistant Clerk	Nina Ronstadt
Assistant Clerk	Irene Mosher
Chief Page	William Coffman
Assistant Sergeant-at-Arms	Michael Connolly
Assistant Sergeant-at-Arms	Richard Desmond
Assistant Sergeant-at-Arms	Edwin Nathan
Assistant Clerk	Marion Hendricks

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 81, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 38

At 10.35 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 38 refused adoption by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Doyle, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Maloney, McColhster, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—24.

Explanations of Vote

I have voted for this bill as it appears now no compromise can be reached on a proper State Guard Bill.

This stop gap appropriation will tide the present State Guard over a period in which the Federal Government through legislation may set up a Federal Guard System—this type of legislation is now before Congress.

MICHAEL J. BURNS

The undersigned voted against the passage of Assembly Bill No. 38, as amended, for the following reasons

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery—

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit, cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the Nationally important war industries located here of the complete protection they must have.

Leading Military experts have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Assembly Bill No. 38 hamstringing the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans' organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

We favor passage of Senate Bill No. 2.

WM I. GUNLOCK	GEORGE D. COLLINS, JR.
HUGH P. DONNELLY	JACK MASSION
S. L. HEISINGER	EDWARD M. GAFFNEY
H. P. MEEHAN	EVERETT G. BURKHALTER
EDWARD F. O'DAY	JOHN W. EVANS
VINCENT THOMAS	JACK B. TENNEY
PAUL A. RICHIE	M. G. DEL MUOTOLO
VERNON KILPATRICK	CECIL R. KING
RALPH C. DILLS	FRANK C. RUSSELL
JOHN EDWARD CALN	

**NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL
NO. 73 CONTINUED**

By unanimous consent, the consideration of notice of motion to reconsider Assembly Bill No. 73 was continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL
NO. 75 CONTINUED**

By unanimous consent, the notice of motion to withdraw Assembly Bill No. 75 from committee was continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 76
CONTINUED**

By unanimous consent, the notice of motion to withdraw Assembly Bill No. 76 from committee was continued until the next legislative day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Pfaff, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Jack Catherill of Los Angeles.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Former Assemblyman Sam M. Greene and Mr. and Mrs. John R. Hunt of Los Angeles.

On request of Mr. Lowrey, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. W. E. Beat of Glenn.

On request of Messrs. Kellems and Doyle, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dr. and Mrs. Homer Flint Kellems of Simoan Springs, Arkansas.

On request of Mr. Field, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Elwood Ingledue of Glendale.

On request of Mr. Hugh M. Burns, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Lou Small of Los Angeles.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Buell Hammett of Santa Barbara.

ADJOURNMENT

At 10 36 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10.30 a.m., Thursday, January 22, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY
THIRTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, January 22, 1942

The Assembly met at 10.30 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richue, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69

Quorum present.

PRAYER

Upon invitation of the Speaker, prayer was offered by Jesse Randolph Kellems.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Leonard.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:

Mr. Desmond, on motion of Mr. Cain

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 79

Has had the same under consideration, and reports the same back with amendments with the recommendation. Amend, and be adopted as amended

LYON, Chairman

Above reported resolution ordered on file.

RECESS

At 10.35 a.m., on motion of Mr. Lyon, the Assembly recessed until 10 40 a.m.

REASSEMBLED

At 10.40 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs. Poulson, Collins, Sam L., and Carlson:

House Resolution No. 82

Relative to the birth of Frank Joseph Michael Waters

WHEREAS, It is an ancient and time honored proverb that "still waters run deep" (and, as an aside, we might remark also that, in the Assembly at least, they run pretty high); and

WHEREAS, The truth of this old adage is illustrated once again in the fact that not until this late date has this Assembly been made generally aware of the blessed event that struck our lanky Colleague, Frank J. Waters, near the end of last year; and

WHEREAS, To be specific, it was on the twenty-seventh day of November, 1941, the Republicans' Thanksgiving Day, that Frank Joseph Michael Waters made his bow upon this worldly stage, all 11 pounds of him, which is eminently fitting for a monicker like that should carry a lot of weight; and

WHEREAS, This Assembly is greatly overjoyed that on the day in question at least one Republican had something to be thankful for; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly congratulates Mr. and Mrs. Frank J. Waters on their acquisition of Frank Joseph Michael Waters and commiserate with the poor lad on the handle that he will have to carry through his school days; and be it further

Resolved, That the Chief Clerk of the Assembly transmit to Frank, Jr., a suitably prepared copy of this evidence of the Assembly's joy at his coming into this world.

Request for Unanimous Consent

Mr. Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 82, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

OAKLAND, CALIFORNIA, January 19, 1942

*Gordon Garland, Speaker
House Chamber*

Note in January 17th issue Senate Journal letter from Vandegrift, Legislative Auditor, recommending that, "limitation be placed in Emergency Fund so that no money may be spent from it for Fire Marshal or under direct Fire Marshal safety for the reasons that there is a balance in the State fund used to support his office." Please be advised that this special fund used to support his office is paid entirely by the dry cleaning industry and faces a drastic reduction in current incidentals due to priorities, war conditions and the great number of Japs in our industry. We also face increased necessities for more strict policing of the industry itself. We therefore strenuously protest against Vandegrift recommendation believing that the vital war work done by the State Fire Marshal for the protection of all the people must go on and should be paid for from the General Fund of the State and not by a single industry. Would appreciate your having this completely printed in your Journal.

CALIFORNIA DRY CLEANERS ASSOCIATION

J. W. MUSSELMAN, Secretary

OAKLAND BASEBALL CLUB, January 21, 1942

*Mr. Arthur A. Ohnimus, Chief Clerk, Assembly
California Legislature, Sacramento, California*

DEAR MR. OHNIMUS: We are in receipt of the Assembly Journal of January 15th with reference made to the resolution passed pertaining to the continuance of baseball.

We would like to take this opportunity of thanking you and all Assemblymen that supported this resolution. It is very much appreciated by our club and every club in the league.

With best regards, we are

Yours very truly,

OAKLAND BASEBALL CLUB
By V. A. DEVINCENZI

The following communication was received, read, and on motion of Mr. Gaffney, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 22, 1942

*Mr. and Mrs. Salvador R. Ruiz.
93 Lucy Street, San Francisco, California*

MY DEAR MR. AND MRS. RUIZ. Please accept my sincere and heartfelt sympathy for the loss of your son, Peter Roy Ruiz. I hope that you can find consolation in the realization that he died for his Country while guarding the lives and property of his fellow citizens from destruction by a dangerous and ruthless enemy.

In bravely and unselfishly giving his young life in defense of those great principles of liberty and democracy, for which our Nation stands, Private Peter Roy Ruiz, Company H, 1st Regiment, California State Guard, has left us all a heritage valuable beyond words.

May I again, for myself and for all the people of California, express our profound regret at your son's death and our pride in him as a courageous soldier, who died in the service of his Country.

Sincerely,
(Signed)

CULBERT L. OLSON
Governor of California

The following communication was received, read, and on motion of Mr. Weber, ordered printed in the Journal:

STOCKTON, CALIFORNIA, January 19, 1942

*His Excellency Culbert L. Olson
Governor, State of California, Sacramento, California*

DEAR GOVERNOR OLSON: The undersigned is a citizen of the United States and a resident of Stockton and employed by a large corporation for several years past.

I am married and my wife is wholly dependent upon me for support. We are about to move into a new home, for which we have obligated ourselves to make monthly payments. I have also a number of other obligations: Life insurance, car payments, furniture, and so forth.

Some time ago, a friend induced me to join the California State Guard, representing to me that it was entirely a matter of service in my home community. Later when I found out that there was some question about this, on account of my circumstances as above stated, I tendered my resignation.

I have already been classified under the Selective Service Act in 3-A, and I am, of course, just as patriotic as any other citizen and am willing to do whatever is required of me on an equal basis with my fellow citizens.

I am now told that my resignation will not be received and that when called to leave Stockton as a member of the Guard, unless I comply I shall be served with a warrant and thrown into jail. Of course, I do not want to be put in a public position of humiliation and a false impression given to the community, however I feel that I have certain rights as an American citizen and I ask that these rights be given to me now.

I feel that the circumstances under which I joined the State Guard should permit me an honorable resignation and not be placed in a false light. To leave my position and home at this time would leave my dependents without adequate support and would involve me in a financial situation where I could not meet my obligations. May I therefore ask for a ruling in my case at once so as to prevent an unjust hardship being visited upon me and my family.

Respectfully yours,

WOODROW L. LEAVICK

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 22, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

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

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 79: By Mr. Lyon—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Referred to Committee on Ways and Means.

RECESS

At 3.02 p.m., on motion of Mr. Lyon, the Assembly recessed until 3.07 p.m.

REASSEMBLED

At 3.07 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Call of the Assembly

Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.15 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 37**—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 3 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO REQUEST RETURN OF SENATE BILL NO. 36 FROM SENATE

Mr. Maloney moved that the Speaker request the Senate to return Senate Bill No. 36 for further consideration.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California; And appointed Senators DeLap, Keating and Parkman, as a Committee on Conference to meet a like committee from the Assembly.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
SENATE CONCURRENT RESOLUTION NO. 20**

The Speaker announced the appointment of Messrs. Call, Houser, Frederick F., and Bashore as a Committee on Conference concerning Senate Concurrent Resolution No. 20.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER Pursuant to the request of your honorable body I am returning herewith:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Bill No. 36.

**MOTION TO EXPUNGE RECORD AND RESCIND ACTION
ON SENATE BILL NO. 36**

Mr. Maloney moved to expunge the record, and rescind the action whereby Senate Bill No. 36 was refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Diekev, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.
NOES—Frederick F. Houser—1.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Maloney moved the adoption of the following amendment:

Amendment No. 1

On page 5, line 4, of the printed bill, strike out "5,000", and insert "7,000".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalhsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Welch, Wexbret, Wollenberg, and Mr. Speaker—63.

NOES—Houser, Frederick F. and Knight, T. Fenton—2.

Bill ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 22, 1942

Hon. Thomas J. Doyle

Assemblyman, Forty-fifth District, State Capitol

Members of your Post 1006, Veterans of Foreign Wars, assure you that we have confidence in your judgment on State Guard Bill.

JESSE B. FISHER, Adjutant

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 22, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Yours very truly,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was read the first time:

Assembly Bill No. 80: By Mr. Bashore—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the

organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr Speaker—65.

NOES—Dills, and Tenney—2.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Bashore, Dills, Hawkins, Houser, Frederick F., and Tenney—5.

Bill ordered transmitted to the Senate

Explanations of Vote

We voted "No" on final passage of Senate Bill No. 36 for the reasons previously given when this bill was before us and as set forth on page 404 of the Journal. The amendment adopted does not change the bill nor remove the objections here before stated.

JACK B. TENNEY
RALPH C. DILLS

The State Guard is now organized under Federal regulations but needs money to properly function.

This bill seems to be the final compromise to obtain an appropriation for the State Guard to protect California's citizens and their properties.

We must not adjourn without favorable action; therefore, my aye vote.

S. L. HEISINGER

We, the undersigned, are not satisfied with Senate Bill No. 36, since it attempts to interfere with the present organization of the State Guard, a very efficient body of men. However, we believe it is the best bill that can secure a sufficient number of votes to pass the Legislature as now constituted.

GEORGE D. COLLINS, JR.
EDWARD M. GAFFNEY

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: The Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, as amended in Assembly January 21, 1942, strike out line 5, and insert "recess at 6 o'clock p.m., on the twenty-second day of Janu-".

Amendment No. 2

On page 1, line 16, of the printed measure, as amended, strike out the period, and insert "; provided, however, that the President pro tempore of the Senate shall not exercise this authority nor join in such a call unless assent thereto is given by a majority of the members of the Senate Committee on Rules."

DE LAP
PARKMAN
KEATING

Senate Committee on Conference

CALL
HOUSER, FREDERICK F.
BASHORE

Assembly Committee on Conference

The roll was called, and the report refused adoption by the following vote:

AYES—Bashore, Burns, Hugh M., Call, Collins, Sam L., Dickey, Evans, Hastain, Houser, Frederick F., Knight, T. Fenton; Leonard, McCollister, Sawallisch, Sheridan, Voigt, Waters, Weber, and Mr. Speaker—17.

NOES—Andreas, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Welch, Weybret, and Wollenberg—50

Senate Concurrent Resolution No. 20 ordered to Second Conference Committee.

**APPOINTMENT OF SECOND COMMITTEE ON CONFERENCE
CONCERNING SENATE CONCURRENT RESOLUTION NO. 20**

The Speaker announced the appointment of Messrs. Burns, Hugh M., Evans and Cain as a Second Committee on Conference concerning Senate Concurrent Resolution No. 20.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Burkhalter, ordered printed in the Journal:

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
LOS ANGELES, CALIFORNIA, January 21, 1942

FILE NO. 7
SUBJECT: Burbank-Western System

Mr. Arthur A. Ohnumus, Chief Clerk, California State Assembly
Assembly Chamber, State Capitol, Sacramento, California

DEAR SIR: We wish to acknowledge receipt of your letter of January 17, 1942, transmitting copy of Assembly Joint Resolution No. 16 which, in effect, petitions the Engineering Corps of the United States Army and the Los Angeles County Flood Control authorities to take such steps as may be necessary to prevent cessation of operations of the Lockheed Aircraft Plant in Burbank due to flood conditions.

For your information we wish to advise that on December 22, 1941, an allotment of \$1,830,000 was approved by the Secretary of War for this project following appropriation of this amount by Congress. The Los Angeles County Flood Control District had previously allotted sums exceeding \$200,000 toward the project, and the City of Burbank will also contribute to it.

Completion of the project and relief of the drainage situation at the Lockheed Plant is therefore assured with the exception of an appropriation needed from the California State Highway Commission of \$45,000 for the construction of a bridge over this flood channel at Alameda Avenue in Burbank. This matter will be before the Highway Commission at its meeting in Sacramento on January 23, 1942.

Yours very truly,

H. E. HEDGER, Chief Engineer

RESOLUTIONS

The following resolution was offered:

By Messrs. Burkhalter and Field:

House Resolution No. 83

Relative to requesting the State Highway Commission to take favorable action upon an appropriation for the construction of a bridge at Alameda Avenue in Burbank

WHEREAS, The Legislature of the State of California adopted Assembly Joint Resolution No. 16, requesting the Engineering Corps of the United States Army and the Los Angeles County Flood Control Authorities to take such steps as may be necessary to prevent cessation of operations of the Lockheed Aircraft Plant in Burbank due to flood conditions; and

WHEREAS, The Legislature is informed that on December 22, 1941, an allotment of one million eight hundred thirty thousand dollars (\$1,830,000) was approved by the Secretary of War for this project, and that the Los Angeles County Flood Control District had previously allotted funds exceeding two hundred thousand dollars (\$200,000) toward the project, and that the City of Burbank will also contribute thereto; and

WHEREAS, Completion of the project and release of the drainage situation at the Lockheed plant is assured, if an allocation of forty-five thousand dollars (\$45,000) is made by the California State Highway Commission for the construction of a bridge over the flood channel at Alameda Avenue in Burbank, and this matter is to be considered by the State Highway Commission at a meeting in Sacramento on January 23, 1942; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Highway Commission is hereby requested to give careful and favorable consideration to the matter of allocating forty-five thousand dollars (\$45,000) for the construction of a bridge over the flood channel of Alameda Avenue in Burbank, to the end that all necessary steps may be taken to prevent the cessation of operations of the Lockheed Aircraft Plant in Burbank because of flood conditions; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the members of the California Highway Commission in Sacramento as soon as possible.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 83

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

(Signed out)

LYON, Chairman	CALL
FIELD	MILLINGTON
VOIGT	GARLAND
JOHNSON	BURNS, HUGH M.

REQUEST FOR UNANIMOUS CONSENT

Mr. Burkhalter asked for, and was granted, unanimous consent to take up House Resolution No. 83, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 83

House Resolution No. 83—Relative to requesting the State Highway Commission to take favorable action upon an appropriation for the construction of a bridge at Alameda Avenue in Burbank.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Field, Gaffney, Gunlock, Hastam, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney,

Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 79

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

✓ Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Bill No. 79, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 79

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Lyon:

Resolved, That Assembly Bill No. 79 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Bill ordered transmitted to the Senate.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 62, at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Tenney, Thomas, Thurman, Weber, Welch, and Wollenberg—37.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Salsman, Sawallisch, Stream, Thorp, Weybret, and Mr. Speaker—25.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Field moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 7, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Poole, Poulson, Robertson, Salsman, Sawallisch, Stream, Tenney, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—49.

NOES—Call, Carlson, Dickey, Hawkins, Heisinger, Houser, Frederick F., Johnson, Potter, Richie, Russell, Sheridan, and Weybret—12.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 7—An act making an appropriation for an armory at the City of Glendale.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Andreas, Potter, Dilworth, Evans and Hawkins demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 7.

The roll was called, and urgency clause refused adoption by the following vote:

AYES—Burkhalter, Burns, Michael J., Collins, Sam L., Crowley, Dilworth, Doyle, Evans, Field, Gaffney, Hastain, Howser, F. N., Kellems, King, Leonard,

Lowrey, Lyon, Maloney, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Poole, Poulson, Robertson, Salsman, Stream, Tenney, Thurman, Weber, Welch, Weybret, and Mr. Speaker—34.

NOES—Andreas, Bashore, Burns, Hugh M., Cain, Call, Carlson, Clarke, Daley, Dickey, Dills, Donnelly, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, Knight, T. Fenton; Massion, McCollister, Pelletier, Potter, Richie, Russell, Sawallsch, Sheridan, Thomas, Thorp, and Wollenberg—30.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Bashore moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 80, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

CONSIDERATION OF ASSEMBLY BILL NO. 80

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Bashore:

Resolved, That Assembly Bill No. 80 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cam, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Bill ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 38: By Mr. Lyon—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 38, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 38

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Weber, Welch, Weybret, and Wollenberg—49.

NOES—Andreas, Bashore, Call, Collins, Sam L., Dickey, Evans, Hastain, Knight, T. Fenton; Leonard, McCollister, Sheridan, and Mr. Speaker—12.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate
By **JOHN F. LEA**, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 21

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 21—Relating to the refund of sales tax.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Dills, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Concurrent Resolution No. 21.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 21, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21—Relating to the refund of sales tax.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallsch, Sheridan, Stream, Tenney, Thomas, Thurman, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—64.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON QUORUM CALL

At 5.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 22

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 22—Relating to sale prices and containers of milk.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 22, at this time, without reference to committee, print or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 22

Senate Concurrent Resolution No. 22—Relating to sale prices and containers of milk.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Cam, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Weber, Welch, Wollenberg, and Mr. Speaker—53.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 84

Resolved, That each and every officer, attache and employee of this Assembly, is hereby stricken from the pay roll upon completion of work at the end of the day of January 22, 1942, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to ~~House Resolution No. 63~~ adopted by the Assembly on January 16, 1942.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 84, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

By Mr. Lyon:

House Resolution No. 85

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 85, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to provisions of House Resolution No. 85, the Speaker announced the appointment of Messrs. Wollenberg, King and Russell as a Special Committee to inform the Senate that the Assembly was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 86

Resolved, That the Speaker appoint a Committee of Five to wait upon His Excellency, the Governor of the State of California, and inform him that the Assembly has concluded its labors, is ready to recess, and awaits his further pleasure.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 86, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to provisions of House Resolution No. 86, the Speaker appointed Messrs. Hastain, Middough, Field, Kepple and Lowrey as a Special Committee to inform the Governor that the Assembly was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature

RESOLUTIONS

The following resolution was offered:

By Messrs. Meehan and King:

House Resolution No. 87

Relative to the coming nuptials of Miss Rose Racich and Lieutenant Carl Barton

WHEREAS, We are informed that Miss Rose Racich, formerly an attache of this Assembly, and presently Secretary in the office of the Governor, has made public her intention to leave California on March 1, 1942, and to become the bride of Lieutenant Carl Barton of the United States Air Corps; and

WHEREAS, The Members of the Assembly regret exceedingly to have Miss Racich leave the service of the State and the boundaries of this State, but rejoice in the future happiness of so charming a young lady and so gallant a bridegroom; and

WHEREAS, The Members of the Assembly do heartily commend Miss Racich for her activity in so contributing to the happiness and morale of the armed forces of the United States, and do hereby urge her to "Keep 'em Flying"; now, therefore, be it

Resolved by the Assembly of the State of California, That Members of the Legislature do hereby extend to Miss Racich and to Lieutenant Carl Barton their very best wishes for a long and happy married life, and all the rewards of their past and present service to the State and Nation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to Miss Racich and to Lieutenant Carl Barton.

Request for Unanimous Consent

Mr. Meehan asked for, and was granted, unanimous consent to take up House Resolution No. 87, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

SANTA BARBARA, CALIFORNIA, January 21, 1942

Members of the California State Assembly

Attention: Speaker of the House, Sacramento, California

What do you suppose the members of the French Assembly, those that are still alive, are thinking about today? I promise you the women of this State will judge you before their tribunal if harm comes to our State through your selfishness and petty politics.

MRS. DAVID CRAIG

PETALUMA, CALIFORNIA, January 21, 1942

California State Assembly

Assembly Chamber, State Capitol

Gentlemen: I respectfully urge you to make necessary appropriation for California State Guard thereby guaranteeing protection against saboteurs and helping in State defense. Local company very efficient, enthusiastic and loyal. Remember Pearl Harbor, let us be prepared.

CLIFFORD B. MURPHY, Citizen-Businessman
Member Company D, California State Guard

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPFAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 79

J. A. BEEK, Secretary of the Senate
By **JOHN F. LEA**, Assistant Secretary

Above bill ordered enrolled.

COMMITTEE FROM THE SENATE

A Committee from the Senate, consisting of Senators Mayo, Luckey and Ward, appeared before the bar of the Assembly and informed the Assembly that the Senate had concluded its labors and was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature.

COMMUNICATIONS

The following communication was received, read, and on motion of Mrs. Daley, ordered printed in the Journal:

DEL MAR, SAN DIEGO, CALIFORNIA, January 19, 1942

Hon. Jeanette Daley, Assembly Chamber

State Capitol, Sacramento, California

Urgently request your support of Senate Bill No. 2 without amendment. Please telegraph reply collect.

**BOARD OF DIRECTORS 22ND DISTRICT AGRICULTURAL
ASSOCIATION**

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Motion to Refer Communication to Committee

Mrs. Daley moved that the above communication be referred to the Interim Committee on Governmental Efficiency and Economy.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 80

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 38

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Governor, reported that it has performed its duty.

The Special Committee appointed to wait upon the Senate, reported that it has performed its duty.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER. Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 2	Assembly Bill No. 39
Assembly Bill No. 5	Assembly Bill No. 40
Assembly Bill No. 10	Assembly Bill No. 50
Assembly Bill No. 14	Assembly Bill No. 51
Assembly Bill No. 16	Assembly Bill No. 53
Assembly Bill No. 17	Assembly Bill No. 54
Assembly Bill No. 19	Assembly Bill No. 57
Assembly Bill No. 20	Assembly Bill No. 58
Assembly Bill No. 21	Assembly Bill No. 59
Assembly Bill No. 22	Assembly Bill No. 60
Assembly Bill No. 23	Assembly Bill No. 64
Assembly Bill No. 24	Assembly Bill No. 65
Assembly Bill No. 25	Assembly Bill No. 66
Assembly Bill No. 27	Assembly Bill No. 67
Assembly Bill No. 28	Assembly Bill No. 69
Assembly Bill No. 31	Assembly Bill No. 70
Assembly Bill No. 32	Assembly Bill No. 75
Assembly Bill No. 37	Assembly Bill No. 76

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which were referred:

Assembly Bill No. 3	Assembly Bill No. 12
Assembly Bill No. 6	Assembly Bill No. 15
Assembly Bill No. 9	Assembly Bill No. 30
Assembly Bill No. 11	

Respectfully reports the same back without further action

MILLINGTON, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Senate Bill No. 2	Senate Bill No. 12
Senate Bill No. 5	Senate Bill No. 13
Senate Bill No. 6	Senate Bill No. 30
Senate Bill No. 7	

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Above reported bills ordered transmitted to the Senate.

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER. Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which were referred:

Senate Bill No. 4	Senate Bill No. 19
Senate Bill No. 8	Senate Bill No. 23
Senate Bill No. 15	Senate Bill No. 25
Senate Bill No. 16	Senate Bill No. 26
Senate Bill No. 17	Senate Bill No. 27
Senate Bill No. 18	

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Above reported bills ordered transmitted to the Senate.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Bill No. 13	Assembly Joint Resolution No. 12
Assembly Bill No. 29	House Resolution No. 17
Assembly Bill No. 77	House Resolution No. 31
Assembly Concurrent Resolution No. 8	House Resolution No. 37
Assembly Concurrent Resolution No. 12	House Resolution No. 56
Assembly Concurrent Resolution No. 16	House Resolution No. 61
Assembly Concurrent Resolution No. 23	House Resolution No. 68
Assembly Concurrent Resolution No. 32	House Resolution No. 69
Assembly Joint Resolution No. 7	House Resolution No. 71
Assembly Joint Resolution No. 9	House Resolution No. 73

Respectfully reports the same back without further action.

LYON, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 7
Senate Joint Resolution No. 3
Senate Joint Resolution No. 7
Senate Joint Resolution No. 8

Respectfully reports the same back without further action.

LYON, Chairman

Above reported resolutions ordered transmitted to the Senate.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately;**Assembly Bill No. 80**—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately;**Assembly Concurrent Resolution No. 38**—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 5.45 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO APPROVE JOURNALS

On motion of Mr. Lyon, the Journals for January 12, 1942; January 13, 1942; January 14, 1942; January 15, 1942; January 16, 1942; January 17, 1942; January 18, 1942; January 19, 1942; January 20, 1942; January 21, 1942; and January 22, 1942, were approved as corrected by the Minute Clerk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following without further action:

Assembly Joint Resolution No. 14
Assembly Joint Resolution No. 15
Assembly Joint Resolution No. 19
Assembly Joint Resolution No. 24
Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 18
Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 26
Assembly Concurrent Resolution No. 31

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following without further action:

Assembly Bill No. 45
Assembly Bill No. 63

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Marjorie Billings of San Francisco.

ADJOURNMENT SINE DIE

At 6 o'clock p.m., January 22, 1942, in accordance with Senate Concurrent Resolution No. 20, the Hon. Gordon H. Garland, Speaker of the Assembly, announced that the time for final adjournment of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California had arrived, and declared the Assembly adjourned sine die.

C. WILLIAM QUEALE, Minute Clerk

RECAPITULATION OF ASSEMBLY MEASURES

ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

A B Number	Chapter	Author	Subject of Title	Approved by Governor
4	3	McCollister	Relating to the State Guard	Jan 2
8	4	Pfaff	Relating to the State Guard	Jan 2
26	5	Sawallisch, et al	Relating to the State Guard	Jan 2
33	22	Miller	Relating to the Public School System	Feb 10
34	21	Miller	Relating to the Public School System	Feb 10
35	6	Weybret	Appropriation to the California Polytechnic School	Jan 28
36	7	Desmond, et al	Appropriation to the Division of Forestry	Jan 28
41	8	Millington, et al	Appropriation to the Patrol Department	Jan 28
42	9	Millington, et al	Appropriation to the Special Emergency Fund for State Institutions	Jan 28
43	10	Millington, et al	Appropriation to the Division of Criminal Identification	Jan 28
44	11	Millington, et al	Appropriation to the Emergency Fund	Jan 28
47	12	Millington, et al	Appropriation to the Bureau of Vital Statistics	Jan 28
48	13	Millington, et al	Appropriation to the Division of Beaches and Parks	Jan 28
49	20	Millington, et al	Appropriation to the Division of Mines	Feb 10
55	18	Bashore	Appropriation for the State Controller	Jan 31
56	25	Poulson	Appropriation for the State Controller	Feb 24
*61	34	Lyon	Contingent Expenses of Assembly	Feb 12
78	14	Millington	Appropriation for Expenses of Assembly	Jan 28
79	15	Lyon	Appropriation for legislative printing	Jan 28
80	16	Bashore	Appropriation for the Legislative Counsel Bureau	Jan 28
Total				20

* Approved with reductions

CHAPTER NUMBERS OF ASSEMBLY BILLS APPROVED BY THE GOVERNOR

Chapter number	Assembly bill number	Chapter number	Assembly bill number	Chapter number	Assembly bill number
3	4	10	43	18	55
4	8	11	44	20	49
5	26	12	47	21	34
6	35	13	48	22	33
7	36	14	78	25	56
8	41	15	79	34	*61
9	42	16	80		

* Approved with reductions.

ASSEMBLY BILLS POCKET VETOED BY THE GOVERNOR

18, 46, 68.

Total_____3

ASSEMBLY BILLS DIED ON ASSEMBLY FILE

1, 52, 62, 71, 72, 73, 74.

Total_____7

ASSEMBLY BILLS URGENCY CLAUSE REFUSED ADOPTION

7, 38.

Total_____2

ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Resolution Chapter Number	Author	Subject of Title	Date filed with Secretary of State
1 7	Doyle	Punishment for felonies	Dec 22
2 6	Carlson, et al	Relative to death of Assemblyman James M. Cassidy	Dec 22
3 8	Gallagher, et al	Ratifying amendments to City and County of San Francisco	Dec 22
4 9	Sawallisch, et al	Relating to the State Guard	Dec 22
5 10	Lyon	Commending Fred E. Stewart	Dec 22
6 11	Maloney, et al	Relative to death of Captain Colin P. Kelly, Jr.	Dec 22
7 12	Burns, Hugh M.	Adjournment, respect to the memory of Morris Bedford Harris	Dec 22
9 15	Doyle	Legislative Publications	Dec 22
10 16	Howser, F. N., et al	Early closing of retail establishments	Dec 22
11 17	Desmond	Holding of State Fair in 1942	Dec 22
13 18	Johnson, et al	Revocation of certain paroles	Dec 22
15 28	Lyon	Recess of Fifty-fourth (Extraordinary) Session	Dec 24
17 23	Desmond	Adjournment, respect to memory of Myrtle Venelia Murray	Dec 22
19 30	Lyon	Relative to Joint Budget Committee	Dec 24
20 31	McCollister	Ratifying amendments to City of Petaluma	Jan 14
21 37	Evans, et al	Self-help cooperatives	Jan 16
24 50	Voigt, et al	Temporary four-lane highways	Jan 19
25 43	Desmond, et al	Adjournment, respect to memory of Hon. John F. Pullen	Jan 17
27 46	Middough	Acquisition and use of beaches	Jan 18
28 53	O'Day	Rolls of honor of State employees	Jan 20
29 54	Daley, et al	Claiming of property taxation exemptions by veterans	Jan 20
30 53	Daley, et al	Manner of claiming veterans' exemptions	Jan 22
33 55	Lyon	Funds for Joint Legislative committee	Jan 20
37 59	Dills	Increases in salaries of assistant and deputy marshals	Jan 21
38 60	Lyon	Adjournment sine die	Jan 22
Total			25

ASSEMBLY CONCURRENT RESOLUTIONS TABLED IN ASSEMBLY

Total_____1

ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	13	Welch, et al	Re civilian defense facilities	Dec 22
2	14	Bashore	Continuation of sporting events	Dec 22
3	19	Hawkins	Utilization of skills and resources, irrespective of race or color	Dec 22
4	20	Weber, et al	Priorities for farm machinery	Dec 22
5	21	Heisinger, et al	Fitness of highways for military purposes	Dec 22
6	22	Desmond, et al	Opposing federalization of unemployment insurance	Dec 22
8	29	Garland, et al	Re-examination and readjustment of old-age pensions	Dec 24
11	34	Meehan, et al	Nondeductible income of recipients of old-age assistance	Jan 16
16	41	Burkhalter	Stoppages of work at Lockheed Aircraft Plant	Jan 17
17	35	Turner, et al	Flood control on Sacramento River	Jan 16
18	42	Thurman	Priorities in gold mining	Jan 19
20	56	Gaffney, et al	Permitting small incomes to certain beneficiaries	Jan 21
21	36	Heisinger, et al	Manpower, production and the war	Jan 16
22	57	Desmond, et al	Protection of retirement rights	Jan 20
23	44	Dilworth	Completion of canal to Coachella Valley	Jan 18
25	45	Stream, et al	Survey of water route from Colorado River to City of San Diego	Jan 18
Total				16

ASSEMBLY JOINT RESOLUTIONS DIED ON FILE IN ASSEMBLY

10, 13.

Total 2