

CALIFORNIA LEGISLATURE—ASSEMBLY.

FORTY-SEVENTH (EXTRAORDINARY) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
SACRAMENTO, TUESDAY, September 4, 1928.

The Assembly met at 11 o'clock a.m., pursuant to the provisions of the proclamation of his Excellency, C. C. Young, Governor of the State of California, dated the 16th day of August, 1928.

Hon. Edgar C. Levey, Assemblyman of the Twenty-eighth District, and Speaker of the Assembly, in the chair.

ANNOUNCEMENT.

Arthur A. Ohnimus, Chief Clerk, announced that, pursuant to the requirements of the Political Code, section 237, the following officers of the Assembly of the forty-seventh (regular) session of the Legislature were present and in their respective positions: Arthur A. Ohnimus, Chief Clerk; Louis F. Erb, Minute Clerk, and William J McQuillan, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

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

Adams, Anderson, D. P.; Anderson, Roscoe J.; Badham, Ball Baum, Bernard, Bishop, Brock, Burns, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Heisinger, Hornblower, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor; Miller, James A., Mixter, Morrison, Murphy, Nielsen, Noyes, Oliva, Parkinson, Patterson, Remdollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr Speaker—74

The Speaker thereupon declared a quorum present.

PRAYER.

By invitation of the Speaker, the opening prayer was offered by Rev A. Watson Brown of Sacramento, Chaplain of the Assembly of the forty-seventh (regular) session.

GOVERNOR'S PROCLAMATION.

The Speaker directed the Chief Clerk to read the Governor's proclamation.

The following proclamation was read:

PROCLAMATION BY THE GOVERNOR.

CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

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, C. C. Young, 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 Tuesday, the fourth day of September, one thousand nine hundred and twenty-eight at 11 o'clock a. m. of said day, for the purpose of considering the proposal to the people of the State of California at the general election in November, 1928, of an amendment to the constitution of the State of California, which will

(1) Provide a new method for the taxation of all banks located within the State of California

(2) Provide a new state franchise tax upon financial corporations, other than banks, and upon mercantile, manufacturing and business corporations, doing business with the State, which shall be a substitute for the present State franchise tax imposed under authority of subdivision (d) section 14, article XIII of the constitution of the State of California

(3) Provide a workable method for the taxation of intangibles at a rate not to exceed four mills on each dollar of their actual value

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California, at my office in the State Capitol this sixteenth day of August, in the year of Our Lord, one thousand nine hundred and twenty-eight.

C. C. YOUNG,

Governor.

[SEAL]

Attest: FRANK C. JORDAN,
Secretary of State.

By FRANK H. CORY,
Deputy.

RESOLUTION.

The following resolution was offered:

By Mr. Williamson:

Resolved, That the following named persons constitute the officers of the Assembly with the per diem as fixed by statute:

Honorable Edgar C. Levey, Speaker;

Honorable William M. Byrne, Speaker pro tempore;

Arthur A. Ohninus, Chief Clerk;

Louis F. Erb, Minute Clerk;

William J. McQuillan, Sergeant-at-Arms;

Rev. A. Watson Brown, Chaplain;

Edwin C. Lynch, First Assistant Clerk;

and be it further,

Resolved, That the State Controller be and he is hereby directed to draw his warrants in favor of the above named persons and the State Treasurer is hereby directed to pay such warrants for and at the fixed per diem.

Mr. Williamson moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Brock, Burns, Byrne, Carter, Cloudman, Clowdsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Helsing, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor, Miller, James A., Mixer, Morrison, Murphy, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—71.

NOES—None.

Whereupon the Speaker declared the above named the duly elected officers of the Assembly for the forty-seventh (extra) session of the Legislature.

OATH OF OFFICE ADMINISTERED TO SPEAKER.

Hon. Edgar C. Levey, Speaker of the Assembly, took and subscribed

to the following oath administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal.

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of California, and I will faithfully discharge the duties of the office of Speaker of the Assembly to the best of my ability.

APPOINTMENT OF COMMITTEE OF ESCORT FOR SPEAKER PRO TEMPORE.

The Speaker appointed Messrs. Jones, Baum, Carter, Cloudsley and Hawes a special committee to escort Speaker pro tempore Hon. William M. Byrne to the bar of the Assembly.

OATH OF OFFICE ADMINISTERED TO SPEAKER PRO TEMPORE.

Upon arriving at the bar of the Assembly, Speaker pro tempore Hon. William M. Byrne took and subscribed to the following oath, administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal:

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 of Speaker pro tempore of the Assembly to the best of my ability.

OATH OF OFFICE ADMINISTERED.

Mr. Arthur A. Ohnimus, Chief Clerk; Mr. Louis F. Erb, Minute Clerk; Mr. Edwin C. Lynch, First Assistant Clerk; Mr. William J. McQuillan, Sergeant-at-Arms, appeared before the bar of the Assembly, and took and subscribed to the following oath of office administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal:

We do solemnly swear that we will support the constitution of the United States and the constitution of the State of California, and discharge the duties of the office of Chief Clerk, Minute Clerk, First Assistant Clerk and Sergeant-at-Arms of the Assembly to the best of our ability.

RESOLUTION.

The following resolution was offered:

By Mr. Jones:

Resolved, That until further notice the Standing Rules of the last regular session be, and the same are, hereby adopted as the rules of this extraordinary session with the following exceptions:

Rule 1, shall be amended to read as follows:

Hour of Meeting.

1. The sessions of the House shall be daily, beginning at nine o'clock and thirty minutes a.m. A recess shall be taken at the hour of twelve o'clock and thirty minutes p.m. to two o'clock p.m. unless otherwise ordered by a vote of the House.

That the members of the committees appointed at the last regular session shall remain as the members of the committees of this extraordinary session; provided, that all vacancies shall be filled by appointment by the Speaker.

Mr. Jones moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Brock, Burns, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Heisinger, Jespersen, Jewett, Jones, Jost, Kenton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor, Miller, James A., Mixer, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—70.

NOES—None.

STANDING RULES OF THE ASSEMBLY

CONVENING AND ORDER OF BUSINESS

Hours of Meeting.

1. The sessions of the Assembly shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes a.m. After the constitutional recess, a recess shall be taken daily at the hour of twelve o'clock and thirty minutes p.m. until the hour of two o'clock p.m., unless otherwise ordered by a vote of the House.

Speaker to Call House to Order.

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

Order of Business.

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

1. Roll Call.
2. Prayer by the Chaplain
3. Reading and Approval of the Journal.
4. Presentation of Petitions
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor. ---
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File, Second Reading, and Third Reading of Bills
14. Business on General File, Second Reading, and Third Reading of Bills.
15. Announcements of Committee Meetings.
16. Adjournment.

Priority of Business.

4. All questions relating to the priority of business shall be decided without debate.

Motion to Adjourn.

5. A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

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

DUTIES OF THE SPEAKER

Speaker to Preserve Order; to Decide Points of Order; and May Speak to Same.

6. The Speaker shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

Speaker to Have Direction of the Hall; May Call Any Member to the Chair.

7. The Speaker shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitutions shall not extend beyond an adjournment. He shall have the control and direction of the journals, papers and bills of the Assembly. He shall have the power to see that all officers of the Assembly perform their respective duties, and may assign places to properly accredited newspaper representatives.

Speaker to Sign Resolutions, etc., Attested by the Clerk.

8. All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

COMMITTEES OF THE ASSEMBLY.

Committees to be Appointed by Speaker

9. All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

Standing Committees

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

1. A Committee on Agriculture, to consist of seventeen members.
2. A Committee on Attaches, to consist of seven members.
3. A Committee on Banking, to consist of nine members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Civil Service, to consist of nine members.
6. A Committee on Claims, to consist of seven members.
7. A Committee on Commerce and Navigation, to consist of nine members.
8. A Committee on Conservation, to consist of nine members.
9. A Committee on Constitutional Amendments, to consist of nine members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Contingent Expenses, to consist of five members.
12. A Committee on Corporations, to consist of nine members.
13. A Committee on County Government, to consist of fifteen members.
14. A Committee on Direct Legislation, to consist of seven members.
15. A Committee on Drainage, Swamp and Overflowed Lands, to consist of thirteen members.
16. A Committee on Education, to consist of thirteen members.
17. A Committee on Elections, to consist of eleven members.
18. A Committee on Engrossment and Entollment, to consist of five members.
19. A Committee on Federal Relations, to consist of seven members.
20. A Committee on Fish and Game, to consist of fifteen members.
21. A Committee on Governmental Efficiency and Economy, to consist of eleven members.
22. A Committee on Governmental Revenues and Expenditures, to consist of nine members.
23. A Committee on Hospitals and Asylums, to consist of thirteen members.
24. A Committee on Insurance, to consist of eleven members.
25. A Committee on Irrigation, to consist of twenty-one members.
26. A Committee on Judiciary, to consist of twenty-one members.
27. A Committee on Labor and Capital, to consist of thirteen members.
28. A Committee on Libraries, to consist of seven members.
29. A Committee on Live Stock and Dairies, to consist of eleven members.
30. A Committee on Manufactures, to consist of seven members.
31. A Committee on Medical and Dental Laws, to consist of nine members.
32. A Committee on Mileage, to consist of five members.
33. A Committee on Military Affairs, to consist of nine members.
34. A Committee on Mines and Mining, to consist of nine members.
35. A Committee on Motor Vehicles, to consist of twenty-one members.
36. A Committee on Municipal Corporations, to consist of thirteen members.
37. A Committee on Oil Industries, to consist of nine members.
38. A Committee on Prisons and Reformatories, to consist of thirteen members.
39. A Committee on Public Charities and Corrections, to consist of nine members.
40. A Committee on Public Health and Quarantine, to consist of nine members.
41. A Committee on Public Morals, to consist of eleven members.
42. A Committee on Public Utilities, to consist of eleven members.
43. A Committee on Reapportionment, to consist of twenty-one members.
44. A Committee on Revenue and Taxation, to consist of fifteen members.
45. A Committee on Revision and Printing, to consist of five members.
46. A Committee on Revision of Criminal Procedure, to consist of seven members.
47. A Committee on Roads and Highways, to consist of fifteen members.
48. A Committee on Rules, to consist of seven members, including the Speaker.
49. A Committee on Soldiers and Sailors Affairs, to consist of thirteen members.
50. A Committee on State Grounds and Parks, to consist of seven members.
51. A Committee on Teachers Colleges, to consist of seven members.
52. A Committee on Universities, to consist of seven members.
53. A Committee on Ways and Means, to consist of twenty-one members.

Special Standing Committees.

11. In addition to the regular standing committees of the Assembly, there shall be special standing committees, as follows:

1. A Committee on Revision and Printing, to consist of five members, as provided in the Joint Rules of the Senate and Assembly.
2. A Committee on Introduction of Bills after the Constitutional Recess, to consist of three members.

Schedules for Committee Meetings.

12. The Speaker shall be empowered to propose to the Assembly such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements.

Quorum of Standing Committees.

13. Each standing committee shall determine its own quorum and the number of affirmative votes necessary to report a bill out of committee; *provided*, that not less than a majority of all members constituting such committee shall in any case constitute such quorum, nor shall less than the affirmative votes of a majority of all members constituting such committee be sufficient to report a bill out of committee.

COMMITTEE OF THE WHOLE.

Appropriations of Money to Be Considered in Committee of the Whole.

14. All bills making appropriations of money may be considered in a Committee of the Whole House while on second reading by demand of five or more members.

Proceedings of Committee of the Whole House.

15. In forming a Committee of the Whole House, the Speaker, as chairman, or a chairman to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

Rules in Committee of the Whole.

16. The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes need not be taken.

Motion to Rise Decided Without Debate

17. A motion that the committee rise shall always be in order, and shall be decided without debate.

SPECIAL DUTIES OF CERTAIN COMMITTEES.

Committee on Engrossment and Enrollment.

18. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, constitutional amendments, and concurrent and joint resolutions, ordered or considered engrossed by this House with the engrossed copies thereof; and, before they pass out of the possession of this House, 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.

Engrossing and Enrolling Bills.

19. The Engrossing and Enrolling Clerk shall engross and enroll the bills, constitutional amendments, and joint and concurrent resolutions 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 House. All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly, and the report of such engrossment must be made to the Assembly on a day previous to the day on which such final action is taken.

Reports of Committee on Engrossment and Enrollment.

20. It shall be in order for the Committee on Engrossment and Enrollment to report at any time.

Committee on Ways and Means.

21. It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State officers and State boards or State commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under

consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required. The Committee on Ways and Means shall, from time to time at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

Committee's Report on Sine Die Adjournment.

22. Concurrent resolutions for adjournment sine die shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

Committee on Contested Elections.

23 It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House, as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof.

Committee on Attaches.

24. The Committee on Attaches shall assign the committee clerks and the official stenographers of the House to the various committees and, on recommendation of the Chief Clerk, shall have the authority to reassign any clerk or attache under him to special duties or other committees when the necessity arises.

The Committee on Attaches, in cooperation with the Chief Clerk and Sergeant-at-Arms shall exercise general supervision over and shall systematize the work of all attaches.

The Committee on Attaches shall see to it that attaches shall not receive their per diem until they have been sworn in, and that the per diem of attaches shall be forfeited for each day on which they are absent from their duties without excuse from the authority delegated by the committee.

All assignments of committee clerks and stenographers made by the Committee on Attaches under this rule shall be reported to the House and entered in the Journal.

DUTIES OF ASSEMBLY OFFICERS AND ATTACHES.

Duties of Chief Clerk.

25. The Chief Clerk shall have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. Subject to the provisions of Rule 67, he and his assistants shall read from the desk only such matter as the Speaker shall direct. He shall have the supervision of all the clerks and assistants at the desk, of all bill clerks, bill filers, stenographers, and of all committee attaches, and all pages, and shall be responsible for their performance of and regular attendance upon their duties and shall have power to suspend any such clerk or attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the cause thereof. Said suspended clerk or attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have the power to relieve the attache or clerk of his suspension, and shall have the power, subject to the approval of the House, to remove any clerk or attache for incompetency or for wilful neglect of duty. The Chief Clerk shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take receipts therefor.

Duties of the Sergeant-at-Arms.

26 The Sergeant-at-Arms shall attend the House during its sittings, execute the commands of the Speaker of the House, and serve all processes issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision over the Assistant Sergeants-at-Arms and gatekeepers, and shall be responsible for their performance of and regular attendance upon their duties, and shall have power to suspend any such attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the causes thereof. Said suspended attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have power to relieve the attache of his suspension and shall have the power, subject to the approval of the House, to remove any attache for incompetency or for wilful neglect of duty. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of members at least one hour previous to the opening of the session.

Expenses of Sergeant-at-Arms

27. The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by the House or by any officer or committee thereof.

Assistant Sergeant-at-Arms to Be Doorkeeper.

28. The Assistant Sergeant-at-Arms who is designated to be the doorkeeper shall be sworn to keep the secrets of the House.

Compensation of Attaches.

29. No attache of the Assembly shall demand or receive from any person any compensation other than that provided by law for services performed as such attache.

INTRODUCTION OF BILLS.

Introduction and Reading of Bills.

30. Any member desiring to introduce a bill shall rise in place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two-thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading, whether it is the first, second or third reading. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

Joint and Concurrent Resolutions and Constitutional Amendments.

31. Joint and concurrent resolutions shall be treated the same as bills, *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided, further*, that the ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments, unless regularly demanded, or required by statute or the constitution. Proposed amendments to the constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they have been reported by a committee. All bills, constitutional amendments, and joint and concurrent resolutions may be amended by a majority of those voting.

Procedure on First Day of Introducing Bills.

32. In each legislative session on the first day when bills are introduced, under the "Order of Business" or "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, joint or concurrent resolution. After these two roll calls, bills, constitutional amendments, joint or concurrent resolutions shall be introduced by members on recognition of the Speaker, as provided by the rules of the Assembly; and all bills, constitutional amendments or joint or concurrent 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 by Committee.

33. Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, read, ordered printed, and placed upon the Assembly file for further action.

Introduction of Bills After Constitutional Recess

34. Immediately upon convening after the constitutional recess the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either House of the same character which might be amended to effect the results sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution and no resolution to introduce any such bill shall be adopted without the consent of three-fourths of the members of the Assembly.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill. The author of any bill shall have not more than ten minutes within which to speak to the question of the introduction of his bill and the Committee on Introduction of Bills may have the same time for reply.

Reference of Bills.

35 At the time of introduction the Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Assembly by a majority vote refer it to some other committee. A motion to re-refer a bill shall be debatable as to the propriety of such re-reference.

Order of Reference.

36 When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

- The Committee of the Whole House.
- A Standing Committee.
- A Select Committee.

Referring With Special Instructions.

37 No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment to a select committee, under special instructions to amend.

Reference of Senate Bills.

38 When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however,* that when a Senate bill is received the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report on the next legislative day whether or not said bill is identical with the Assembly bill, and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn), shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided,* that the fact that the bills are identical shall be entered in the Journal.

Bills to Be Reported Back to Committees.

39. All committees shall act upon bills, constitutional amendments and resolutions 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; *provided,* that the Assembly may at any time by a majority vote of all its members, recall a bill, constitutional amendment or resolution from any committee.

ORDER OF CONSIDERING BILLS.

Order of Making File.

40 Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 30. When reported back, they shall be placed upon the general file, to be kept by the Clerk, as follows. All bills when reported to the House by the committees, except such bills as are by the report re-referred to another committee, shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in order of reading, and precedence shall

be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by two-thirds vote of the House. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present, such vote to be taken by roll call, *provided*, that if a bill is passed on file for any reason, other than the absence of the author by leave of the Assembly, note of the fact shall be made in the General File, and when passed on file a second time the bill shall be ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

Order Making Special File.

41. The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

Ordering Bills to Third Reading.

42. After being read the second time bills shall be ordered by the Speaker to third reading (or, in the case of Assembly bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be, "Shall the bill be ordered to third reading?"

Bills Considered During Last Seven Days.

43. No Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill be granted by a three-fourths vote of the Assembly after being recommended by the Speaker of the Assembly.

QUESTIONS AND MOTIONS

Precedence of Motions During Debate.

44. When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate, and no motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

Division of Questions.

45. Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

Substitute.

46. A motion to substitute shall be deemed and held to be a motion to amend, and be treated in all respects as such.

Subjects Different from the One Under Consideration

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

Question Indefinitely Postponed.

48. When a question is postponed indefinitely, the same shall not again be introduced during the session.

PROCEDURE OF DEBATE

Motions to Be Stated by Speaker, and if Desired Shall Be Reduced to Writing, or May Be Withdrawn.

49. No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the

Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

Order in Speaking to Questions.

50. Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than fifteen minutes upon any question except by leave of the House, and except further, the author shall be allowed fifteen minutes to open and fifteen minutes to close.

Speaker to Decide Who Is Entitled to the Place.

51. When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

Calling Members to Order When Transgressing Rules.

52. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

Called to Order for Offensive Words in Debate.

53. If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

THE PREVIOUS QUESTION.

Previous Question Demanded.

54. The previous question shall be put only when demanded by five members.

Manner of Putting the Previous Question.

55. The previous question shall be in this form. "Shall the main 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 on the question or questions before it.

Questions of Order After Previous Question Is Ordered.

56. All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

VOTING BY ASSEMBLY.

Calling Ayes and Noes.

57. The ayes and noes shall be taken on the final passage of all bills and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes

Members at Clerk's Desk.

58. No member, or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

Voting on Question When Interested.

59. No person shall vote on any question in the result of which he is personally interested or involved.

Division and Count of House.

60. Upon a division and count of the House on any question, no person without the bar shall be counted.

Explaining or Changing Vote.

61. No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced by the Chair.

Election by House.

62. In all cases of election by the House, the vote shall be taken viva voce.

Notice of Reconsideration of Vote.

63. On the day succeeding that on which a final vote on any bill, constitutional amendment, or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, a notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the successful side, and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

MESSAGES, PETITIONS AND PAPERS.

Messengers May Be Introduced.

64. Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House.

Messages from the Governor and Senate.

65. Messages from the Governor and from the Senate may be considered at any time by vote of the House or by unanimous consent.

Petitions to Be Presented With a Brief Statement of Contents.

66. Whenever petitions, memorials, or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

Reading of Papers.

67. When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate, upon brief statement of its substance by the Speaker.

THE ASSEMBLY CHAMBER

Persons Admitted to the Floor.

68. No persons except Senators, State officers, Governors and ex-Governors of the state, members of Congress, Judges of the Supreme, Appellate and Superior Courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, attaches when actually engaged in work for the Assembly or a member thereof, and the wife, husband, or child of a member, shall be admitted within the Assembly Chamber, except in the gallery, during the sessions of the Assembly, *provided, however*, any other guest of any member may be admitted to the floor of the Assembly, but to no other part of the floor than to a seat at the desk of said member; *and provided, also*, that such admission of said guest shall be only by written permission of said member, countersigned by the Speaker, such permission being good only for the sessions of the day on which it is given, the names of such member and guest to be entered in the Journal when specifically requested by such member. At the convening of the Assembly in the morning, or after recess, all present except those covered by this rule shall retire from the floor of the Assembly. No one except the Sergeant-at-Arms or his deputies shall be allowed to remain in the lobby behind the rail at any time.

No Lobbying in the Assembly Chamber.

69. 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, unless seated beside a member upon his invitation; 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 Assembly.

Speaker May Order the Galleries and Lobby Cleared

70. In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

Smoking in the Assembly Chamber.

71. No smoking shall be allowed within the Assembly Chamber during the session of the House; *provided*, this rule may be suspended by a vote of the majority of the members present, without notice or reference to committee.

Use of Assembly Chamber.

72. The Assembly room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

LEGISLATIVE PRINTING.

Printing of Bills.

73. One thousand five hundred copies of all bills, and as many additional copies as the House shall order, shall be printed. The Chief Clerk or Sergeant-at-Arms shall be required to certify to the receipt by the House of all such printed matter and quantity thereof.

Printing Extra Number of Bills, Etc.

74. A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

Form for Printed Amended Bills

75. All bills amended, either in committee or on the floor of the House, shall be immediately reprinted; the omission of any matter to be indicated by the insertion of heavy parentheses and all proposed additions to be enclosed in heavy brackets.

Printing of Maps.

76. Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

Filling Blanks

77. In filling up blanks the least sum and shortest time shall be put first.

MISCELLANEOUS PROVISIONS.

Protest of Members.

78. It shall be in order for any member or members to protest against the action of the House, and have such protest entered in the Journal.

Personal Explanation.

79. Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

Right to Address Assembly.

80. No one except a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

Call of the House.

81. Upon a motion being carried for a call of the House the Speaker shall immediately order the doors to be closed, and shall direct the Clerk to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave or enter the Assembly Chamber except by written permission of the Speaker, or except such members as are taken into custody as herein provided. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House; *provided, however*, that during a call of the House it may consider and transact any matter or business that the members then present shall unanimously decide to consider,

but no call of the House shall be had, during the call of the House, on any matter so taken up or considered while the House is under call. When a call of the House is ordered, pending completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the House are dispensed with, when it will forthwith become the order of business before the Assembly.

Members Absenting Themselves.

82 No member shall absent himself from attendance at a session of the House without the leave of the House, and no member shall obtain leave of absence, or be excused without a vote of two-thirds of the House, or by unanimous consent.

Fees for Witnesses.

83 Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of three dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid, except where the witness has actually traveled for the purpose of giving testimony.

No Committee Expenditures Permitted

84 No member of any committee shall be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Ways and Means shall, during the constitutional recess, be allowed his actual expenses while on such business.

RULES OF PROCEDURE.

Parliamentary Rules.

85. The rules of parliamentary practice contained in Robert's Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and Assembly.

Suspending and Changing Rules

86. No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds of the members of the Assembly, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

- 1 Bills affecting the State government, its revenues, its various departments or commissions or appropriations therefor.
- 2 Bills affecting county and township governments, or roads and highways.
- 3 Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the codes, or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendments by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule or order may be suspended temporarily by a vote of two-thirds of the members present, except Rule 43 and that portion of Rule 30 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules.

The Committee on Rules may also, at any time, report a temporary rule or regulation. When such temporary rule or regulation shall have been adopted by a two-thirds vote of the House it shall have the effect, for the time being, of a standing rule, and if such temporary rule shall be in conflict with a standing rule it shall supersede said standing rule for the time being, and shall be enforced by the Speaker.

RESOLUTION.

The following resolution was offered:

By Mr Sewell:

Resolved, That the Chief Clerk be and he is hereby directed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency,

Governor C. C. Young, dated the sixteenth day of August, 1928, and is ready for the transaction of legislative business, with the following officers, to wit:

- Honorable Edgar C. Levey, Speaker;
- Honorable William M. Byrue, Speaker pro tempore;
- Arthur A. Ohmimus, Chief Clerk;
- Louis F. Erb, Minute Clerk;
- William J. McQuillan, Sergeant-at-Arms;
- A. Watson Brown, Chaplain;
- Edwin C. Lynch, First Assistant Clerk.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed Messrs. Sewell, Gant, Woolwine and Carter as a committee to convey the above message to the Senate.

ASSISTANT CLERK LYNCH READING.

SENATE MESSAGE.

The following message from the Senate was taken up and read :

SENATE CHAMBER, SACRAMENTO, September 4, 1928

MR SPEAKER: I am directed to inform your honorable body that the Senate is duly organized by the election of the following officers:

- President pro tempore—Arthur H. Breed.
- Secretary—Joseph A. BEEK
- Minute Clerk—Harold J. Powers
- Sergeant-at-Arms—Joseph P. Nolan.
- Chaplain—Rev. Bryant Wilson

J. A. BEEK, Secretary of Senate.

RESOLUTION.

The following resolution was offered :

By Mr. Fry:

Resolved That a special committee of five be appointed by the Speaker, to act with a like committee from the Senate, to wait up His Excellency, Governor C. C. Young, and inform him that the two houses of the Legislature are now in session and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs Fry, Brock, Roland, Miller, Eleanor; and Coombs as such committee.

By Mr. Melville:

Resolved. That the Controllor be and he is hereby authorized and directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the following named persons for the sums set opposite their respective names and the Treasurer is directed to pay the same. Said amounts being in payment of services performed prior and incident to the convening of the present extraordinary session of the Assembly:

Arthur A. Ohmimus, Chief Clerk, 2 days-----	\$20 00
Louis F. Erb, Minute Clerk, 1 day-----	9 00
Edwin C. Lynch, Assistant Clerk, 1 day-----	7 00
Madge Cross, Chief Stenographer, 1 day-----	6 00
William J. McQuillan, Sergeant-at-Arms, 1 day-----	8 00

Mr. Melville moved the adoption of the resolution.
The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Burns, Byrne, Cloudman, Crawford, Crittenden, Davis, Ducl, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Gant, Hawes, Hedges, Heisinger, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, James A., Morrison, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Scofield, Scudder, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Woodbridge, Woolwine, and Mr. Speaker—61.

NOES—None.

By Mr. Reindollar :

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized to receipt to the Controller for any and all warrants for payment to members, officers and attaches of the Assembly after the close of the session and to mail the same to their respective homes.

Mr. Reindollar moved the adoption of the resolution.

The question being upon the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Burns, Byrne, Carter, Cloudman, Cloudsley, Crawford, Crittenden, Davis, Ducl, Dillinger, Easley, Eddy, Feigenbaum, Fisher, Flynn, Gant, Hedges, Heisinger, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, James A., Mixer, Morrison, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—65.

NOES—None.

REPORT OF SELECT COMMITTEE.

The select committee appointed to wait upon the Governor reported as follows :

That they had delivered the Assembly's message and the Governor had informed them he had further messages to deliver.

COMMUNICATION.

The following communication was read and ordered printed in the Journal.

SAN DIEGO, CALIFORNIA, September 4, 1928.

Hon. Edgar C. Levey,

Speaker of the Assembly,

Capitol Building, Sacramento, California.

Critical illness Mrs. Walters makes attendance special session absolutely impossible for few days. Kindly arrange I be excused.

BYRON J. WALTERS.

LEAVE OF ABSENCE.

On motion of Mr. Anderson, Roscoe J., Mr. Walters was granted leave of absence for the extra session.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read, out of the regular order :

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, September 4, 1928.

MR. SPEAKER: Your Committee on Mileage begs leave to report that it has computed the mileage according to Section 205 of the Political Code and recommends the adoption of the resolution herewith :

Resolved, 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 members and officers 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 seat	Distance from Co. seat, more	Distance from Co. seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	J J Murphy	Weed, Siskiyou County	235		30	265	530	\$26 50
2	Robert F Fisher	Carlotta, Humboldt County	312		20	292	584	29 20
3	Roscoe J Anderson	Reolding, Shasta County	171				342	17 10
4	N V Wemple	Litchfield, Lassen County	260	18		278	556	27 80
5	Van Bernard	Butte City, Glenn County	88	15		103	206	10 30
6	Charles B Melville	Fort Bragg, Mendocino County	150	66		216	432	21 60
7	Charles H Deuel	Chico, Butte County	86	28		114	228	11 40
8	Fred B Noyes	Yuba City, Sutter County	50				100	5 00
9	Mrs Cora M Woodbridge	Roseville, Placer County	37		19	18	36	1 80
10	Rolt B McPherson	Vallejo, Solano County	40	19		59	118	5 90
11	Frank L Coombs	Napa, Napa County	61				122	6 10
12	Hubert B Scudder	Sebastopol, Sonoma County	90	7		97	194	9 70
13	D P Anderson	Santa Rosa, Sonoma County	90				180	9 00
14	Roy J Nielsen	Sacramento, Sacramento County						
15	Percy G West	Sacramento, Sacramento County						
16	H E Dillinger	Placerville, El Dorado County	60				120	6 00
17	Chas F Reinholdt	San Rafael, Marin County	105			105	210	10 50
18	Robert P Easley	Antioch, Contra Costa County	62	18		80	160	8 00
19	Bradford S Crittenden	Tracy, San Joaquin County	48	20		68	136	6 80
20	F C Clowdsky	Stockton, San Joaquin County	48				96	4 80
21	Fred C Hawes	San Francisco, San Francisco County	90				180	9 00
22	James C Flynn	San Francisco, San Francisco County	90				180	9 00
23	Joseph F Burns	San Francisco, San Francisco County	90				180	9 00
24	Thomas J Lenehan	San Francisco, San Francisco County	90				180	9 00
25	Wm B Hornblower	San Francisco, San Francisco County	90				180	9 00
26	Ray Williamson	San Francisco, San Francisco County	90				180	9 00
28	Edgar C Levey	San Francisco, San Francisco County	90				180	9 00
29	Harry F Morrison	San Francisco, San Francisco County	90				180	9 00
30	Robert B Fry	San Francisco, San Francisco County	90				180	9 00
31	B J Feigenbaum	San Francisco, San Francisco County	90				180	9 00
32	James A Miller	San Francisco, San Francisco County	90				180	9 00
33	Charles A Olva	San Francisco, San Francisco County	90				180	9 00
34	Wm P Jost	Hayward, Alameda County	84	14		98	196	9 80
35	Roy Bishop	Alameda, Alameda County	84	5		89	178	8 90
36	Edward J Smith	Oakland, Alameda County	84				168	8 40
37	Eugene W Roland	Oakland, Alameda County	84				168	8 40
40	Harold C Cloutman	Berkeley, Alameda County	84				168	8 40
41	H C Kelsey	Berkeley, Alameda County	84				168	8 40
42	Harry L Parkman	San Mateo, San Mateo County	119				238	11 90
43	Bert B Snyder	Santa Cruz, Santa Cruz County	198				396	19 80
45	C C Spalding	Sunnyvale, Santa Clara County	128	10		138	276	13 80
46	Vernon F Galt	Modesto, Stanislaus County	77				154	7 70
47	Dun E Williams	Chimso Camp, Tuolumne County	125	20		145	290	14 50
49	E Walton Hedges, Jr	San Juan Bautista, Monterey County	208		25	183	366	18 30
49	E G Adams	Liverston, Merced County	114		14	100	200	10 00
50	Chas A Foster	Fowler, Fresno County	169	10		179	358	17 90
51	Z S Leymel	Fresno, Fresno County	169				338	16 90
52	S L Heisinger	Se ma, Fresno County	169	16		185	370	18 50
53	Chris N Jespersen	Paso Robles, San Luis Obispo County	343		10	333	666	33 30
54	Augustus F Jewett, Jr	Hanford, Kings County	214				428	21 40
55	Frank W Mixer	Essex, Tulare County	206	10		216	432	21 60
56	Robert Lincoln Patterson	Taft, Kern County	278	38		316	632	31 60
57	Isaac Jones	Ontario, San Bernardino County	508		24	484	968	48 40
58	Archibald E Brody	Redlands, San Bernardino County	508	12		520	1 040	52 00
60	Walter H Davy	Satsuma, Ventura County	490	8		498	996	49 80
61	James C Crawford	Barbark, Los Angeles County	447		11	436	872	43 60
62	Walter J Little	Hermosa Beach, Los Angeles County	447	22		469	938	46 90
63	Clare Woolwine	Los Angeles, Los Angeles County	447				894	44 70
64	Harry Lyons	Los Angeles, Los Angeles County	447				894	44 70
65	Wilms M Baum	Los Angeles, Los Angeles County	447				894	44 70
66	William M Byrne	Los Angeles, Los Angeles County	447				894	44 70
67	Eleanor Miller	Pasadena, Los Angeles County	447	13		460	920	46 00
68	Harry F Swell	Los Angeles, Los Angeles County	447				894	44 70
69	Jerome V Schofield	Huntington Park, Los Angeles County	447	6		453	906	45 30
70	George Keaton	Long Beach, Los Angeles County	447	22		469	938	46 90
71	Henry E Carter	Los Angeles, Los Angeles County	447	25		472	944	47 20
72	W E Batham	Los Angeles, Los Angeles County	447				894	44 70
73	Howard W Davis	Los Angeles, Los Angeles County	447				894	44 70

District	Name	Address	Distance from seat.	Distance from Co seat, more	Distance from Co seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile.	Amount at 10 cents per mile.
74	F M Roberts.....	Los Angeles, Los Angeles County.....	447				894	44 70	
75	George W Rochester.....	Los Angeles, Los Angeles County.....	447				894	44 70	
76	C D Ball.....	Santa Ana, Orange County.....	481				962	48 10	
77	John E Wherrell.....	Riverside, Riverside County.....	512				1,024	51 20	
78	Myron D Witter.....	Brawley, Imperial County.....	661	18		679	1,358	67 90	
80	Crowell D Eddy.....	National City, San Diego County.....	573	6		579	1,158	57 90	
OFFICERS									
	Arthur Ohnibus.....	San Francisco, San Francisco County.....					180	\$18 00	
	Louis F Erb.....	San Francisco, San Francisco County.....					180	18 00	

FLYNN, Chairman.

Mr. Flynn moved the adoption of the report and resolution

The question being on the adoption of the report and resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Burns, Byrne, Carter, Cloudman, Clowdsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Fry, Gant, Hawes, Hedges, Heisinger, Jespersen, Jewett, Jones, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor; Miller, James A., Mixer, Morrison, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Remdollar, Roberts, Rochester, Roland, Scofield, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Woodbridge, Woolwine, and Mr. Speaker—68.

COMMITTEE FROM SENATE.

Senators Maloney and West appeared before the bar of the Assembly to notify the Assembly of the organization of the Senate, and that the Senate is now ready to receive any communication the Assembly may have to make.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Feigenbaum :

WHEREAS, The Divine Providence has deemed it wise to call from his earthly duties one of our members, the Honorable Leland R. Jacobson, a member of the Assembly from the Twenty-seventh Assembly District of the State of California; and

WHEREAS, The deceased served as a member of the forty-sixth and forty-seventh sessions of the Legislature; and

WHEREAS, The deceased was a leader among his fellow members, a friend of us all and a faithful servant of the people of the State of California; now, therefore, be it

Resolved by the Assembly in extraordinary session assembled. That we deeply deplore the untimely death of our associate and that we extend to his bereaved widow and family our sympathy in the hour of their grief; and be it further

Resolved, That the Chief Clerk of the Assembly transmit to the widow of the deceased a copy of this resolution, and that when the Assembly adjourns it be out of respect to the memory of the late Honorable Leland R. Jacobson.

Resolution read

Mr. Feigenbaum moved the adoption of the resolution.

The resolution was unanimously adopted by a rising vote.

By Mr. West :

WHEREAS, The Grand Army of the Republic, representing and composed of the survivors of the great army of the union which fought the battles for the integrity of the republic from 1861 to 1865, has during its sixty-three years of existence held its annual encampments but thrice in California; and

WHEREAS, The people of the State of California are desirous of again seeing this gallant body of men, once the flower of the youth and manly strength of the country, now well advanced in years, as the guests of the State of California, that its people may be enabled to extend to them the hospitality of highly honored guests, and that the children of the State may have the opportunity of seeing those who have been spared of that Grand Army, thereby inciting them to an increased reverence for the principles of patriotism which a passing through our streets under the tattered battle-flags of over three score years ago can not fail to inspire; and

WHEREAS, The Department of California and Nevada Grand Army of the Republic at its last annual encampment extended its invitation to the Grand Army to hold its sixty-third national encampment in the city of Sacramento, California, in 1929; now, therefore, be it

Resolved by the Assembly. That the sixty-third national encampment of the Grand Army of the Republic be and is hereby invited to hold its annual encampment in the year 1929 in the city of Sacramento, State of California

Resolution read, and on motion adopted.

CHIEF CLERK OHNIMUS READING.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

SACRAMENTO, September 4, 1928.

To the Senate and Assembly of the State of California.

I have already communicated with a number of you, and intend to communicate will all, respecting our mutual desire to expedite legislation during the forthcoming regular session. To do this I feel convinced that the members of both houses would like to hold down as far as possible the number of bills introduced, and would welcome extreme care in the preparation of all bills prior to their introduction. For my own part, it is my desire that so-called "skeleton bills" this year be conspicuous by their absence.

To aid members in the early preparation of their bills, arrangements have been made by which, from now to the first of next January, the Legislative Council Bureau will increase its staff as much as may be necessary to render such service as any of you may desire. It is obvious that bills prepared now, before the strenuous days of a new session are actually upon us will be far more carefully prepared and far less in need of time-consuming amendments than if left until next January.

After consultation with members of interested committees of the Senate and Assembly and with members of the Governor's Council, I am convinced that the State Printing Office can aid greatly in this direction if that office be authorized to print for you, in advance of the session, the bills which you propose to introduce. The fact that these measures may thus be available to you for study and discussion prior to their actual introduction should save you many weeks of time during the actual session, with corresponding saving in the burden of work and expense to which you are personally subjected, and at the same time furnish opportunity for more mature deliberation upon the bills.

Accordingly, I would suggest your consideration of a resolution in each house which will authorize your respective officers to require such advance printing of bills, when authentically supplied by members and members-elect, as soon as the membership of the new Legislature has been determined. It is the opinion of the Legislative Council that there is proper justification of such an arrangement in law and precedent, and, if it meets with the approval of the Legislature at its next regular session, I suggest that a statute be enacted making the arrangement permanent and automatic.

In accordance with this plan, you are invited at once to communicate with the Legislative Council Bureau as to assistance on legislation which you may have in mind or which may have been suggested to you. After these bills have been prepared, they may be sent to the State Printing Office at any time during November or December, and will be printed in regular form with your name as author and fully complete except as to the number of the bill and the committee reference.

Proofs will be furnished you for such corrections as you may desire to make, and the perfected bill in printed form will be yours for introduction.

In this way we shall get far better and more carefully prepared bills than ever before offered, shall have them for the use of the public immediately after the convening of the Legislature, shall save much expense in the printing office through lessening the amount of overtime work, shall reduce to a minimum the length of our January session; and, through improving the quality of our legislation, shall accomplish the greatest legislative advance ever attempted in any state. I commend this plan to your careful consideration, and urge that it be given a trial.

Respectfully submitted,

C. C. YOUNG, Governor.

RESOLUTION.

The following resolution was offered:

By Mr. Jones:

Resolved, by the Assembly, that the Chief Clerk of the Assembly be and he is hereby authorized and directed to order and cause to be printed at the State Printing Office at as early a date as possible and prior to the convening of the forty-eighth session, such legislative bills and constitutional amendments as members and members-elect of the Assembly in writing certify to him they intend to introduce in the Assembly at the forty-eighth session of the Legislature of California, and the Superintendent of State Printing is hereby ordered to print the same, the cost thereof to be paid out of the appropriation for legislative printing.

Mr. Jones moved the adoption of the resolution.

The question being on the adoption of the resolution,

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bishop, Brock, Burns, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Eastey, Eddy, Feigenbaum, Fisher, Flynn, Fry, Gant, Hawes, Hedges, Heisinger, Jewett, Jones, Keaton, Lenehan, Levmel, Little, Lyons, McPherson, Melville, Miller, Eleanor; Miller, James A., Mixer, Morrison, Murphy, Nielsen, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—63.

NOES—None.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, August 16, 1928.

To the Members of the Senate and Assembly:

Though naturally reluctant to call you from your homes into a special session, I feel that under existing circumstances both you and the citizens of the state whom you represent could justly call me culpably negligent if I should fail to do so. The government of California is facing a most serious fiscal problem which involves its financial stability; and, after months of study by the Tax Commission, it is manifest that there is no way of solving this problem except by the adoption of a necessary constitutional amendment at next November's election.

The trouble has arisen through the discovery that our method of bank taxation adopted in 1910 has virtually become a dead letter on account of its conflict with federal law—a conflict made clear by recent

decisions of the United States Supreme Court. Though this specifically applies to national banks, it practically applies to state banks as well, since it is easily seen that a taxed state banking system can not exist in competition with tax-free national banks, and that if national banks should escape taxation our state banks would speedily nationalize. The annual tax involved amounts to nearly \$5,000,000, and the years involved run from 1926 to such time as a valid system of bank taxation is established.

At the outset it should be made clear that California state expenditures are being held down to the absolute minimum, just as they were two years ago, and that the work of the Tax Commission therefore consists largely in equalizing the burden of taxation rather than in finding new sources of revenue. At the same time, existing revenues are barely sufficient to meet these minimum expenditures; and, if we should lose any considerable portion of the \$22,000,000 the Tax Commission finds involved in this bank-tax problem, we would have to make it up from some other source now presumably already bearing its full share of the tax burden. This is a thing which we must avoid at all hazards, and I am satisfied we can avoid it by sufficiently prompt and decisive action.

To make this subject as clear as possible I shall try to set forth: I, Why our system of bank taxation must be changed; II, How it may be changed; and III, Why it is imperative that it be changed now, rather than at the regular session next January.

I. WHY MUST THE SYSTEM BE CHANGED?

The law underlying national bank taxation may be found in section 5219 of the Federal Statutes, reading in part as follows:

“Sec. 5219. The legislature of each state may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several states may (1) tax said shares, or (2) include dividends derived therefrom in the taxable income of an owner or holder thereof, or (3) tax such associations on their net income, or (4) according to or measured by their net income, provided the following conditions are complied with:

“In the case of a tax on shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such state coming into competition with the business of national banks.

“In the case of a tax on or according to or measured by the net income of an association. the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing state upon mercantile, manufacturing and business corporations doing business within its limits.

Thus it will be noted that there are two distinct ways by which a national bank may be taxed—a tax based upon the value of its shares and a tax based upon its net income. California in 1910 adopted the first method, then and for years afterward the only method permitted by the federal law as it then stood. In 1925 the legislature passed its 7 per cent intangibles law, and the Federal Supreme Court, in the so-called Wisconsin and Minnesota cases, through decisions handed down in March, 1927, made it clear that such a law imposed upon the banks a greater tax “than is assessed upon other moneyed capital”; whereupon many of the banks paid their taxes under protest.

The Legislature in 1927 tried to correct this situation by fixing upon intangibles the same rate as had been fixed for banks; but it failed, in the opinion of a majority of the State Supreme Court, to provide for an equitable distribution of the proceeds of the tax on intangibles. Moreover, the fact was overlooked that by constitutional amendment California had exempted from taxation mortgages, which again might be construed to give to “other moneyed capital” a tax advantage over banks, and thus invalidate any bank tax based on shares. Inasmuch as it is obviously not advisable to repeal the tax exemption of mortgages, our constitutional amendment and laws for bank taxation have become dead letters and will continue to be dead letters unless the situation is met by new enactments. This would leave the national banks of the state without any state taxation whatever; while, as shown above, what is true for national banks must also practically be true for state banks.

II. HOW MAY THE SYSTEM BE CHANGED?

Our bank taxation based on shares having thus become invalid, we are thrown back upon the alternative method based on net income, and included as number (4) in the federal law by an amendment passed in 1926. This method, though only two years old, has already been adopted by other states, notably New York and Massachusetts. The California Tax Commission, after a most thorough study, has determined that no other method of bank taxation is practicable in this state.

By referring to the federal law as quoted above, it will be noted that in taxing banks on their net income the rate must not be higher than the rate upon the net income of other financial or business corporations—such corporations as are now paying the indefinite and unsatisfactory “state franchise tax”; though these corporations shall be permitted to deduct, as an offset to the state tax, the local taxes paid on personal property. It is important, therefore, to compute the rate on net income producing an equivalent of the amount paid by banks under the old law, as well as the rate on net income equivalent to the

amount paid by other corporations in franchise and personal property taxes.

A full and careful analysis shows that banks have been paying taxes equivalent on the average to 11.6 per cent of their net income, while other corporations of all classes have been paying taxes equivalent on the average to 4.4 per cent of their net income. However, these other corporations differ widely as to classes; for, while oil corporations, for instance, average 6.7 per cent, investment and finance corporations are paying on the average less than one per cent. Moreover, in the same class corporations differ widely in the weight of their taxes.

This shows a very great need for equalizing corporation taxes, and shows, also, that many corporations have been escaping without bearing their fair share of the tax burden. It is difficult to see, for instance, why banks should be taxed on the average 11.6 per cent—many of them over 25 per cent—of their net income, while certain other financial corporations are escaping with a tax of less than one-tenth of one per cent of their net income.

Inasmuch as the federal law provides that banks shall be taxed on their net incomes at no higher rate than that assessed against other corporations, what shall be the uniform rate fixed upon for both banks and these other corporations? Shall it be, for instance, 11.6 per cent, the average rate now paid by the banks? The answer is "No," partly because it will be too heavy a tax for many of these other corporations, and more especially because it will bring in more money than the state needs or has a right to expect. The purpose is to insure that the new bank tax together with the new corporation tax shall equal, but not exceed, the old bank tax plus the old corporation franchise tax.

The Tax Commission and its staff have figured that our present revenue will be maintained by a 4 per cent tax on the net income of both banks and other corporations, it being remembered that for these other corporations personal property taxes are in large measure to be deducted. If Congress hereafter should change the federal law so as to provide a different or modified method for taxing banks, or different rates as between banks and other corporations, the proposed constitutional amendment has been made sufficiently elastic to permit the Legislature to act accordingly.

Let it be remembered that this 4 per cent rate is upon a net income rather than a gross income, and that it is a lower rate than that adopted by any other state, lower, for example, than the rate in Massachusetts or New York. Let it be noted that upon a corporation capital with a 6 per cent net income, a 4 per cent tax on that income is less than a one-fourth of one per cent tax on the capital—certainly a very small sum to pay for the privilege of doing a corporation business in

this state. As a very prominent Los Angeles business man has just written to me: "Any corporation which is now paying only a nominal tax should be willing to pay as much tax as kindred corporations are paying, since the fact that they have escaped so far is no valid reason why they should continue to escape."

III. WHY SHOULD THE SYSTEM BE CHANGED NOW?

Why can not this proposed amendment wait until next year's session of the Legislature when the entire tax question is being considered? I have been asked this question in good faith, and it is deserving of an answer. The main reason is that such delay would cost the state a very vast sum of money, probably all of which will be saved by action at the present time.

A constitutional amendment submitted now can be voted upon in November and at once go into effect, thus giving us immediately a valid system of bank taxation. A constitutional amendment submitted at the next regular session would not be voted upon for two years, thus leaving us without bank taxes for that length of time. Although many of the banks have protested or brought suit for the return of taxes paid in 1926, 1927, and 1928, their real interest is doubtless not in escaping from any just burden of taxes, but rather in securing a valid and stabilized method of bank taxation. Should such a method be at once adopted, there is little probability that the banks will proceed with their suits for a return of taxes already paid.

On the other hand, bankers have informed me that, if no new method of bank taxation is now adopted, they must refuse to pay any more taxes under the present invalid law, and that to be consistent they must follow up their suits for the return of taxes already collected under that same invalid law. Thus by delaying we will not only lose all possibility of bank taxes for the next two years, but will involve the state in troublesome and expensive litigation to retain the bank taxes of the past two or three years. The Tax Commission estimates the amount in jeopardy to be more than \$22,000,000, but feels that probably this entire amount can be saved by the submission and adoption of the necessary constitutional amendment at the approaching November election.

Incidentally, having abandoned the attempt to tax banks on the basis of shares, the way is now cleared for the adoption of a law for the taxation of intangibles, as called for by the voters at the general election of 1924. Accordingly a provision for the taxation of intangibles can be incorporated in this same constitutional amendment, and may be found in the tentative amendment at the end of the Tax Commission Report which has been placed in your hands. I would most strongly urge a study of this Report, since it will enable you to deter-

mine whether our bank-tax revenues can be preserved by any other action than the one proposed.

IV. CONCLUSION

I feel that enough has been said to show the necessity of a special legislative session at this time. The Tax Commission has spent months in trying to find some other remedy, but to no avail. The session has been postponed until after the primary election in order to remove it from the field of politics. It is not a political issue. It is not an administration issue. It is simply a financial crisis which has arisen without the fault of anyone, but which will be the fault of all of us if we do not take immediate and effective steps to settle it. I believe that none of us will seek to evade our manifest responsibility.

Very respectfully submitted.

C. C. YOUNG,
Governor.

COMMUNICATION.

The following communication was filed by the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, September 4, 1928.

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

Los Angeles Times.....	Cleaves A. Jones
San Francisco Chronicle.....	Earl C. Behrens
San Francisco Examiner.....	William H. Jordan, Herbert L. Phillips
Long Beach Press Telegram.....	Rosalind Bates
The Vanguard, Los Angeles.....	Gil A. Cowan
Sacramento Bee.....	Pat H. Doyle, Walter Jones
Oakland Tribune.....	Anthony F. Moitoret

ARTHUR A. OHNIMUS, Chief Clerk.

RECESS.

At twelve o'clock and thirty-one minutes p.m., on motion of Mr. Carter, the Assembly was declared at recess until one o'clock and thirty minutes p.m. of this day.

REASSEMBLED.

At one o'clock and thirty minutes p.m., the Assembly reconvened. Speaker Levey in the chair.

First Assistant Clerk Lynch reading.

MOTION TO SUSPEND RULE.

Mr. Coombs moved that Rule 71 be suspended for the remainder of the day.

Motion carried.

INTRODUCTION AND REFERENCE OF BILLS.

The following constitutional amendment was introduced:

By Mr. West:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article thirteen thereof a new section, to be numbered sixteen, relative to taxation.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, in extraordinary session commencing on the fourth day of September, 1928, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article XIII thereof a new section, to be numbered 16, and to read as follows:

Sec. 16. Notwithstanding any other provision of this constitution:

1. (a) Banks, including national banking associations, located within the limits of this State, shall annually pay to the State a tax according to or measured by their net income, which shall be in lieu of all other taxes and licenses, State, county and municipal, upon such banks, or the shares thereof, except taxes upon their real property. The amount of the tax shall be equivalent to four per cent of their net income.

(b) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, in lieu of such tax, may provide by law for any other form of taxation now or hereafter permitted by the Congress of the United States respecting national banking associations; *provided*, that such form of taxation shall apply to all banks located within the limits of this State.

(c) If it be finally determined that any tax levied upon or respecting any bank, national banking association, or the shares thereof, is invalid, said bank or association, or the shares thereof, shall be reassessed in conformity with any method provided by law. No claim against the State for refund or rebate of taxes paid shall be allowed without first deducting therefrom the amount of any such unpaid reassessment.

2. (a) All financial, mercantile, manufacturing and business corporations doing business within the limits of this State, subject to be taxed pursuant to subdivision (d) of section 14 of this article, in lieu of the tax thereby provided for, shall annually pay to the State for the privilege of exercising their corporate franchises within this State a tax according to or measured by their net income. The amount of such State tax shall be equivalent to four per cent of their net income. Such tax shall be subject to offset, in a manner to be prescribed by law, in the amount of personal property taxes paid by such corporations to the State or political subdivisions thereof, but the offset shall not exceed ninety per cent of such State tax. In any event, each such corporation shall pay an annual minimum tax to the State, not subject to offset, of twenty-five dollars.

(b) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may provide by law for the taxation by any other method authorized in this constitution of the corporations, or the franchises, subject to be taxed pursuant to subdivision (a) of paragraph 2 of this section or subdivision (d) of section 14 of this article.

3. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change by law the rates of tax, or the percentage, amount or nature of offset provided for in paragraphs 1 and 2 hereof.

4. Notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, of the classes now taxable to the owner thereof and not otherwise taxed under subdivisions (a) or (b) of section 14 or under section 15 of this article, shall be declared in a manner to be prescribed by law and shall be taxed upon their actual value at the rate of three-tenths of one per cent. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates upon any one or more of the classes of property herein enumerated, provided that no rate shall exceed four-tenths of one per cent. Said tax shall be in lieu of all other property taxes thereon, and the proceeds of said tax shall not go to the State but to such political subdivisions thereof, and in such manner, as may be provided by law.

5. The Legislature shall define "corporations" and "doing business"; shall define "net income," and may define it to be the entire net income received from all sources; shall provide for the allocation of income, for the assessment, levy and collection of the aforesaid taxes, and for reassessment in the event of the invalidity of any tax under 2 (a) or 2 (b) hereof. Said taxes shall become a lien on the first Monday in March of 1929 and of each year thereafter. The Legislature shall pass laws necessary to carry out this section. The acts of the forty-eighth session

of the Legislature passed pursuant to this section shall be effective immediately upon their passage.

Mr. West moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Constitutional Amendment No. 1.

Motion seconded by Mr. Carter.

Motion carried.

Members of the Senate sitting jointly with the Assembly for the purpose of considering Assembly Constitutional Amendment No. 1.

IN COMMITTEE OF THE WHOLE.

Lieutenant Governor Buron Fitts, President of the Senate, in the chair.

The President directed the Secretary of the Senate to call the roll.

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

Senators Allen, J. M., Baker, Boggs, Breed, Canepa, Chamberlin, Christian, Crowley, Evans, Garrison, Gray, Handy, Hollister, Hurley, Imman, Johnson, Jones, H. C., Jones, Ray, Kline, Lyon, Maloney, McKinley, Mueller, Murphy, Nelson, Pedrotti, Rush, Sharkey, Slater, Swing, Taylor, Tubbs, Wagy, Weller, West, and Young—36.

The President of the Senate declared a quorum present.

Speaker Levey in the chair.

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

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

Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Brock, Byrne, Carter, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Fry, Gant, Hawes, Hedges, Hornblower, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor, Miller, James A., Morrison, Murphy, Nielsen, Noyes, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—66.

The Speaker thereupon declared a quorum present.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT NUMBER ONE.

Mr. Jones moved that the committee do now rise and report Assembly Constitutional Amendment No. 1 back without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Levey in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 4, 1928.

GENTLEMEN: The Committee of the Whole had under consideration Assembly Constitutional Amendment No. 1, and does now report the same back without recommendation.

LEVEXY, Chairman

MOTION TO RE-REFER.

Mr. Jones moved that Assembly Constitutional Amendment No. 1 be re-referred to Committee on Revenue and Taxation.

Motion carried.

Assembly Constitutional Amendment No. 1 ordered re-referred to Committee on Revenue and Taxation.

INTRODUCTION AND REFERENCE OF BILLS—(RESUMED).

The following bill was introduced, and referred as indicated:

By Mr. Rochester: Assembly Constitutional Amendment No. 2—Proposed amendment to article XIII of the constitution by adding a new section thereto, to be numbered 16, relating to taxation.

Read and referred to Committee on Revision and Taxation.

ADJOURNMENT.

At five o'clock p.m., on motion of Mr. Williamson, the Speaker declared the Assembly adjourned this day until 9 o'clock a.m. Wednesday, September 5, 1928, out of respect to the memory of the late Hon. Leland Richard Jacobson.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

SACRAMENTO, Wednesday, September 5, 1928.

At nine o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Edgar C. Levey, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Arthur A. Ohnimus, and the following members answered to their names:

Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Heisinger, Hornblower, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor, Miller, James A., Mixter, Morrison, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer was offered by Rev. A. Watson Brown, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Fry, its further reading was dispensed with.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Melville:

Resolved, That the Controller be and he is hereby ordered and directed to draw his warrant upon the Contingent Fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, in the sum of fifty dollars (\$50), for the payment of postage, supplies and incidental expenses connected with this extraordinary session, and the State Treasurer is hereby directed and ordered to pay the same.

Mr. Melville moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Brock, Carter, Cloudman, Cloudsley, Crittenden, Davis, Deuel, Duval, Easley, Eddy, Feigenbaum, Fisher, Foster, Fry, Gant, Heisinger, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Melville, Miller, James A., Nielsen, Noyes, Oliva, Parkman, Reindollar, Roberts, Rochester, Roland, Sewell, Smith, Snyder, Wemple, West, Wherrell, Williamson, Woodbridge, and Mr. Speaker—48.

NOES—None.

By Mr. Lenehan:

Resolved, That the action of Arthur A. Ohnimus, Chief Clerk, in employing necessary assistance after the organization of the Assembly, to perform their respec-

tive duties, is hereby approved and ratified and the Controller is hereby authorized and directed to draw his warrants upon the fund for the payment of officers and employees in favor of the following named persons, and the Treasurer is authorized to pay the same:

Madge Cross, Chief Stenographer, 2 days at \$6-----	\$12 00
C. E. Whiteside, Assistant Sergeant-at-Arms, 2 days at \$5-----	10 00
Leland R. Anderson, Page, 2 days at \$2.50-----	5 00
Edward Melville, Assistant Sergeant-at-Arms, 2 days at \$5-----	10 00
C. Wm. Booth, Assistant Clerk, 2 days at \$7-----	14 00
A. Watson Brown, Chaplain, 2 days at \$4-----	8 00

Mr. Lenehan moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Brock, Cloudman, Cloudsley, Crittenden, Davis, Deuel, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Fry, Gant, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Melville, Miller, Eleanor; Miller, James A., Nielsen, Noyes, Oliva, Parkman, Reindollar, Roberts, Rochester, Roland, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Woodbridge, Woolwine, and Mr. Speaker—51.

NOES—None.

By Mr. Roland:

WHEREAS, It is necessary to employ certain statutory legislative employees of the Superintendent of the Capitol Building and Grounds during the special session of the Legislature to properly accommodate said body, and also to do certain necessary clean-up work of the legislative chambers and committee rooms after adjournment; and

WHEREAS, There is no statutory provision for the salaries of said legislative employees for an extraordinary session; now, therefore, be it

Resolved, That the State Controller be and he is hereby directed and authorized to draw his warrant upon the Contingent Fund of the Assembly in favor of Frank N. Killam, and the State Treasurer is hereby directed to pay the same, for the sum of forty-eight dollars and twenty-five cents (\$48.25), said amount being in payment of said services.

Mr. Roland moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Brock, Carter, Cloudsley, Crittenden, Davis, Deuel, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Heisinger Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, Melville, Miller, Eleanor; Miller, James A., Mixer, Morrison, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Wilhams, Williamson, Woodbridge, and Mr. Speaker—58.

NOES—None.

By Mrs. Woodbridge:

WHEREAS, L street has become an important traffic artery and a veritable automobile speedway; and

WHEREAS, Many members of the Legislature find it necessary to cross L street at the intersection of Eleventh street; and

WHEREAS, It is positively dangerous to life and limb to attempt to cross L street at Eleventh street; now, therefore, be it

Resolved by the Assembly, That we request the city council of the city of Sacramento that they designate said Eleventh street at L street as an arterial stop and mark said intersection with the usual sign posts, and that the Chief Clerk of the Assembly transmit a copy of this resolution to the said city council of the city of Sacramento.

Resolution read, and on motion adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 16, relative to taxation—has had the same under consideration, and respectfully reports the same back and recommends that it be adopted.

WEST, Chairman.

MINORITY REPORT.

MR. SPEAKER: The undersigned members of the Committee on Revenue and Taxation, to which was referred Constitutional Amendment No. 1, hereby respectfully file a minority report as follows: That Assembly Constitutional Amendment No. 2—Proposed amendment to article XIII of the constitution by adding a new section thereto to be numbered 16, relating to taxation.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, in extraordinary session commencing on the fourth day of September, 1928, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article XIII thereof a new section, to be numbered 16, and to read as follows:

Sec 16 Notwithstanding any other provision of this constitution

The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may pass and/or amend an act or acts affecting a change or changes in the method and manner of taxing banks, or the shares thereof, to any method or manner now or hereafter permitted by the Congress of the United States; *provided*, that the change or changes apply to all banks located within the State.

If it be finally determined that any tax levied upon any bank, including national banking associations, or the shares thereof, is invalid, said bank or association, or the shares thereof, shall be reassessed in conformity with any method authorized by the Congress of the United States for taxation of national banks. No claim against the State for refund or rebate of taxes paid shall be allowed without first deducting therefrom the amount of any such unpaid reassessment.

The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may pass and/or amend an act or acts affecting such change in the method and manner of taxing corporations doing business within this State of the class covered by subdivision (d) of section fourteen (14) of article thirteen (13) for the privilege of exercising their corporate franchises within the State as may be required by any change or changes in the method or plan of taxing banks.

Any act or acts passed by the Legislature, pursuant to the authority vested in it by section 12½ of this article, at its first regular session following the adoption of this amendment, shall take effect immediately thereafter; *provided, however*, that any tax levied at any time by the Legislature under said section 12½ of this article shall not exceed an amount equivalent to a rate of three-tenths of one per cent (1%) of the full cash value of the property taxed—be substituted for Assembly Constitutional Amendment No. 1

HARRY LYONS.
HENRY E. CARTER.

REQUEST FOR ROLL CALL.

On request of Messrs. Rochester, Little, Davis, Carter and Lyons, the Speaker ordered a roll call taken on the motion to substitute the minority report for the majority report of the Committee on Revenue and Taxation.

The roll was called, and the motion to substitute lost by the following vote:

AYES—Carter, Crawford, Davis, Heisinger, Keaton, Little, Lyons, Rochester, Scofield, and Williams—10

NOES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Byrne, Cloudman, Cloudsley, Coombs, Crittenden, Deuel,

Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Jespersen, Jewett, Jones, Jost, Kelsey, Lenahan, Leymel, McPherson, Melville, Miller, Eleanor; Miller, James A., Mixter, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Roberts, Roland, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williamson, Witter, Woodbridge, and Mr. Speaker—57.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT NUMBER ONE.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 16, relative to taxation.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 1 adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Heisinger, Hornblower, Jespersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenahan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor; Miller, James A., Mixter, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—72.

NOES—None.

Title read and approved.

Constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 16, relative to taxation.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, in extraordinary session commencing on the fourth day of September, 1928, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article XIII thereof a new section, to be numbered 16, and to read as follows:

Sec. 16 Notwithstanding any other provision of this constitution:

1. (a) Banks, including national banking associations, located within the limits of this State, shall annually pay to the State a tax according to or measured by their net income, which shall be in lieu of all other taxes and licenses, State, county and municipal, upon such banks, or the shares thereof, except taxes upon their real property. The amount of the tax shall be equivalent to four per cent of their net income.

(b) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, in lieu of such tax, may provide by law for any other form of taxation now or hereafter permitted by the Congress of the United States respecting national banking associations; *provided*, that such form of taxation shall apply to all banks located within the limits of this State.

(c) If it be finally determined that any tax levied upon or respecting any bank, national banking association, or the shares thereof, is invalid, said bank or association, or the shares thereof, shall be reassessed in conformity with any method provided by law. No claim against the state for refund or rebate of taxes paid shall be allowed without first deducting therefrom the amount of any such unpaid reassessment.

2. (a) All financial, mercantile, manufacturing and business corporations doing business within the limits of this State, subject to be taxed pursuant to subdivision (d) of section 14 of this article, in lieu of the tax thereby provided for, shall annually pay to the State for the privilege of exercising their corporate franchises within this State a tax according to or measured by their net income. The amount of such State tax shall be equivalent to four per cent of their net income. Such tax shall be subject to offset, in a manner to be prescribed by law, in the amount of personal property taxes paid by such corporations to the State or political subdivisions thereof, but the offset shall not exceed ninety per cent of such State tax. In any event, each such corporation shall pay an annual minimum tax to the State, not subject to offset, of twenty-five dollars.

(b) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change by law for the taxation by any other method authorized in this constitution of the corporations, or the franchises, subject to be taxed pursuant to subdivision (a) of paragraph 2 of this section or subdivision (d) of section 14 of this article.

3 The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change by law the rates of tax, or the percentage, amount or nature of offset provided for in paragraphs 1 and 2 hereof.

4 Notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, of the classes now taxable to the owner thereof and not otherwise taxed under subdivisions (a) or (b) of section 14 or under section 15 of this article, shall be declared in a manner to be prescribed by law and shall be taxed upon their actual value at the rate of three-tenths of one per cent. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates upon any one or more of the classes of property herein enumerated, provided that no rate shall exceed four-tenths of one per cent. Said tax shall be in lieu of all other property taxes thereon, and the proceeds of said tax shall not go to the state but to such political subdivisions thereof, and in such manner, as may be provided by law.

5. The Legislature shall define "corporations" and "doing business"; shall define "net income," and may define it to be the entire net income received from all sources; shall provide for the allocation of income, for the assessment, levy and collection of the aforesaid taxes, and for reassessment in the event of the invalidity of any tax under 2 (a) or 2 (b) hereof. Said taxes shall become a lien on the first Monday in March of 1929 and of each year thereafter. The Legislature shall pass laws necessary to carry out this section. The acts of the forty-eighth session of the Legislature passed pursuant to this section shall be effective immediately upon their passage.

EXPLANATIONS OF VOTES.

By Mr. Heisinger:

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: We are here today struggling with one of the most serious problems confronting civilized man.

Taxation has been, and is being shifted in such a manner that those least able to pay are forced to carry the heaviest burden.

This measure is an endeavor to equalize certain forms of taxation and while the constitution provides for equal taxes as between state and local taxation it is apparent that the general taxpayer comprised of the farmer, the home owner, the merchant and others often have rates on assessed valuation as high as is contained, in this measure, on net income.

It also appears that under this measure certain mutual or cooperative associations or corporations may be forced to pay taxes out of proportion to similar private corporations.

Writing rates into the constitution of the State may prove to be a serious obstacle in case changes should be desired.

However, as this measure is the beginning of a general plan to lay taxes upon the people upon an income basis, or of ability to pay, I will vote for it and assist in its approval by the people.

S. L. HEISINGER.

By Messrs. Keaton, Woolwine, Carter, Williams, Rochester, Davis, Little, Crawford, Lyons and Scofield:

In explanation of our votes in favor of Assembly Constitutional Amendment No. 1, the undersigned members desire to state that our sole and only reason for such action is that we recognize an emergency exists whereby the State might lose many millions of dollars in taxes if not acted upon at this time, and while Amendment No. 1 does not meet with our views of a system of taxation which makes for equity and uniformity, we supported this measure only after the action of the Assembly left us no other alternative.

MORGAN KEATON.
CLARE WOOLWINE.
HENRY E. CARTER.
DAN E. WILLIAMS.
GEORGE W. ROCHESTER.
HOWARD DAVIS.
WALTER J. LITTLE.
JAMES C. CRAWFORD.
HARRY LYONS.
JEROME V. SCOFIELD.

INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

The following bill was introduced :

By Mr. West : Assembly Bill No. 1—An act submitting to the people, at the general election in November, 1928, a proposed amendment to the constitution of the State of California, relating to taxation.

Bill read first time.

REQUEST FOR UNANIMOUS CONSENT.

Mr. West asked for and was granted unanimous consent to take up Assembly Bill No. 1, at this time, without reference to printer or committee.

RESOLUTION.

The following resolution was offered :

By Mr. Jones :

Resolved, That section 15 of article IV of the constitution, and the provision of that section requiring that Assembly Bill No. 1 shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon the file for passage.

Mr. Jones moved the adoption of the resolution.

The question being on the adoption of the resolution.

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

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigenbaum, Fisher, Flynn, Foster, Fry, Gant, Hawes, Hedges, Heisinger, Hornblower, Jaspersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor, Miller, James A., Mixer, Murphy, Noves, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Seefeld, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—71

NOES—None.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 1—An act submitting to the people, at the general election in November, 1928, a proposed amendment to the constitution of the State of California, relating to taxation.

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 1—An act submitting to the people, at the general election in November, 1928, a proposed amendment to the constitution of the State of California, relating to taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote :

AYES—Adams, Anderson, D. P., Anderson, Roscoe J., Badham, Ball, Baum, Bernard, Bishop, Brock, Byrne, Carter, Cloudman, Cloudsley, Coombs, Crawford, Crittenden, Davis, Deuel, Dillinger, Duval, Easley, Eddy, Feigeubaum, Fisher, Flynn, Fry, Gant, Hawes, Heisinger, Hornblower, Jaspersen, Jewett, Jones, Jost, Keaton, Kelsey, Lenehan, Leymel, Little, Lyons, McPherson, Melville, Miller, Eleanor ;

Miller, James A., Mixer, Morrison, Murphy, Nielsen, Noyes, Oliva, Parkman, Patterson, Reindollar, Roberts, Rochester, Roland, Scofield, Scudder, Sewell, Smith, Snyder, Spalding, Wemple, West, Wherrell, Williams, Williamson, Witter, Woodbridge, Woolwine, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION AND REFERENCE OF BILL.

The following concurrent resolution was introduced:

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to adjournment sine die.

Resolved by the Assembly and the Senate concurring. That the forty-seventh (extra) session of the Legislature adjourn sine die at twelve o'clock noon, Wednesday, September five, A. D. 1928.

Resolution read, and on motion adopted.

Title read and approved.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Senate.

THE SPEAKER PRO TEMPORE IN THE CHAIR.

At eleven o'clock and forty minutes a.m., Hon. William M. Byrne, Speaker pro tempore of the Assembly, in the chair.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 10, relative to taxation.

J. A. BEEK, Secretary of Senate.

By PAUL MASON, Assistant Secretary.

Assembly Constitutional Amendment No. 1 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1—An act submitting to the people, at the general election in November, 1928, a proposed amendment to the constitution of the State of California, relating to taxation

J. A. BEEK, Secretary of Senate.

By PAUL MASON, Assistant Secretary.

Assembly Bill No. 1 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Concurrent Resolution No. 1—Relative to adjournment sine die

J. A. BEEK, Secretary of Senate.

By PAUL MASON, Assistant Secretary.

Assembly Concurrent Resolution No. 1 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred Assembly Constitutional Amendment No. 2—Proposed amendment to article XIII of the constitution, relative to adding a new section to be numbered 16 relating to taxation—has had the same under consideration, and respectfully reports the same back without recommendation.

WEST, Chairman.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, September 5, 1928.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California adding to article XIII thereof a new section, to be numbered 16, relative to taxation—and reports that the same has been correctly enrolled, and presented to the Governor on the fifth day of September, 1928, at 11 o'clock and 55 minutes a.m.

WOODBIDGE, Chairman.

Also :

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 1—An act submitting to the people, at the general election in November, 1928, a proposed amendment to the constitution of the State of California, relating to taxation—and reports that the same has been correctly enrolled and presented to the Governor on the fifth day of September, 1928, at 11 o'clock and 55 minutes a.m.

WOODBIDGE, Chairman.

Also :

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Concurrent Resolution No. 1—Relative to adjournment sine die—and reports that the same has been correctly enrolled, and presented to the Governor on the fifth day of September, 1928, at 11 o'clock and 55 minutes a.m.

WOODBIDGE, Chairman.

RESOLUTIONS.

The following resolutions were offered :

By Mr. Anderson, Roscoe J. :

Resolved, That a committee of five be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is now ready to adjourn, and ask if the Senate has any further communication to make to the Assembly.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker pro tempore appointed Mr. Lyons, Miss Miller, Eleanor ; Messrs. Anderson, Roscoe J., Crittenden and Adams as such Select Committee.

By Mr. Wherrell :

Resolved, That a committee of five be appointed by the Speaker, to act with a like committee from the Senate, to wait upon His Excellency, Governor C. C. Young, and inform him that the two houses of the Legislature are now ready to adjourn and in readiness to receive any further communication which he may have to make.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker pro tempore appointed Messrs. Wherrell, Rochester, Eddy, Davis and Little as such Select Committee.

COMMITTEE FROM THE SENATE.

Senators Chamberlin, Rush and Taylor appeared before the bar of the Assembly, and informed the Assembly that the Senate was now ready to adjourn sine die, and asked if the Assembly had any further message to convey to the Senate.

SPEAKER PRO TEMPORE'S REPLY.

The Speaker pro tempore informed the committee that the Assembly had concluded its labors, and had appointed a committee to wait upon the Senate.

REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that they had waited upon the Governor, and His Excellency had informed them that he had no further communication to convey to the Assembly.

REPORT OF SELECT COMMITTEE.

The 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, and that it had been informed that the Senate had concluded its labors and was ready to adjourn sine die.

APPROVAL OF JOURNAL.

Mr. Anderson, Roscoe J., moved that the Journals of Tuesday, September 4, 1928, and Wednesday, September 5, 1928, be approved as corrected by the Minute Clerk.

ADJOURNMENT SINE DIE.

At twelve o'clock meridian on Wednesday, September 5, 1928, in accordance with the provisions of Assembly Concurrent Resolution No. 1, the Honorable William M. Byrne, Speaker pro tempore of the Assembly, announced that the time for final adjournment of the forty-seventh (extraordinary) session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned sine die.

EDGAR C. LEVEY,
Speaker of the Assembly.

WILLIAM M. BYRNE,
Speaker pro tempore of Assembly.

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

LOUIS F. ERB,
Minute Clerk of Assembly.

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