CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, January 29, 1940.

The Assembly met at ten o'clock a m. pursuant to the provisions of the proclamation of His Excellency, Culbert L Olson, Governor of the State of California, dated January 26, 1940.

Hon. Paul Peek, Speaker of the Assembly, fifty-third (regular) session, in the chair.

Announcement.

Jack Carl Greenburg, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, section 237, the following officers of the Assembly of the fifty-third (regular) session of the Legislature were present and in their respective positions: Jack Carl Greenburg, Chief Clerk; David V. Oliver, Minute Clerk, and David V. Gill, Sergeant-at-Arms.

Roll Call of Members.

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

The following members of the Assembly answered to their names: Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Garland, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wilhamson, Wollenberg, Yorty, and Mr. Speaker—78.

Quorum present

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly for the fifty-third (regular) session.

Proclamation of the Governor Ordered Printed in the Journal.

On motion of Mr. Lyon the proclamation of the Governor was ordered printed in the Journal.

Proclamation.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

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

I, Culbert L. Olson, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the twenty-ninth day of January, one thousand nine hundred and forty, at ten o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon an act providing an appropriation for the 91st and 92d fiscal years to the Relief Administrator and Relief Commission for the relief of hardship and destitution due to and caused by unemployment to be expended by the Relief Administrator and Relief Commission in accordance with the provisions of the California Unemployment Relief Act of 1935 for the relief of persons qualifying thereunder.

2. To consider and act upon legislation and constitutional amendments providing revenues and means for the collection thereof for the State government, including but not limited to personal income taxes, bank and corporation franchise taxes, corporation income taxes, gift taxes, inheritance taxes, alcoholic beverage taxes and fees, horse racing license fees, a severance tax on oil and gas production, and excise taxes.

3. To consider and act upon legislation transferring all duties, powers, purposes, responsibilities, property, unexpended money and jurisdiction of the State Board of Equalization regarding or pertaining to the administration and enforcement of laws relating to the licensing, regulation and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages to a new State agency to be created, and to adopt a constitutional amendment ratifying such transfer.

4. To consider and act upon a constitutional amendment authorizing any county, city and county, or city, by ordinance to limit or prohibit the sale of alcoholic beverages within its corporate limits.

5. To consider and act upon legislation and a constitutional amendment providing for the cancellation, release or other modification of agreements, liens and other claims to or against the property of recipients of aid to the aged under the Old Age Security Law, and for the removal of authority to secure such agreements, liens and other claims.

6. To consider and act upon legislation revising the age qualifications for aid granted under the Old Age Security Law.

7. To consider and act upon legislation to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income, defining the powers and duties of the California Housing Authority and providing for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations and giving security therefor; providing for a certification of the bonds by the Attorney General; conferring remedies on obligees of the California Housing Authority; exempting its properties and securities from taxation and assessment, and authorizing certain payments in lieu of such taxation and assessments.

8. To consider and act upon legislation to amend the Housing Cooperation Law relating to the California State Housing Authority and authorizing aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law.

9. To consider and act upon legislation to enlarge the powers of the Board of State Harbor Commissioners of San Francisco Harbor to permit it to supervise, regulate, and control the receiving, handling, custody, and delivery of merchandise on the wharves and piers of San Francisco Harbor and on the property within its jurisdiction, to license and require bonds of ships' agents, and to do all things necessary for the direct operation of San Francisco Harbor facilities by the State of California.

10. To consider and act upon legislation relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, making an appropriation to the commission, and specifying the purposes thereof, including expenditures for advertising and promotion and expenditures designed to induce national political parties to hold their conventions in California while the exposition is in progress in 1940

11. To consider and act upon legislation to amend the Alcoholic Beverage Control Act relating to the importation, exhibition, sale and disposition of alcoholic beverages, and the rights and duties of licensees under said act, at the Golden Gate International Exposition during the year 1940.

12. To consider and act upon an act relating to soil conservation through the control of run-off and the prevention and control of soil erosion, establishing a State soil

conservation commission, providing for the organization and operation of soil conservation districts and validating and confirming proceedings for the formation and organization of such districts

13. To consider and act upon an act to amend section 1300.17 of the Agricultural Code relating to funds collected for expenses of the Director of Agriculture and for advertising and sales promotion in connection with marketing orders for agricultural commodities.

14. To consider and act upon an act making an appropriation for the support of the State Department of Social Welfare and providing for a transfer of money from the social welfare fund

15. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under sections 6, 8, and 8½, or any of them, of Article XI of the Constitution including but not limited to those of the cities of Albany, Long Beach, Los Angeles, Huntington Beach, and Santa Monica.

16. To approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under section 7½ of Article XI of the Constitution.

17. To approve or reject amendments to the charter of the City and County of San Francisco ratified by the electors of that city and county at an election held on November 7, 1939.

18. To consider and act upon an act to provide for and fix the compensation of the State Fire Marshal

19. To consider and act upon an act for the furnishing by the State Fire Marshal of fire protection and prevention service at the hospitals, institutions, and schools in the State Department of Institutions, and making an appropriation therefor.

20 To consider and act upon an act validating orders and proceedings of the Industrial Welfare Commission.

21. To consider and act upon an act to appropriate all money deposited in the State Park Maintenance and Acquisition Fund to the State Park Commission for the operation, maintenance, and extension of the State park system

22 To consider and act upon legislation to regulate the taking, possession, and utilization of yellow-tail, barracuda, and white sea bass.

23. To consider and act upon legislation amending the Gift Tax Act of 1939 providing for the taxation of transfers of property and the administration of said act.

24. To consider and act upon legislation relating to the duties of assessors in connection with the examination of property statements and office records, and the assessment value of property.

25. To consider and act upon legislation relating to the powers of the Regents of the University of California with respect to the making of loans to their employees, the members of their faculty, and their students.

26. To consider and act upon an act relating to deficiency judgments upon mortgages and deeds of trust conferring powers of sale.

27. To consider and act upon an act to amend Chapter 876 of the Statutes of 1939 to redefine itinerant merchants and to limit the operation of the act to itinerant merchants handling farm products

28. To consider and act upon legislation to amend Chapter 769 of the Statutes of 1933 relating to horse racing, including amendments relating to the California Horse Racing Board, administration of the act, license fees, licensee's commissions, and the allocation of revenues derived by the State under the act.

29. To consider and act upon an act relating to the powers and duties of the Colorado River Board and the Colorado River Commissioner.

30. To consider and act upon an act to authorize agreements between cities of the sixth class and the United States, this State, or agencies of either, in connection with the water systems of such cities and the sale and distribution of water therefrom.

31 To consider and act upon an act validating the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

32. To consider and act upon an act to make an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 to provide salary adjustments or increases for State officers and employees during the 91st and 92d fiscal years.

33. To consider and act upon legislation to amend the Uniform Trust Receipts Law, relating to trust receipt transactions covering motor vehicles

34. To consider and act upon legislation to permit mutual life and disability insurers doing business on the stipulated premium plan with provision for assessment to issue certificates of advancement to obtain advances of funds.

35. To consider and act upon legislation for the classification, administration, and control of tax deeded property, the creation of a Land Classification Commission, the redemption of property, and to make an appropriation therefor.

36 To consider and act upon legislation to amend "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved

May 18, 1917, to restrict the rates of interest and other charges on loans made by industrial loan companies incorporated thereunder.

37. To consider and act upon legislation authorizing any city of the first and one-half class to create a commission or department with authority, when so created, to acquire or construct and maintain buildings and adjuncts for the purpose of holding and conducting trade fairs, exhibitions, conventions, public assemblies, and for other cultural and recreational purposes, including the leasing thereof to any non-profit corporation for any such purposes, and with authority to provide funds for such acquisition, construction or maintenance through the issuance of bonds of such commission or department payable out of the revenues derived from the operation or leasing of such buildings and adjuncts; and to make an appropriation of moneys of the State in furtherance of the purposes of the act.

38. To consider and act upon legislation making an appropriation for the use of aviation units of the California National Guard.

39. To consider and act upon legislation to cancel vehicle license and registration fee penalties imposed in respect to the operation of vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements.

40. To consider and act upon legislation to exempt public agencies operating vehicles under lease, lease-sale, or rental-purchase agreements from the payment of vehicle license and registration fees.

41. To consider and act upon legislation to amend sections 66 and 67 of the Vehicle Code so as to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement.

42. To consider and act upon legislation to limit to 25 miles per hour the prima facie speed limit when passing a United States Veterans Administration Facility, or the grounds thereof.

43. To consider and act upon legislation relating to motor vehicle engines or motors.

44. To consider and act upon legislation relating to the renewal of registration of vehicles.

45. To consider and act upon legislation relating to the records of the Department of Motor Vehicles, authorizing the charging of fees for supplying information therefrom or permitting inspection thereof, and authorizing the sale of copies of all or portions of its records of registration of vehicles.

46. To consider and act upon legislation to amend Chapter 362, Statutes of 1935, relating to the licensing and taxing of vehicles, to provide an additional appropriation for the use of the Department of Motor Vehicles and to prescribe procedure for the disposition of money collected under the provisions of said act.

47. To consider and act upon legislation to authorize members of the California Highway Patrol to take bail upon the service of warrants.

48. To consider and act upon legislation relating to permits to non-resident owners of motor vehicles.

49. To consider and act upon legislation relating to license plates for exempt vehicles.

50. To consider and act upon legislation providing for the creation of a joint legislative interim committee to investigate and report to the Legislature regarding motor vehicles and legislation relating thereto, and to make an appropriation for such committee.

51. To consider and act upon legislation to provide generally for temporary loans or transfers of money from such special funds or other accounts in the State treasury as are subject to the provisions of Article XXVI of the Constitution, and providing for the use or disposition of money loaned, and for the repayment thereof.

52. To consider and act upon an act to require the payment of warrants of the State of California in legal tender.

53. To consider and act upon legislation authorizing the Orange County Flood Control District to purchase and retire the outstanding bonds by using funds received from the Federal Government and by using the proceeds realized from the sale of the district's bonds.

54. To consider and act upon legislation relating to relief from direct lien special assessments, authorizing counties and cities to assist in providing such relief, and prescribing the procedure therefor.

55. To consider and act upon legislation to permit the taking of deer in fish and game district 1G during the year 1940.

56. To consider and act upon legislation relating to the exemption from the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935 of live stock and poultry the products of which ordinarily constitute food for human consumption.

57. To consider and act upon legislation to amend Division X of the Health and Safety Code, relating to narcotics.

58. To consider and act upon legislation providing for the submission to the people of amendments proposed to the Constitution by this extraordinary session of the Legislature.

59. To consider and act upon an act permitting corporations to furnish courses of instruction and issue certificates or diplomas evidencing completion thereof in, and in connection with the operation of, hospitals owned or operated by such corporations.

60. To consider and act upon legislation to enlarge the scope of Chapter 247 of the Statutes of 1913, relating to municipal works and utilities, including provisions to permit under said act the works and improvements and procedure authorized under the Improvement Act of 1911, Chapter 397 of the Statutes of 1911, to permit projects and improvements beyond the district's boundaries, to make the act applicable to counties, cities and counties, districts and other public corporations, and to change the provisions relating to the issuance of bonds, assessments, reassessments, and the collection of assessments.

61. To consider and act upon legislation to amend the State Lands Act of 1938, relating to the powers and duties of the State Lands Commission, including the scope of such powers and duties and the production and sale of oil and gas from State lands by the commission.

62. To consider and act upon legislation to make appropriations for legislative printing, binding, etc., and for printing constitutional amendments.

63. To consider and act upon legislation to authorize revenues received by the city of Long Beach from tidelands and submerged lands to be used for the acquisition, improvement and maintenance of public parks and public beaches.

64. To consider and act upon an act relative to the issuance by the Water Project Authority of the State of California of a portion of the revenue bonds authorized by the Central Valley Project Act of 1933, as amended, in an amount not exceeding fifty millions of dollars, to carry out such of the objects and purposes of said act as may be requested or approved by the Secretary of the Interior of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-sixth day of January, A. D. One Thousand Nine Hundred and Forty.

CULBERT L. OLSON,
Governor of California.

ATTEST:
CHARLES J. HAGERTY,
Deputy Secretary of State.

Resolution.

By Mr. Robertson:

House Resolution No. 1.

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

Honorable Paul Peek.....*Speaker*
Honorable Hugh P. Donnelly.....*Speaker Pro Tempore*
Jack Carl Greenburg.....*Chief Clerk*
C. W. Booth.....*Assistant Chief Clerk*
David V. Oliver.....*Minute Clerk*
Reverend Raymond Lull Bailey.....*Chaplain*

House Resolution No. 1 read, and refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, Yorty, and Mr. Speaker—33.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Garland, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—44.

Nomination and Election of Officers of the Assembly.

The Speaker announced that the next order of business was the nomination and election of officers for the fifty-third (extraordinary) session of the Assembly, and declared that nominations for the office of Speaker of the Assembly were now in order.

Nomination and Election of Speaker.

Hon. Alfred W. Robertson of Santa Barbara placed in nomination for Speaker of the Assembly Hon. Paul Peek of Long Beach.

Nomination of Hon. Paul Peek was seconded by Hon. Wilbur F. Gilbert of Los Angeles.

Hon. Seth Millington of Gridley placed in nomination for Speaker of the Assembly Hon Gordon H. Garland of Woodlake.

Nomination of Hon. Gordon H. Garland was seconded by Messrs. Gardiner Johnson of Alameda and Earl D Desmond of Sacramento.

On motion of Mr. Williamson, the nominations for Speaker were declared closed.

The roll was called and Hon. Gordon H. Garland elected Speaker of the Assembly by the following vote:

GARLAND—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—43.

PEEK—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Love, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, and Yorty—33.

Appointment of Committee of Escort.

The Speaker appointed Messrs. Earl D. Desmond, Gardiner Johnson and Seth Millington to escort Speaker-elect Hon. Gordon H. Garland to the chair.

Oath of Office Administered.

Upon arriving at the bar of the Assembly, Hon. Gordon H. Garland took and subscribed to the following oath administered by Hon. Chas J. Hagerty, Deputy Secretary of State.

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

Motion to Print Speech in Journal.

On motion of Mr. Field the speech by Speaker Garland following his taking the Speaker's oath of office, was ordered printed in the Journal.

Speech by Speaker Gordon H. Garland.

Members of the Assembly:

You have seen fit to place me in the Speaker's chair to preside over the Assembly during this extraordinary session—for which I am grateful to you.

I am mindful of the obligations the office imposes Be assured I shall be as fair and impartial as it is humanly possible to be. Petty partisan politics should have no place in our deliberations or actions Rather, our conscientious beliefs should alone control.

Our task is no easy one We are to consider important problems affecting the entire State and everyone in it There must of necessity be differences of opinion. I trust they shall be honest differences. For honest differences of opinion bring debate of great benefit and help in solving our problems. Out of the crucible of such debate come better understandings and better legislation.

Let us set about our work with a steadfastness of purpose and a determination that will not be denied.

In the realm of governmental activity, there are many proper functions of the State. We should resolutely determine to prevent any State agency from embarking upon any improper functions—that is, any activity not properly a function of government In my opinion there has been too great a trend in government toward collectivism and regimentation Industry and labor are already overburdened with taxation and paternalistic regulation and supervision. They should not further be harassed by governmental interference

We must not be unmindful of our duty toward the unfortunates who can not sustain themselves. But we must distinguish these from those who will not sustain themselves, nor make an honest effort to do so.

That politics should have any place in the administration of relief is unthinkable. Yet evidence strongly points to the existence of such vice. It is my sincere hope such legislation as we pass will reduce the possibility of this to an absolute minimum. I strongly believe the relief problem should be considered an emergency situation and a greater effort made by the S. R. A. and State Employment Service to return to private employment as many as possible from relief rolls Unless this is done we face not only financial bankruptcy but moral and spiritual bankruptcy as well—for there can be little hope in the hearts and minds of people on relief rolls for any great length of time.

We should jealously guard our legislative prerogatives and never suffer them on any pretense to be infringed upon by any other department of the government.

Let us set about our work with a resoluteness and determination not to be swerved from the course we believe to be proper. To this end I bespeak your friendly cooperation so that we may complete our work here at the earliest possible date.

Again I thank you for your confidence.

Committee From the Senate.

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

Nomination and Election of Speaker Pro Tempore.

The Speaker declared that nominations for the office of Speaker pro tempore of the Assembly were now in order.

Mr. John H. O'Donnell of Woodland placed in nomination Hon. Hugh P. Donnelly of Turlock.

Mr. Hugh P. Donnelly declined the nomination.

Mr. Arthur W. Carlson of Alameda placed in nomination Hon. Gardiner Johnson of Berkeley.

Nomination of Hon. Gardiner Johnson was seconded by Mr. Henry P. Meehan of Oakland.

On motion of Mr. Williamson, the nominations for Speaker pro tempore were declared closed.

The roll was called, and Hon. Gardiner Johnson elected Speaker pro tempore of the Assembly by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—77.

NOES—None.

Appointment of Committee of Escort.

The Speaker appointed Messrs. Carlson, Williamson and Meehan as a special committee to escort Speaker pro tempore-elect Hon. Gardiner Johnson to the bar of the Assembly.

Oath of Office Administered.

Upon arriving at the bar of the Assembly, Speaker pro tempore Hon. Gardiner Johnson took and subscribed to the following oath, administered by Hon. Charles J Hagerty, Deputy Secretary of State:

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

Nomination and Election of Chief Clerk.

The Speaker declared that nominations for the office of Chief Clerk of the Assembly were now in order.

Mr. Ernest O. Voigt of Los Angeles placed in nomination Mr. Jack Carl Greenburg of Los Angeles

Nomination of Mr Jack Carl Greenburg was seconded by Messrs. Charles W. Lyon and Don Allen of Los Angeles.

On motion of Mr Lyon, the nominations were declared closed

The roll was called, and Mr Jack Carl Greenburg elected Chief Clerk by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

NOES—None.

Oath of Office Administered.

Mr. Jack Carl Greenburg appeared before the bar of the Assembly, and took and subscribed to the following oath of office, administered by Hon. Chas. J. Hagerty, Deputy Secretary of State:

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

Nomination and Election of Minute Clerk.

The Speaker declared that nominations for the office of Minute Clerk of the Assembly were now in order.

Mr. Earl D. Desmond of Sacramento placed in nomination Mr. David V. Oliver of Merced.

Nomination of David V. Oliver was seconded by Mr. Ray Williamson of San Francisco.

The roll was called, and Mr David V Oliver elected Minute Clerk by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

NOES—None.

Oath of Office Administered.

Mr. David V. Oliver appeared before the bar of the Assembly, and took and subscribed to the following oath of office, administered by Chas. J. Hagerty, Deputy Secretary of State:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and discharge the duties of Minute Clerk of the Assembly to the best of my ability.

Nomination and Election of Sergeant-at-Arms.

The Speaker declared that nominations for the office of Sergeant-at-Arms of the Assembly were now in order.

Hon. Chester F. Gannon of Sacramento placed in nomination Mr. Wilkie Ogg of Sacramento.

Nomination of Wilkie Ogg was seconded by Hon. Earl D. Desmond.

The roll was called, and Mr. Wilkie Ogg elected Sergeant-at-Arms by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

NOES—None.

Oath of Office Administered.

Mr. Wilkie Ogg appeared before the bar of the Assembly, and took and subscribed to the following oath of office, administered by Hon. Chas J. Hagerty, Deputy Secretary of State:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and discharge the duties of Sergeant-at-Arms of the Assembly to the best of my ability.

Nomination and Election of Chaplain.

The Speaker declared that nominations for the office of Chaplain of the Assembly were now in order.

Mr. Earl D. Desmond of Sacramento placed in nomination Rev. Raymond L. Bailey of Sacramento.

Nomination of Rev. Raymond L. Bailey was seconded by Hon. Chester F. Gannon.

The roll was called, and Rev Raymond L. Bailey elected Chaplain by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—78.

NOES—None.

Resolutions.

By Messrs. Desmond, Lyon and Maloney:

House Resolution No. 2.

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a committee of three to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated the twenty-sixth day of January, 1940, and ready for the transaction of legislative business, with the following officers, to wit.

Hon Gordon H Garland—*Speaker*
Hon. Gardiner Johnson—*Speaker Pro Tempore*
Jack Carl Greenburg—*Chief Clerk*
David V. Oliver—*Minute Clerk*
Wilkie Ogg—*Sergeant-at-Arms*
Rev. Raymond Lull Bailey—*Chaplain*

And Be it Further Resolved, That the Senate be invited to meet with the Assembly in Joint Convention at 12 15 p m. this date to hear Governor Olson deliver his special session message.

House Resolution No. 2 read, and adopted unanimously

Appointment of Special Committee.

In accordance with House Resolution No. 2, the Speaker announced the appointment of Messrs. Desmond, Lyon and Maloney as such Special Committee.

By Mr. Lyon:

House Resolution No. 3.

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

House Resolution No. 3 read, and adopted unanimously.

Appointment of Special Committee.

In accordance with House Resolution No. 3, the Speaker appointed Messrs. Millington, Allen, Carlson, Lyon and Mrs. Daley as such Special Committee.

Appointment of Standing Committees.

The Speaker announced the appointment of the following standing committees of the Assembly:

Attaches—Voigt, Chairman; Fulcher, Lyon, Watson, Desmond, Allen and Stream

Mileage—Watson, Chairman; Gilbert, Bashore, Tenney and Meehan.

Rules—Desmond, Chairman; Millington, Kepple, Burns, Hugh M., Lyon and Hawkins.

By Mr. Waters:

Resolution.

House Resolution No. 4.

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

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	Michael J Burns	Eureka, Humboldt County	312	--	--	---	624	$31 20
2	Clinton J Fulcher	Lookout, Modoc County	324	--	44	280	560	28 00
3	John H O'Donnell	Woodland, Yolo County	23	--	--	---	46	2 30
4	Seth Millington	Gridley, Butte County	86	--	14	72	144	7 20
5	Ernest C Crowley	Suisun, Solano County	48	--	--	---	96	4 80
6	Allen G Thurman	Colfax, Placer County	37	17	--	54	108	5 40
7	Hubert B Scudder	Sebastopol, Sonoma County	90	7	--	97	194	9 70
8	Chester F Gannon	Sacramento, Sacramento County	---	--	--	---	---	----
9	Earl D Desmond	Sacramento Sacramento County	---	--	--	---	---	----
10	Harold F Sawallisch	Richmond, Contra Costa County	62	22	--	84	168	8 40
11	Charles M Weber	Stockton San Joaquin County	48	--	--	---	96	4 80
12	James E Thorp	Lockeford, San Joaquin County	48	--	3	45	90	4 50
13	James M Cassidy	Oakland, Alameda County	84	--	--	---	168	8 40
14	George P Miller	Alameda, Alameda County	84	5	--	89	178	8 90
15	Bernard A Sheridan	Oakland, Alameda County	84	--	--	---	168	8 40
16	Arthur W Carlson	Piedmont Alameda County	84	--	--	---	168	8 40
17	Henry P Meehan	Oakland, Alameda County	84	--	--	---	168	8 40
18	James H Phillips	Oakland, Alameda County	84	--	--	---	168	8 40
19	Gardiner Johnson	Berkeley, Alameda County	84	--	1	83	166	8 30
20	Thomas A Maloney	San Francisco, San Francisco County	90	--	--	---	180	9 00
21	Joseph P Gilmore	San Francisco, San Francisco County	90	--	--	---	180	9 00
22	George D Collins, Jr	San Francisco, San Francisco County	90	--	--	---	180	9 00
23	Dan Gallagher	San Francisco, San Francisco County	90	--	--	---	180	9 00
24	Edward F O'Day	San Francisco San Francisco County	90	--	--	---	180	9 00
25	Melvyn I Cronin	San Francisco San Francisco County	90	--	--	---	180	9 00
26	Ray Williamson	San Francisco San Francisco County	90	--	--	---	180	9 00
27	Albert C Wollenberg	San Francisco, San Francisco County	90	--	--	---	180	9 00
28	Robert Miller Green	San Francisco, San Francisco County	90	--	--	---	180	9 00
29	Harrison W Call	Redwood City San Mateo County	119	--	--	---	238	11 90
30	Byrl R Salsman	Palo Alto, Santa Clara County	128	18	--	146	292	14 60
31	M G Del Mutolo	San Jose, Santa Clara County	128	--	--	---	256	12 80
32	Hugh P Donnelly	Turlock Stanislaus County	77	14	--	91	182	9 10
33	George A Clarke	LeGrand, Merced County	114	15	--	129	258	12 90
34	Jacob M Leonard	Hollister San Benito County	173	--	--	---	346	17 30

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
35	Fred Weybret	Soledad, Monterey County	208	24	--	232	464	$23 20
36	Hugh M Burns	Fresno, Fresno County	169	--	--	---	338	16 90
37	S L Heisinger	Fresno, Fresno County	169	--	--	---	338	16 90
38	Gordon H Garland	Woodlake, Tulare County	206	16	--	222	444	22 20
39	Alfred W Robertson	Santa Barbara, Santa Barbara County	460	--	--	---	920	46 00
40	Roscoe W. Burson	Fillmore, Ventura County	490	27	--	517	1034	51 70
41	Rodney L Turner	Delano, Kern County	278	--	30	248	496	24 80
42	Elmer E Lore	North Hollywood, Los Angeles County	447	--	--	---	894	44 70
43	C Don Field	Glendale, Los Angeles County	447	--	10	437	874	43 70
44	John B Pelletier	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
45	Thomas J Doyle	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
46	Jack B Tenney	Inglewood, Los Angeles County	447	10	--	457	914	45 70
47	Eleanor Miller	Pasadena Los Angeles County	447	13	--	460	920	46 00
48	T Fenton Knight	La Canada, Los Angeles County	447	16	--	463	926	46 30
49	Lee T Bashore	Glendora, Los Angeles County	447	26	--	473	946	47 30
50	Gerald C Kepple	Whittier, Los Angeles County	447	15	--	462	924	46 20
51	F Ray Bennett	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
52	Ben Rosenthal	Los Angeles Los Angeles County	447	--	--	---	894	44 70
53	Frederick F Houser	Alhambra, Los Angeles County	447	9	--	456	912	45 60
54	Wilbur F Gilbert	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
55	Vernon Kilpatrick	Los Angeles Los Angeles County	447	--	--	---	894	44 70
56	Norris Poulson	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
57	Kent H Redwine	Los Angeles Los Angeles County	447	--	--	---	894	44 70
58	Frank J Waters, Jr	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
59	Charles W Lyon	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
60	Jesse Randolph Kellems	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
61	Ernest O Voigt	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
62	Augustus F Hawkins	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
63	Don A Allen	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
64	Samuel W Yorty	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
65	John W Evans	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
66	Jack Massion	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
67	Cecil R King	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
68	Fred Reaves	San Pedro, Los Angeles County	447	23	--	470	940	47 00
69	Ralph C Dills	Compton, Los Angeles County	447	18	--	465	930	46 50
70	Maurice E Atkinson	Long Beach, Los Angeles County	447	22	--	469	938	46 90
71	Paul Peek	Long Beach, Los Angeles County	447	22	--	469	938	46 90
72	Godfrey A Andreas	Upland San Bernardino County	508	22	--	530	1060	53 00
73	Gordon W Corwin	Redlands San Bernardino County	508	9	--	517	1034	51 70
74	Clyde A Watson	Orange Orange County	481	--	--	---	962	48 10
75	Thomas A Kuchel	Anaheim, Orange County	481	7	--	488	976	48 80
76	Nelson S Dilworth	Hemet, Riverside County	512	34	--	546	1092	54 60
77	Clarence R Walker	Westmorland, Imperial County	661	--	22	639	1278	63 90
78	Jeanette E Daley	San Diego San Diego County	573	--	--	---	1146	57 30
79	Paul A Richle	San Diego San Diego County	573	--	--	---	1146	57 30
80	Charles W Stream	Palm City San Diego County	573	13	--	586	1172	58 60

Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 10 cents per mile
Jack Carl Greenburg	Los Angeles, Los Angeles County	---	--	--	---	894	$89 40
David V Gill	Los Angeles, Los Angeles County	---	--	--	---	894	89 40
David V Oliver	Merced, Merced County	---	--	--	---	228	22 80

House Resolution No. 4 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan,

Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—Desmond, Gannon, and Heisinger—3.

Leave of Absence for the Extraordinary Session.

On motion of Mr. Field, Mr. Redwine was granted a leave of absence for the fifty-third (extraordinary) session.

Leave of Absence for the Day.

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

Mr. Burns, Hugh M., on motion of Mr. Sawallisch.

Resolution.

By Mr. Yorty:

House Resolution No. 5.

WHEREAS, The following named deputies of the Legislative Counsel have recently left that office for employment elsewhere as indicated:

Ira J. Darling, as Attorney for State Labor Commissioner; Edward H. Gaylord, as Deputy County Counsel, County of Los Angeles; Alvin P. Jacobs, as Assistant Deputy Inheritance Tax Attorney; Sidney L. Weinstock, as Administrative Adviser, Division of Insurance; John W. Willis, as Managing Editor, Federal Rules Service, Washington, D. C., and Bruce Wright, as Attorney, Solicitor's Office, United States Department of the Interior; and,

WHEREAS, This Assembly recalls with appreciation the efficient and courteous service rendered to its members in past sessions by each of these men; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof hereby congratulate Messrs. Ira J. Darling, Edward H. Gaylord, Alvin P. Jacobs, Sidney L. Weinstock, John W. Willis, and Bruce Wright on their new employments, and express the hope that in the years to come they will attain a maximum of success and happiness in all their endeavors; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to prepare and forward a copy of this resolution to each of the above named persons.

House Resolution No. 5 read, and adopted unanimously.

Senate Message.

SENATE CHAMBER, SACRAMENTO, January 29, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day elected as officers of the Senate:

Jerrold L. Seawell, *President Pro Tempore*,
Joseph A. Beek, *Secretary*;
Joseph F. Nolan, *Sergeant-at-Arms*;
James Boyd Garrison, *Minute Clerk*;
Raymond A. Grant, *Chaplain*;

and appointed

Maitland S. Pennington, *Assistant Secretary*.

J. A. BEEK, Secretary of the Senate.

Motion to Print Minority Report in Journal.

Mr. Tenney moved that a minority report of the Special Assembly Committee on Athletic Affairs be printed in the Journal.

Substitute Motion to Re-refer Minority Report.

Mr. Williamson moved as a substitute motion that the report be referred to the Committee on Rules.

Substitute motion adopted.

Minority report ordered referred to the Committee on Rules.

Recess.

At eleven o'clock and forty-five minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of twelve o'clock and fifteen minutes p.m.

Reassembled.

At twelve o'clock and fifteen minutes p m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Recess.

At twelve o'clock and twenty minutes p m. the Speaker declared the Assembly at recess for the purpose of meeting with the Senate in joint convention.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER, SACRAMENTO, Monday, January 29, 1940.

At twelve o'clock and thirty minutes p.m., the Senate and Assembly met in Joint Convention for the purpose of receiving the message of Governor Culbert L. Olson.

Hon. Gordon H. Garland, Speaker of the Assembly, directed that Lieutenant Governor Ellis E. Patterson, President of the Senate, be escorted to the platform.

Senate Roll Call.

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

The following members of the Senate answered to their names:

Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Jespersen, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—33

The President of the Senate declared a quorum of the Senate present

Assembly Roll Call.

Hon. Gordon H. Garland, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The following members of the Assembly answered to their names:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Elenor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—78

The Speaker of the Assembly declared a quorum of the Assembly present.

Joint Convention Resolution.

By Mr. Lyon:

Resolved by the Assembly of the State of California, That a Special Committee of Five be appointed by the Speaker to act with a like committee from the Senate, to wait upon His Excellency the Governor, and inform him that the two houses of the Legislature are in session and in readiness to receive any communication which he may have to make.

Resolution read and adopted.

Appointment of Special Committee.

In accordance with the above resolution, the Speaker appointed Messrs Lyon, Peek, Rosenthal, Allen and Mrs. Daley as such special committee.

Joint Convention Resolution.

By Senator Rich:

Resolved by the Senate of the State of California, That a Special Committee of Five be appointed by the President to act with a like committee from the Assembly, to wait upon His Excellency the Governor and inform him that the two houses of the Legislature are in session and in readiness to receive any communication which he may have to make.

Resolution read and adopted.

Appointment of Special Committee.

In accordance with the above resolution, the President of the Senate announced the appointment of Senators Seawell, Foley, Shelley, Rich and Quinn.

Committee of Escort.

The Joint Committee of Escort, consisting of Senators Seawell, Foley, Shelley, Rich and Quinn, and Assemblymen Lyon, Peek, Rosenthal, Allen and Mrs. Daley, appointed to wait upon His Excellency Governor Culbert L. Olson to inform him that the Joint Convention was now in session, and to escort him to the convention, appeared at the bar of the House and announced the presence of His Excellency, Culbert L. Olson, Governor of the State of California.

Presentation of Governor Culbert L. Olson.

Hon. Gordon H. Garland, Speaker of the Assembly, presented Governor Culbert L. Olson to the Joint Convention. The Governor delivered the following message:

Governor's Message to Legislators.

Members of the Senate and Assembly
of the California Legislature:

Your special session, called to convene on this date, is held in accordance with your own plans at the conclusion of the regular session last year in recognition of the fact that the funds you appropriated for unemployment relief would be exhausted at about this time and of the State's inescapable need for new revenue, which you failed to provide at the regular session.

Unemployment Relief.

In considering and determining the amount of your appropriation to the Relief Administration and the Relief Commission for continuation of unemployment relief during the remainder of the present biennium, it is my duty to present to you the following information and carefully considered estimates:

During the 90th fiscal year, ended June 30, 1939, there was expended for unemployment relief the sum of $42,577,872 71. The corresponding figure for the first six months of the current fiscal year was $27,152,279.75. The unexpended balance of the $35,000,000 appropriated for relief at your regular session last year, as of December 31, 1939, was $7,847,720.25. Although this balance is sufficient to carry a portion of the present case-load for the next twenty days, because of the time required for administrative operations, audits and check writing by the State Controller, no new intake or further relief payments can be made after February 5. If your appropriation of funds for the remainder of the biennium can not be made before that date, it will be necessary for me to ask for an emergency appropriation.

Based upon carefully prepared estimates of need, an appropriation of $95,500,000 for relief is necessary to carry on for the balance of the biennium. This estimate is predicated upon the continuance of the same basic rules of eligibility as to destitution and residence and the same minimum budgetary standards that have been in effect since the inauguration of the program pursuant to the Unemployment Relief Act of 1935. It is also predicated upon a continuance of the present scope of Federal W.P.A. employment and all other factors involved.

While the total sum to cover existing needs for which this appropriation is urged appears large, it should be understood that approximately 350,000 persons within the State draw their entire subsistence therefrom. This large proportion of our population faces starvation unless these funds are provided.

Only 4 per cent of the entire amount of the appropriation required is proposed for expenditure upon our works program designed as an attack on the whole dole system by way of gradually making the unemployed self-supporting.

Economies in administering the program have been instituted. Others are in the process of development, such as a continuous independent audit of the relief rolls by the Department of Finance, which I am recommending, and the efficient functioning of the S R A. Personnel Standards Board, which I have recently appointed.

From time to time restrictions have been urged with a view to decreasing the total cost of unemployment relief. Included among these have been the fixing of a ceiling of $65 00 for monthly family budgets, the establishment of a three year State residence requirement for relief, and the establishment of still more rigid rules for eligibility than have heretofore been adopted. Should the Legislature adopt all these restrictions, I am advised that a saving of as much as $30,000,000 *may* be effected. If this should be your action, the appropriation necessary for the remainder of the biennium will be $66,000,000.

However, I submit that no such reduction is possible without causing untold misery and hardship.

These estimates are shocking to me, as they no doubt are to you. In my budget message last January the total amount estimated for unemployment relief during the current biennium was $73,660,000. That estimate did not contemplate the drastic W.P.A. curtailment which followed, throwing back onto S.R.A. 30,000 case-loads. The W P.A. case-load was thereby decreased from 67 per cent to 46 per cent of the total unemployment relief load of the State, while the S.R.A. case-load further augmented by all normal increases due to population rise and from other employment, has increased from 33 per cent to 54 per cent of the total aid. On December 14, 1938, its case-load was 59,000; on December 13, 1939, it was 100,000.

We would all condemn any laxity in accepting relief cases; any relief generosities inspired by political consideration; any waste or inefficiency in the administration of relief. But, obviously, if sporadic instances of such things are found by our intensive drives to prevent them, the total of increased or unnecessary costs attributable to such instances would be negligible and infinitesimal. They can not truthfully be considered a factor in accounting for the tremendous increase in the S R.A. case-load and in the cost of unemployment relief

As to costs of the administration of relief, I have insisted that continuous effort be made to reduce the same to not more than 15 per cent, which is considerably below the cost thereof during the previous administration. Progress has been and is being made in lowering the administrative costs to that level or below it. I do not believe the cost of administration need be higher. As an aid in keeping the cost within that limit, I recommend that provision be made in your appropriation that the costs of administration shall not exceed 15 per cent.

In considering the extent to which the relief load may be decreased by a pick-up in business activities and employment opportunities, we should bear in mind the highly important fact that the number of unemployed who receive relief is the smaller part of the total number of employable unemployed men and women in the State who are seeking jobs. Available statistics show that on November 30, 1939, approximately 176,000 cases, representing 228,000 workers in California, were receiving unemployment relief from all unemployment relief agencies—the S.R.A., the W.P A., and the Farm Security Administration. At the same time there were in the State between 550,000 and 600,000 unemployed workers, approximately 350,000 of whom were receiving no relief at all

It is these unemployed workers, not on relief, who are the first to return to private employments during any upswing in industrial activities. Their resources are generally greater, which is one important reason they are not on relief; their employment records are more recent, their health is better, and in a general way they are more employable than those on relief and thus have the advantage in competition for a limited number of jobs.

The State's Need for Additional Revenue.

The State's need for additional revenue is, of course, well known to you, as it is to all persons familiar with the fiscal condition of the State We face serious financial problems in meeting the fixed charges of the Constitution, the requirements of the laws passed by the Legislature, the operating expenditures which you have budgeted, and your appropriations for unemployment relief.

On June 30, 1939, the General Fund deficit was $38,711,723. Since adjournment of your regular session last June without providing additional revenue, that deficit has been and is still increasing at the rate of $2,400,000 per month.

An appropriation for relief of $66,000,000, the minimum and inadequate figure already mentioned, when added to budgeted appropriations and fixed charges now in force, will bring authorized General Fund expenditures for the 1939-1941 biennium to a total of $397,797,173. Existing revenue laws, on the other hand, are estimated to yield only $351,486,923 to the General Fund during the same two year period. This leaves a current budget deficiency, or shortage of revenues, with which to meet required expenditures for this present biennium amounting to $46,310,250. This sum, added to the carry-over deficit of $38,711,723, inherited from

previous administrations, means unless you provide new revenue at this session, that on June 30, 1941, the State would be confronted with an accumulated deficit in excess of $85,000,000 This would be by far the largest deficit in the history of the State and would seriously threaten its credit.

Thus far the deficit has been financed through the sale of General Fund warrants to banks and other financial institutions. Nearly $92,000,000 of these warrants are now outstanding. It is expected that the total will mount as high as $108,000,000 by the end of the biennium, unless you enact new revenue measures at this session. I am competently advised that we are rapidly approaching a saturation point beyond which it will be difficult, if not impossible, to find a market for the State's warrants If our warrants can not be sold under the present system, the State will be forced to return to the procedure of issuing registered warrants to each of its State employees, and to merchants, contractors, and other individual creditors, who would find difficulty in converting them into cash, except at heavy discounts Such a situation in the State's financial affairs would be chaotic.

Moreover, the interest charges alone on this mounting registered warrant debt constitutes a heavy burden on the taxpayer. Such charges will amount to $3,800,000 during the present biennium, equivalent to the entire receipts from the State's tax on beer and wines.

Ordinary prudence and common business sense in the management of the State's fiscal affairs imperatively demands that measures be adopted now which will at least balance the budget for the current biennium and prevent any further increase in the accumulated deficit. Common sense should indicate the wisdom and economy of immediately adopting a relatively moderate additional revenue program rather than facing the necessity of making the radical increases which would be necessary eighteen months hence, if you continue this mounting deficit

Estimates by the Department of Finance of receipts to be derived under existing law have been carefully prepared. Every effort has been made to foresee probable trends of economic conditions and to make allowance for continued improvement in California business. It is anticipated that tax receipts under existing laws will be the largest in the history of the State. These anticipations agree almost exactly with forecasts made independently by the State agencies administering the respective taxes, and are considerably in excess of estimated General Fund revenue receipts as projected by the State Controller. It is possible, of course, that a marked and prolonged increase in business and prices above the levels of 1937 would result in greater revenue than is now estimated. There is no positive assurance at the present time, however, that the business pickup will attain any such proportions, unless induced by demands arising out of intensified war activities abroad. In the latter event the State should prepare for the inevitable dislocations which would accompany the cessation of such a war. We should husband any additional receipts occurring by reason of war-time prosperity, to wipe out all past deficits and to cushion the certain shrinkage in the State revenues that would result from an ensuing depression. Those who claim the State's budget will be balanced through increased prosperity must prove their case They must be prepared to take the responsibility for any policies adopted as a result of accepting their views. Responsibility for failing to balance our budget can not be escaped by accepting assertions made in behalf of those who would avoid their just share of the tax burden. It is unstatesmanlike and unbusinesslike to gamble with the financial soundness of the State.

I, therefore, emphasize that you are called in this special session to enact such revenue measures as will produce, in the remaining seventeen months of the current biennium, receipts sufficient to balance the 1939-1941 budget, and to reduce the carry-over deficit by approximately $4,000,000 On the basis of the minimum mentioned as your possible appropriation for unemployment relief, additional revenue amounting to $50,000,000 in the present biennium would be required to accomplish that objective. If you make provision for any further appropriations at this session, as for instance further old age security assistance, the amount of additional revenue required therefor must be added to these figures.

Before suggesting or recommending to you definite sources of new revenue and specific measures to obtain it, I wish to restate my concept of the fundamental principle which should control taxation. Taxes should have a direct relationship to ability to pay Governments should, so far as possible, avoid those levies which fall with particular severity upon low income groups, and should utilize taxes which increase in accordance with the income of the taxpayer In keeping with this principle, it is obvious that the State of California should not increase its present retail sales tax nor enact a general gross receipts tax It should not levy a property tax for State revenue. Each of these possible means of raising additional revenue would throw the State tax system further out of balance on the side of regressive taxation It would operate to further curtail consumption, and increase unemployment.

Sound, equitable and progressive principles of taxation require that additional revenue, needed to continue the essential services of government and maintain the State's credit, be obtained through adjustments in net income taxes; a severance

tax on the depletion of our rich and irreplaceable natural resources; levies upon luxuries and non-essential items of consumption. Such measures, together with legislation to close loopholes in our existing tax laws, and increases in horse-racing license fees, will provide ample revenue to meet the State's current fiscal emergency. Therefore, I suggest to you the following revenue sources and recommend the enactment of tax measures which will yield therefrom the funds necessary to balance the current State budget.

In order to expedite your consideration of such measures I have had bills prepared for introduction, specifically responding to the suggestions outlined in the following paragraphs.

Personal Income Tax.

Adjustments in Rates.

A comparative analysis of State personal income taxes in the United States shows that the tax imposed in California upon annual incomes of $50,000 or less is well below the average tax in other States. Today the California taxpayer with $5,000 of taxable net income pays a State income tax of only $50. This is extremely low when compared with the $245 required in Oregon, $210 in New York, or $139. in Minnesota and Iowa. An adjustment can be made in the present rate schedule sufficient to produce from $5,000,000 to $10,000,000 a year in additional State revenue without placing an undue hardship upon the citizens and residents of California.

Personal Deduction.

The present income tax law allows the taxpayer a flat exemption of $1,000 if a single person, or $2,500 if married or the head of a family, and a credit of $400 for each dependent. Personal exemptions and credits for dependents are, of course, entirely equitable features of any income tax. However, under our existing law they operate as a deduction from net income in computing the amount subject to taxation, with the result that the smallest taxpayer is granted a reduction in tax liability equivalent to $10 if he is single, or $25 if married, and the equivalent of $4 for each dependent. The largest taxpayer, on the other hand, is granted a reduction in tax liability of $150 if single, $375 if married or head of a family, and a credit equivalent of $60 for each dependent. California might well follow the lead of five other income tax states by providing a credit against tax in the amount of $10 for each single person, $25 for each married person or head of a family, and $4 for each dependent. If this change were made, all taxpayers would be treated impartially, and the State would receive from $2,000,000 to $7,000,000 additional tax revenue per year, depending upon the rate schedule adopted.

Loophole-Closing Amendments.

Under the present law many taxpayers are allowed to take large deductions on account of interest and taxes with respect to the purchase and ownership of expensive pleasure yachts and cars, valuable jewelry, and expensive residences and estates, thereby greatly reducing the amount of income taxes they pay. Such expenditures are personal or living expenses and should be disallowed as are other personal or living expenses in the computation of income taxes. In order positively to assure that the equitable feature of this change in the law would not operate to impose additional burdens upon the ownership of homes by persons of moderate means, any taxpayer should be allowed a deduction from gross income in the amount paid out for interest and taxes, but not to exceed $500 for any taxable year. It is estimated that this revision in the law would produce approximately $700,000 additional revenue per year under the present rate schedule, and substantially in excess of this amount if the tax rates were increased.

Treatment of capital gains and losses is a perplexing problem in determining an equitable method of taxing incomes. Approximately $900,000 in additional taxes could be obtained by amending the present law to provide that gains from the sale of capital assets shall be accorded the same treatment as other gains, that capital losses may be deducted from capital gains, and that the excess of losses over gains in a particular year may be deducted from gains in a subsequent year. While immediate additional revenue would result from such a change as that outlined, it should be observed that a decrease in revenue below that obtaining under the existing law would result during periods of great financial crisis and deep depression. At such a time losses would offset gains, with the result that the State would receive little revenue from investment operations of its income taxpayers.

Two further amendments to the personal income tax law should be considered, although in each instance the amount of additional revenue realized would be extremely small as compared with that which would result from the changes above outlined. Income from trusts established by parents for the support of their minor children should be taxed to the parent; and deductions for gifts and donations should be limited to gifts and donations actually made during the taxable year, and, where consisting of property, the deduction should be limited to the cost of

such property to the taxpayer. The former amendment will close one of the loopholes most frequently utilized by wealthy taxpayers; the latter involves only a strengthening and simplification of the present law with respect to gifts and donations. Sufficient information is not available from which an accurate estimate could be given of the additional revenue that might be thus realized; but its amount would be comparatively small.

It should be pointed out that any upward adjustment in the present rate schedule would result in corresponding increases in the income to be derived from these loophole-closing amendments.

Bank and Corporation Franchise Tax.

Tax Rates.

Banks and corporations operating in California pay a franchise tax in accordance with the amount of net income earned on their operations. In keeping with the principle of taxation according to ability to pay and in view of the present financial needs of the State, the Legislature should re-appraise the present rates imposed under this tax law. An increase from 4 per cent to 5 per cent in the rate on general corporations and from a maximum of 8 per cent to a maximum of 9 per cent in the bank tax rate would produce approximately $5,000,000 in additional revenue annually.

Minimum Tax.

Under the Bank and Corporation Franchise Tax Act, corporations, regardless of their size and the extent of their operations, are required to pay a minimum tax of only $25 per year. With such a provision in effect, if no net income is realized, a corporation having an investment of many millions of dollars in this State pays the same for its operating franchise as a small firm with an investment of only a few thousand dollars. The privilege of doing business as a corporation is of immense value to the company with large holdings, regardless of the temporary condition of its current income. It is recommended, therefore, that the minimum tax provision of the franchise tax act be amended to require a minimum tax of $25 per year or an amount equal to one-twentieth of 1 per cent of the corporation's assets situated in California, whichever is the larger, but such minimum tax in no event to exceed $10,000. This change in the existing law would result in additional taxes amounting to $2,200,000 per year.

Loophole-Closing Amendments.

Three loophole-closing amendments should be considered with a view to strengthening the present Bank and Corporation Franchise Tax Act. These, in brief, are as follows:

1. Provide that inter-corporate dividends should be treated in the same manner as other income in computing the franchise tax, except where the subsidiary corporation is at least 95 per cent owned by the taxpayer corporation. Present provisions of the law with respect to the taxation of dividends received by corporations present one of the most vexing problems of administration of this tax. An amendment such as that outlined not only would produce approximately $400,000 additional yearly revenue at the present tax rate and $500,000 with a 1 per cent increase in rate, but also would materially reduce the cost of administering this tax.
2. Disallow the deduction for interest on notes or other evidence of indebtedness if the obligation to pay interest upon such indebtedness is conditioned upon or measured by the amount of earnings or profits of the taxpayer corporation, or if the evidence of indebtedness has no fixed date of maturity.
3. Strengthen the existing law to prevent avoidance of tax by contractual arrangements between affiliated corporations.
4. Amend the franchise tax act with respect to gifts and donations as outlined above for the personal income tax.

No accurate estimates of additional revenue that may be realized from the last three amendments itemized are available.

Alcoholic Beverage Taxes and License Fees.

In comparison with similar taxes in other States the present State excise taxes on distilled spirits, beer and wine are very low. An increase in the tax on distilled spirits from the present rate of 80 cents per gallon to the national average of approximately $1.00 per gallon would produce an additional $2,000,000 per year, while an increase in the tax on beer from 3 cents to 5 cents per gallon (the national average) would result in $2,400,000 more revenue than is now received from that source.

With respect to the tax on wine, the present California rate is below that of any other State. An increase to the lowest rates in effect elsewhere, namely 5 cents per gallon on dry wine and 10 cents on sweet wine, would produce annually $1,300,000 more in sorely needed State revenue. Certain of the present liquor license fees can be adjusted with equity. It should be possible to obtain at least $1,400,000 per year

for the State General Fund through adjustments in the charges for these licenses. In connection with the increases recommended here, it should be noted that these excise taxes and fees are levied upon non-essential items of consumption from which the taxpayer may well abstain, at least to the extent that he believes his indulgence is overtaxing himself.

Inheritance and Gift Taxes.

An amendment of the inheritance tax law involving a moderate increase in the rates on all inheritances except those under $25,000 received by direct heirs was proposed at the regular session last year. This recommendation merits reconsideration, and if adopted, it would produce additional revenue to the extent of $2,000,000 per year.

The gift tax enacted in 1939 should also be amended to provide rates paralleling those now recommended under the inheritance tax. If this is done, at least $175,000 more can be anticipated from this source.

Severance Tax.

Petroleum, natural gas, and natural gasoline are our richest natural underground resources. They are fugitive substances subject to capture and drainage from the reservoirs and structures containing them wherever they extend. They are irreplaceable and will be exhausted in a comparatively few years, probably during this generation. The consumer now pays heavy sales taxes on gasoline and other petroleum products, but the producer and royalty owner pay no tax to the State in their exploitation and depletion of these natural resources. The principal argument of representatives of large oil producing interests, even before legislative committees, in opposition to a severance tax on oil, natural gas and natural gasoline, has been that it can not be passed on to the consumer. All recognized authorities on taxation approve severance taxes on mineral resources, such as oil, natural gas and natural gasoline as a sound and equitable tax base. Nineteen States now have severance taxes on one or more of their natural resources, and in many of these States this is the source of a substantial amount of revenue. With one exception, all other major oil-producing States have a severance tax on petroleum production. California is the second largest oil- and gas-producing State. A 2 per cent tax upon petroleum, natural gas and natural gasoline as produced, would yield revenue amounting to approximately $6,000,000 per year, while a 3 per cent tax would amount to $9,000,000.

Tobacco Tax.

In selecting sources of additional State revenue, consideration should be given to the enactment of a cigarette and tobacco tax in California. At the present time, twenty-five of the forty-eight States have imposed levies either upon cigarettes alone or upon all tobacco products. It is estimated that a tax of 2 cents per package on cigarettes, 1 cent per ounce on smoking tobacco, 1 cent on each cigar retailing for over 5 cents, and varying rates on other tobacco products, would return $8,250,000 in State revenue per year. Of this amount, approximately $5,800,000 would come from the 2 cent tax on cigarettes and the remainder, $2,450,000 from the tax on other products.

Motor Vehicle Transportation License Tax.

The present 3 per cent gross receipts tax upon motor carriers applies only to operations upon State highways and does not extend to operations conducted within city limits. This appears to be an entirely arbitrary limitation, and this tax might well apply to all commercial operations in the State. In addition to the $1,200,000 of annual State revenue which would be obtained by extending this tax to city carriers, the administration of the existing law would be greatly simplified with respect to the determination of tax upon operations partly within and partly without city limits.

Insurance Gross Premiums Tax.

In view of the fact that the existing tax was established in 1921 and revisions in taxes upon other types of business have been made since that time, the insurance tax should be analyzed with a view toward obtaining an increase in the yield. This could be done by raising the existing 2.6 per cent tax rate or by eliminating certain deductions allowed under the existing law. An increase in the present rate to 3 per cent could yield approximately $1,300,000 annual revenue. At present, insurance companies offset taxes paid upon real property located in California against the gross premiums tax imposed by the State. The original intent of this provision was to encourage and assist California insurance companies. In actual practice, however, the larger part of the benefit accrues to out-of-State companies having extensive real estate holdings here. Furthermore, this benefit accrues to relatively few companies. In view of this fact, it would seem logical to amend the State Constitution to eliminate the so-called real estate offset. Although no additional revenue would be received during the current biennium, if this constitutional amendment were approved by the voters, approximately $1,500,000 more General Fund revenue would be received annually in subsequent periods. It has been held that

dividends paid to policy-holders may be deducted in computing taxable gross premiums. An amendment to the law disallowing this deduction would result in a $250,000 increase in the annual tax.

Horse Racing License Fees.

At the present time the license fee for conducting horse race meetings is 4 per cent of the money handled in the pari-mutuel betting pools operated in connection with such meetings. The revenue from this source is expended principally for the support of agricultural fairs throughout the State, and for the maintenance of agricultural schools. At your regular session last year, it was recommended that the State obtain a part of its needed General Fund revenue by imposing a graduated fee ranging from the present 4 per cent to 8 per cent, depending upon the volume of money handled at any particular race track. It is estimated that a graduated fee of this type requiring 8 per cent of all amounts in excess of $10,000,000 would return approximately $1,500,000 in revenue for the General Fund each year, and if the State takes all or any part of the "breakage," this return would be further increased very substantially.

$50,000,000 in New Revenue.

From the sources here outlined, a tax program to yield the $50,000,000 necessary to balance the State budget during the current biennium can be obtained without violating the principle of taxation according to ability to pay and without having an unduly burdensome effect upon business or upon taxpayers generally.

Golden Gate Exposition Appropriation.

In order to assist the exposition on Treasure Island, in San Francisco Bay, to continue in 1940, I recommend that an appropriation be made to the California Commission for the Golden Gate International Exposition. The only way, perhaps, that any of the $5,000,000 appropriated and already expended by the State in the building and conduct of this fair will be realized, is in increased revenues from sales, gas, and other taxes which are augmented by the expenditures of fair visitors. There remains unexpended the sum of $550,000 of the $5,000,000 originally appropriated for this exposition. The commission has presented a budget which calls for an appropriation of $591,756 in addition to this balance on hand of $550,000.

I am convinced that $430,000 in addition to the balance on hand is sufficient, and recommend such appropriation, and also an additional $85,000, which the commission may expend for maintenance and operation of county exhibits which the county budgets have not included this year. These recommendations are made with the proviso that sufficient revenue be raised to meet such appropriations.

The San Francisco Convention and Tourist Bureau and other interested civic and business groups have requested me to allow the consideration of an additional appropriation to the commission to be expended for the purpose of bringing political conventions to the State during the fair. I am informed that an appropriation of $150,000 for this purpose might result in the success of their efforts to bring such conventions to San Francisco. I am assured that this would undoubtedly bring large numbers of people to the fair, contribute to business activities and aid the fair's success in 1940. Such an appropriation, if made, should be ear-marked so that it will be returned to the General Fund in the event a convention of either of the two major political parties is not held in California in 1940.

Old Age Pensions.

Another subject submitted for your consideration is that of amending our old age security law so as to cancel and remove authority to secure liens or other claims against the small property holdings of recipients of old age assistance.

The present provision authorizing boards of supervisors, in administering this aid, to require agreements imposing such liens when exercised is, I am advised, of little net value to the State, county or Federal government, considering costs of its enforcement. Besides it places an unnecessary hardship upon many elderly persons deserving and eligible for old age assistance.

I am advised that not more than 20 per cent of the eligible applicants for old age assistance have any interest—present or prospective—in any real property. Such interest, when found to exist, usually consists of doubtful equities held by those who have lived thrifty lives only to see their savings lost as a result of economic depression. Such persons cling tenaciously to the hope that changed conditions may take them out of the class of eligibles for old age assistance.

I, therefore, recommend appropriate amendments to our old age assistance laws, so as to eliminate the lien on property agreement provisions found in sections 2226 and 2229 of the Welfare and Institutions Code.

Liberalization of Old Age Assistance.

There is submitted to you also the question of reducing the age qualifications for the aid granted under our old age security law. The granting of such aid is now generally accepted as both a social responsibility and sound public policy.

Old age assistance in California was first authorized by an act passed in 1929. It has been amended and liberalized by amendments adopted in the legislative sessions of 1931, 1935, 1936, and in your session of 1937.

Along with its phenomenal growth in population, in capital investments and industrial development, California, because of its marvelous climate and other natural advantages, has attracted elderly citizens of other states who come here to retire upon the savings of their productive years. In the decade prior to the depression of the past ten years, chambers of commerce and representatives of commercial and promotional activities, through systematic advertising urged such people to make their homes here and enjoy California's climate and agreeable environment. As a result, there was an influx of elderly persons with resources adequate for their maintenance the rest of their lives. During the depression of the past ten years many of these elderly people lost their resources, incomes and their investments made in California.

This fact, added to the displacement from private employment of people of advanced age, and the hardships, want and suffering generally resulting from unemployment, has caused this State to take the lead in expressing sentiment in favor of old age pensions and the liberalization of existing old age assistance acts.

The fact that this sentiment has at times been seized upon by self-seeking demagogues or racketeers primarily interested in propagandizing for and securing contributions of huge funds in the promotion of unworkable schemes offering promises for payment of pensions to the aged which could not possibly be fulfilled, should not prejudice the principles of social justice. These call for liberalization of the Old Age Security Act to the maximum of the public's financial ability to pay. The tremendous support thus aroused and the sincerity of that support should rather be considered as a manifestation of conditions of hardship and destitution in which our elderly people find themselves and as their attempt to articulate their demands for relief.

The platform on which I was elected declares: "For purposes of uniformity, old age pensions, in their entirety, should be financed and administered by the Federal government. Until that is accomplished, we shall favor State provision for the aged to the extent that public finances will permit."

Up to now Congress has failed to provide for Federal financing and administration of old age pensions, still leaving it to the several states to determine whether they shall match or exceed the amounts presently given by the Federal government to the respective states toward old age assistance. This aid, as you know, now amounts to $20 per month. The State and counties of California are required under our present act to pay an equal amount on the basis of need to eligible persons who have reached the age of 65 years.

On the basis of need and merit and from the standpoint of social justice senior citizens between the ages of 60 and 65 years are equally entitled to this assistance with those who have reached the age of 65.

It is anticipated that the present session of Congress may at least extend to all eligible needy over the age of 60, the aid now given eligible needy who have reached the age of 65. I urge the Legislature to memorialize Congress to take that action.

For California to do likewise and provide $20 per month to those over 60 would require approximately $12,000,000 per year, and remove many relief cases from S.R.A. Approximately 75 per cent of our present old age assistance cases comprise citizens who have resided in California more than 15 years. The door for this aid is not open to newcomers.

In view of the tax burden now carried by the counties and the clamor by the counties for the State to aid them in carrying their share of the amount required to meet the present old age assistance provisions, the counties can not very well be expected to carry a larger old age assistance tax burden at the present time. Any amendment made to lower the age limit from 65 to 60 should therefore provide for the payment by the State of the full amount of assistance given to eligibles coming within that category.

This would mean that if $20 per month is immediately paid for old age assistance to those between 60 and 65, State revenues to the extent of $12,000,000 must be provided. If you provide for this additional revenue, which I recommend, in addition to revenue needed to balance the current budget, I also recommend that this liberalization of the present law be made immediately.

If you do not provide for revenue to presently meet the requirements of such an amendment, then in any event I recommend that such an amendment be made, to become effective whenever the Federal government shall furnish the State the same Federal assistance for old age pensions to those between 60 and 65 as is now furnished to those over 65.

In addition to such legislation and memorial, I also urge the passage of a memorial to the President and the Congress of the United States, asking that the Federal government take over the financing and administration of old age pensions in their entirety and provide, on a basis of need, at least $60 per month for all eligible citizens who are over the age of 60 years.

State Housing Authority.

Another subject submitted for your consideration is legislation to create a State Housing Authority; to undertake slum clearance and projects: to provide dwelling accommodations for persons of low income and to take advantage of the provisions of the United States Housing Act of 1937.

There is now pending in the Congress of the United States a bill which doubles the present $800,000,000 program of the United States Housing Authority. It specifically earmarks $200,000,000 of said funds for the assistance of projects to provide housing for families of low income in rural areas. The State of California will be eligible to receive $80,000,000 of these funds for low cost housing, if this bill is passed It is important, therefore, that legislation be enacted immediately to enable California to fully participate in this program.

As you all know, the existence of unsafe, insanitary and unfit dwelling accommodations, particularly for migratory workers, has produced an alarming economic and social condition in the State of California. From both our urban and rural districts have come the documented stories of the menace of the slums to the health, safety, morals and welfare of the citizens of our State

Our housing problem, in its most *acute* form, is essentially a problem of *rural* housing

Contrary to most public opinion, the State government, as such, is already deeply involved in the housing problem The Relief Administrator is spending millions in rent for the most miserable housing for relief clients.

In the San Joaquin Valley counties alone, the State is spending from $100,000 to $125,000 a *month* for relief client rents; for shacks, hovels, cheap auto camps and tent camping space The fruit of these rent payments is this: rural slums have become highly profitable to their owners, while demoralizing and destroying the health of their occupants

For a great many years, most of the seasonal agricultural workers, numbering from 175,000 to 200,000 people, were aliens who left the rural valleys at the conclusion of the season. Today, as a result of the Dust Bowl influx, and many other causes, a very large percentage of these workers are *Americans* who are trying to settle down Thousands of them have taken root and have become residents.

These people have been housed in labor camps, shack towns and auto camps. Last year there were some 4,500 farm labor camps with a population of 145,000. As the name implies, these camps are designed merely for temporary, seasonal occupation and are wholly inadequate for permanent housing. Last year the cotton camps were 60 per cent to 70 per cent occupied throughout the winter. The overcrowding was appalling, with as many as eight persons living in a one-room cabin.

Many of these workers, not permitted to remain in the labor camps after the season, have moved into shack towns adjacent to the valley cities and towns. These shack towns present a most distressing problem because they are located, for the most part, in areas not subject to adequate public regulations. They are mushroom communities, flimsy, unplanned, unregulated and uncontrolled. For the most part, they are devoid of sanitary facilities. They are located on river banks, ditch banks and other unlikely spots. The housing is primitive, consisting of shacks, tents, lean-to's, and dugouts, shockingly overcrowded.

Because of the peculiar origin and nature of California's rural housing problem, the only practical approach possible is from the point of view of the State as a whole A housing authority predicated upon decentralization with initiative and responsibility assumed primarily by cities and counties serves very well and we already have a few very active housing authorities operating under the authority of our enabling acts passed in 1938 But, where rural housing is the major element, I find that it is the *State*, rather than the counties or towns, that must assume initiative and responsibility. This is true for a number of definite reasons.

In the first place, the rural counties of California have shown no indication that they realize the seriousness of the problem, or that they accept the responsibility for doing anything about it.

In the face of a growing housing shortage, which has been acute since 1935, no functioning authority has been established thus far in any of the rural counties. This demonstrates the necessity for State action.

In the second place, for the purposes of planning, the State is in a much better position to view the problem in its broadest aspects and to plan on a much more comprehensive basis than any one county could possibly hope to do The State is in a better position than any of the counties to analyze this problem and to locate housing projects where they are to be of the most benefit.

In the third and final place, for the purposes of administrative economy and efficiency, a State Housing Authority offers many advantages over a number of separate, uncoordinated, independent county or small city authorities. Once a project has been constructed, administrative expense becomes very important, because it has a direct bearing upon the amount of rent to be charged. A single State agency can manage many projects with much less overhead cost than if each project be a separate unit under a county authority. Likewise, the State can attack the job of construction with mass production methods, and build more

cheaply, because of the larger scale of operations. The program, in other words, can be supervised as a whole, and the relation of every project to the other can be carefully weighed and considered.

A State Housing Authority would operate essentially in the same manner as city and county authorities operate under the Housing Authorities Law of the State of California. However, the State Authority would not be empowered to function in any city or county in California where a local authority is authorized to function and is functioning. I wish to make it clear that it is not the intention, in submitting a State Housing Authority bill, to permit interference of any kind with existing local housing authorities who are functioning, or who expect to function, under the provisions of the present Housing Authorities Law of California.

The State Housing Authority should be composed of five members appointed by the Governor. Aside from the administrative expense for the first year of operation, the State would assume no direct obligation. All other funds would come from the United States Housing Authority.

Practically no expense to the State is contemplated in this proposed legislation. The United States Housing Authority has informed me that the legislation, in the form in which it is to be introduced, meets the necessary Federal requirements. Therefore, I wish to caution against any changes in the form of the bill submitted, without the approval of the United States Housing Authority.

Proposed Amendment to Central Valley Authority Act.

By the narrow margin of two votes you failed to pass amendments proposed at your regular session last year to the Central Valley Authority Act which would enable California to keep faith with the Federal government and perform its duty to the people in the development of the Central Valley Project.

I have considered carefully whether such legislation could be further delayed until the next regular session, without injury to the public interest and without ignoring requests received from the Federal administration. I am convinced that can not be done and that the need for this legislation is so urgent that it would be a dereliction of duty on my part if I failed to include it in the subjects submitted for your consideration.

The Federal government will surely complete this project if California will do the things needed to be done and give the people its full benefit in the delivery to them, at the lowest possible cost, of the water and power from this project. That objective can only be obtained through public distribution.

I have received messages from President Roosevelt, from the Secretary of the Interior, from the United States Commissioner of Reclamation, and others representing the Federal government, urging that the State place itself in a position to do just that in the discharge of its responsibilities in connection with this project.

In addition, the State Director of Public Works and the executive officer of the Project Authority have advised me that such enabling legislation should be enacted at this special session.

Immediately after the defeat at your regular session last year of the so-called Pierovich Bill (Senate Bill No. 863) containing such legislation, United States Reclamation Commissioner John C. Page proposed that State and Federal representatives, together with local groups, continue consideration of the matter.

During the fall numerous conferences were held and letters exchanged between the State and Federal governments concerning this needed legislation. Secretary of the Interior Harold L. Ickes already had urged that the State concern itself with providing distribution facilities for the water and power from this project, and President Roosevelt telegraphed his endorsement. These conferences culminated in a two-day meeting in Sacramento in December, attended by Federal, State and local representatives. As a result of this meeting an amendment to the Central Valley Project Act was again drafted. That proposed amendment in simple language would free up to $50,000,000 of the $170,000,000 of revenue bonds authorized in the present act to be used by the State in carrying out the purposes and objects of the act itself. It would place the State in a position to contract with the Federal government for distribution of the electric power developed by the project, instead of leaving the Federal government and the people to be served at the mercy of a private power distribution monopoly which would be its only purchaser.

Federal government officials are well aware of the need for haste in having this legislation enacted. They know the inevitable delays which follow if the distribution and marketing features of a project are left untouched until the project is completed. The Federal government and the people suffered loss from delays in providing for public distribution of power upon the completion of the Bonneville project in the State of Washington. Such a condition in California should be prevented by your action at this session.

Providing the means for public distribution of the water and power from the Central Valley Project should go hand in hand with the construction of the project, if the people are to realize the full benefits of both the water and the power furnished by this project.

In the last few weeks I have received many communications from all parts of the valley, urging that I include this necessary legislation in the agenda for the special session. Only last week a meeting of two hundred farmers from the San Joaquin and Sacramento Valleys, many of whom were officials of irrigation and reclamation districts, unanimously adopted a resolution urging this action on my part. In view of its importance to the people of the Central Valley, to the Federal government and the State as a whole, I hope you will enact this proposed bill.

Liquor Control.

I am submitting for your consideration and recommending a constitutional amendment and fitting legislation transferring the administration and enforcement of laws relating to the licensing, regulation and distribution of alcoholic beverages from the Board of Equalization to a new State agency to be created.

The Board of Equalization was originally created in 1879 to equalize property valuations for taxation purposes, as between the counties; to assess the value of certain public utility properties, and generally to supervise tax law administration.

Since that time other duties have been assigned, and the administration of other laws have been committed to this board, including the collection of gasoline and sales taxes, motor vehicle transportation taxes, etc., also that of administering and enforcing liquor control and liquor license laws.

There is now a strong public demand that all liquor control administration be removed from the Board of Equalization and vested in another separately constituted State commission, exclusively devoted to that work. This will, I believe, accomplish better liquor control administration It will also insure that the entire attention of the Board of Equalization may be devoted to its other manifold and important duties.

During the past year this demand has become more general and more emphatic because of evils which have become *very* apparent in the board's administration of the liquor laws. Since the board members are directly elected by the people, various liquor interests spend huge sums of money to influence their election. As a result there have been recurring scandals in such elections as well as in connection with the performance of the administrative duties of the board

Furthermore, the vast amount of time and attention required in properly handling the administration of the liquor control laws and the perplexing problems in connection therewith, so as to maintain honesty and efficiency in the service and carry out the provisions of the laws intended to minimize the evils of the liquor traffic, makes it essential that these duties be performed by a separate State agency or commission. Naturally the other work and tremendously important duties of the Board of Equalization can not be handled as efficiently as they should be unless the board be relieved of the administration of liquor control laws.

I therefore strongly urge that this be done, and that a separate State appointive commission be provided for to take over the entire administration and duties of administration of all State liquor control and liquor licensing acts.

San Francisco Harbor Operations.

Recent and previous protracted tie-ups of the San Francisco Harbor, due to strikes and the inability of the waterfront employers and certain groups of their employees to adjust their differences, have resulted in huge losses to the public generally.

In order to avoid such recurring interruptions of the normal movement of commodities shipped through the State's harbor facilities at San Francisco, I strongly urge you to enact legislation enlarging the powers of the Board of State Harbor Commissioners by permitting it to supervise, regulate and control the receiving, handling, custody, and delivery of merchandise on the wharves and piers of San Francisco Harbor and on the property within its jurisdiction, to license and require bonds of ships' agents, and to do all things necessary for the direct operation of San Francisco Harbor facilities by the State of California.

The Port of San Francisco is one of the few ports in the United States that provides facilities only and that does not provide services necessary in connection with cargo movement Shippers located long distances from ports require certain services in connection with their shipments and, because of the fact that they are not present to arrange for them with various agencies, require that they be performed by one authority with complete control and responsibility That authority, of course, must be the harbor authority It has become increasingly important that all harbors perform these services in order that cargo handling may be more efficient and economical. If the Port of San Francisco is to be placed on a compar-

able basis with other ports, it must be in a position to perform these terminal services.

There is nothing new or radical in this proposal. Terminal services of this character are performed in various degrees by most of the ports of the world. Oakland, under its city charter, is permitted to and does perform terminal operations. The harbor of Long Beach, also under municipal control, has the privilege of doing all the things asked for in these amendments. Seattle, Portland, New Orleans, Camden, Houston and Galveston, and other important ports are permitted to and do perform such terminal operations.

In 1922 the Philippine Legislature passed an act conferring similar authority in the Manila Harbor Board. Manila soon became the most efficient and economical port in the Orient and is recognized as one of the most efficient in the world.

If the Port of San Francisco is to hold its position among the ports of the nation, *it must be able to provide complete services.* Necessary functions in the handling of cargo must be concentrated in order that duplication of effort may be eliminated.

It should also be borne in mind that the revenues of the Port of San Francisco have decreased recently because of the withdrawal of ferry services, the falling off in water-borne commerce generally throughout the country, and are seriously reduced by recurring strikes and lockouts which the services authorized by this proposal would help to restore.

Statement Regarding Fire Marshal.

A survey has shown that appalling fire hazards exist in the State institutions due to over-crowding, inadequate buildings and equipment, and lack of trained fire protection personnel. Experience has shown that institutional fires almost always result in the death of a high percentage of inmates. A fire of major proportions in one of our State institutions would result in a tremendous loss of life and the destruction of millions of dollars in State property. The whole subject of the correction of these conditions should be taken up by the Legislature as soon as possible. *I believe that* it is imperative that legislation be enacted at once to furnish trained persons at each institution to supervise fire prevention and fire fighting in order to minimize the danger. At present this important duty is left to nurses, janitors and others inexperienced in fire problems. I have, therefore, asked you to consider the subject of the furnishing by the State Fire Marshal of fire prevention and protection service at the State institutions and providing an appropriation therefor.

I have also asked you to consider the subject of providing an adequate salary for the State Fire Marshal. The present law provides that he shall serve without compensation. Until recently, the State Fire Marshal was paid adequately by the fire insurance companies. This practice has been discontinued.

The office of State Fire Marshal, entailing as it does the enforcement of the fire prevention laws relating to some 900 theaters, some 6,000 cleaning and pressing shops and countless other establishments and institutions in addition to the supervision of fire prevention and safety education, requires the full time of the person holding the office of State Fire Marshal.

A public official should not be dependent upon either private corporations or individuals for compensation for services rendered to the State; in fact, it should be unlawful for an official to receive compensation from private sources for his services. In order to secure the proper administration of the laws, provision should be made for a salary commensurate with the duties of the State Fire Marshal.

Amendments to Vehicle Code.

The Department of Motor Vehicles is faced with the necessity of making many adjustments in order that it may operate more efficiently and economically. In this connection, a legislative program has been prepared which, it is believed, will enable the department to operate within its budget for the first time in several years. This program includes relieving political subdivisions from the payment of fees on vehicles operated but not yet owned by them; the creation of an Interim Motor Vehicle Advisory Committee composed of three members of the Senate and four members of the Assembly; the stabilizing of expense of collection of the in lieu tax at a figure in keeping with actual costs, the regulation of furnishing information relative to the physical condition of drivers; setting a charge for furnishing information to commercial concerns and a per diem charge for bonded persons who search department records; the sale of registration information to interested parties; relieving the department from the duty of mailing to legal owners notices of successive renewals of registration; authorizing officers of the California Highway Patrol to accept bail upon service of warrants, providing for the collection of a single fee for motor vehicle engine changes; abolishing non-resident permits and authorizing the issuance of certain license plates to law enforcement officers and agencies.

Salary Readjustments.

At the regular session of the Legislature in 1939 there was eliminated from the budget bill for the present biennium the estimated necessary moneys for the salary and wage adjustments prescribed in the State Civil Service Act, for employees in State departments supported from the General Fund. It has been impossible to make these adjustments from other moneys appropriated, with the result that during the last six months only those employees in State departments supported from special funds have received the adjustments to which under the law all are entitled, provided their merit rating is sufficiently high. With about one half of the employees receiving the adjustments and the other half not, a situation has been created which is most confusing and demoralizing, and should be remedied with an appropriation to eliminate these inequalities.

Considerable time and effort have been devoted in stabilizing and equalizing State salary and wage ranges and in making provisions for normal advancement within those ranges on the basis of merit, and certainly if this principle is to be preserved, provision should be made to that end by an appropriation to take care of the employees in departments supported from the General Fund.

I recommend that this be done if sufficient additional revenues are provided *therefor by measures passed by you at this special session.*

Proposal for State to Drill Oil and Gas Wells on State Lands.

I am also submitting a measure empowering the State, through the State Lands Commission, to drill for oil and gas in State lands subject to certain safeguards and conditions.

The immediate problem prompting the inclusion of this subject in the call has grown out of a situation at and in the vicinity of Rio Vista, California. A little more than two years ago dry gas was discovered in that locality.

Through this field runs the Sacramento River, the bed of which is owned by the State of California. While the limits of the field are not now definitely known, it is estimated that the State may control as much as 15 per cent of the field.

The State, through the State Lands Commission, has power now to lease such lands for oil and gas production and, in certain circumstances, may enter into compensatory agreements. Both of these methods involve a substantial payment of the proceeds to the particular lessee operator. Whereas, were the State to drill its own wells in proven areas such as the Rio Vista gas field, the cost of drilling the well or wells would be negligible and the risk definitely minimized. I am informed that a gas well in this field may be drilled for as little as $45,000. Were the State to enter into a lease or leases at the prevailing royalty in the field of 12½ per cent, the State's return would approximate $500,000. On the other hand, were the State to drill its own wells, its gross return could amount to as much as $4,000,000, from which the cost of drilling and small operating costs would need to be deducted. On this estimate alone there appears to be a difference of $3,500,000, less, of course, drilling and operating costs.

For several years I have studied proposals to enable the State to do its own drilling and have actively worked for the passage of legislation to accomplish this program. During this period I have never heard a logical argument voiced against the proposition. Everyone is familiar with the powers of the State with respect to its own property. It is now and for years has been empowered to sell, lease, and deal generally with its property in the same manner as an individual and as all know, it may lease private property for its own use and when it has a surplus space it may lease that to private parties. It seems there remains only this power for the State to further protect itself

Other Subjects.

There are included in the proclamation a number of items to allow you to consider ratification of charter amendments, validation of bonds, legislative printing, submission of proposed constitutional amendments, technical amendments of acts recently enacted, and a few like items such as the one to consider a soil conservation act which was passed at the 1938 special session, but which was held by the Attorney General to be of doubtful constitutionality because passed under a supplement to the proclamation calling the special session.

There are also a number of items to allow you to consider other measures which will substantially affect the welfare of large groups of people or subdivisions of the State. I have been assured that they are extremely urgent measures and of such well-recognized merit as will not unduly extend this session. Needless to say, the items included are but a small percentage of those urged for inclusion. I have been forced to refuse a large number of requests from sincere people, including members of the Legislature, that additional items be included. These must await the regular session of the Legislature.

Conclusion.

I realize the hardship which a prolonged special session would impose on individual members, attributive to the fact that their compensation at the rate of $100 a month is insufficient to meet their expenses and that their legislative work takes them from their usual employments upon which they rely for their personal and family needs.

In preparing the agenda I have had this in mind and it is far from my purpose to compel a prolonged session In fact, it was far from my purpose to compel any special session at this time. As already stated, this session is called in accordance with your own plans at the adjournment of the regular session last year.

Because new revenue to meet your appropriations was not provided and the appropriation made for unemployment relief was made to cover only the period now expired, these are the major subjects contained in the official call, and you will observe upon careful analysis that there are not more than five other subjects that should occupy your time for any considerable period in determining your action thereon. As already indicated the remaining 57 subjects refer for the most part to routine and urgently needed technical amendments, charter ratifications, etc., which would not require any prolonged session.

Many other matters for important legislation should receive your attention without delay, but are not included in the call because of my purpose to limit the agenda to matters of emergency and utmost need for immediate action.

This situation emphasizes the need for a change in the constitution of our legislative branch of the government so as to provide not only for adequate compensation to members sufficient to command their entire time, but also to provide for a one-house body which will meet every year for as long as it is necessary to act upon legislation requiring statutory changes, and constructive measures for the progress and welfare of the people of the State.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California.

Adjournment of Joint Convention.

There being no further business, at one o'clock and fifty-three minutes p.m., the President of the Senate declared the Joint Convention adjourned.

IN ASSEMBLY.

At one o'clock and fifty-five minutes p.m., the Assembly reconvened. Speaker Garland in the chair.

Request to Print Opinion of Legislative Counsel in Journal.

On request of Mr. Yorty the following opinion of the Legislative Counsel was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
1025 WASHINGTON BLDG., LOS ANGELES, CALIFORNIA, JANUARY 24, 1940.

Honorable Samuel W. Yorty,
1835 Miramar Avenue,
Los Angeles, California

Subject: *Limitations Upon the Relief Appropriation at the Special Session.*
Request: *No. 496.*

DEAR MR. YORTY:

Question.

Several days ago you directed our attention to item No. 1 on the tentative list of items to be included in the proclamation for the forthcoming Special Session of the Legislature, which reads as follows:

"1. To consider and act upon an act providing an appropriation for the 91st and 92d fiscal years to the Relief Administrator and Relief Commission for the relief of hardship and destitution due to and caused by unemployment to be expended by the Relief Administrator and Relief Commission in accordance with the provisions of the California Unemployment Relief Act of 1935 for the relief of persons qualifying thereunder."

You have asked if under an item in the call substantially the same as the foregoing, the Legislature could incorporate into any bill making an appropriation for unemployment relief, the salient portions of that bill based upon the Hatch Bill

(Public Act No. 252 of the 76th Congress) which we originally drafted for Senator Kenny under request No. 465 and upon which you and the Senator are collaborating.

In essential substance, the bill drafted under request No. 465 forbids the expenditure of funds appropriated for unemployment relief for the purpose of encouraging or discouraging certain types of political activity which are declared to be improper. Actually, the bill proposes to impose certain limitations upon the purposes for which funds appropriated for unemployment relief may be expended.

Opinion.

It is our opinion that if the substance of the provisions of the bill drafted under request No. 465 were made a part of the act appropriating funds for unemployment relief and were limited in their application to the expenditure of the funds thereby appropriated, those provisions would be within the terms of item No 1 of the proposed call and could be properly enacted into the law at the Special Session.

In arriving at this conclusion, we have not had the benefit of any judicial decision in this State directly involving the precise question here in issue. So far, there have been only two decisions in this State upon section 9 of Article V of the Constitution —*People* vs. *Blanding* (1883), 63 Cal. 333, and *People* vs. *Curry* (1900), 130 Cal. 82, 62 Pac. 516—neither of which involves the close question of interpreting the provisions of a Governor's proclamation.

Our opinion is based, therefore, upon a consideration of the various factors judicially recognized and approved by the courts of other States in passing upon similar questions under analogous constitutional provisions Our opinion represents an attempt to predict what our courts would hold if the question here presented to us were presented to them for decision.

Analysis.

Analyzing item No. 1 on the tentative list of items to be included in the proclamation, it appears to us that essentially the subject of legislation to which that item refers is an appropriation for expenditure during the 91st and 92d fiscal years for unemployment relief.

It is true that the proclamation item goes further and declares that the appropriation is to be expended in accordance with the provisions of the California Unemployment Relief Act of 1935 for the relief of persons qualifying thereunder. Ultimately your question involves the determination of the effect of that limitation upon the power of the Legislature to exercise its own discretion as to matters of *detail within the general subject* of legislation expressed in that item of the Governor's Proclamation.

In general it may be stated that while the Governor may limit the Legislature to a specific subject or to some reasonable classification of a general subject, he can not limit the Legislature to a particular bill or to a particular method or mode of exercising the legislative function This rule is perhaps best stated in *In re Governor's Proclamation* (1894), 19 Colo. 333, 35 Pac. 530, where at page 531 of 35 Pacific, the court said:

> "It is true, section 9 (of Article 4 of the Colorado constitution) requires that the business to be transacted at the special session shall be specifically named; but it does not require that such business shall be definitely and particularly prescribed, in all its details, by executive proclamation. Legislative judgment and discretion as to the transaction of the business specially named are certainly not inhibited at special sessions The Legislature can not go beyond the limits of the business specially named in the proclamation, nor can it legislate upon business not named in the proclamation; but within the limits of such business it may act freely, in whole or in part, or not at all, as may be deemed expedient, according to its own judgment. The Legislature must do this much, or the right of legislating by the representatives of a free people at a special session is destroyed, and all our ideas of such right are rendered obsolete." (Parentheses ours.)

Under this rule, where too great detail is specified or a particular bill is described, the courts hold that the Legislature can not be bound thereby and that the subjects so specified in detail or so covered by the bill, are the subjects specified in the proclamation and the specific recommendations will be treated as advisory only. *In re Governor's Proclamation*, supra (1894), 19 Colo. 333, 35 Pac. 530; *People* v. *District Court* (1896), 23 Colo. 150, 46 Pac. 681; *Crawford County Levee District* v. *Cazort* (1935), 190 Ark. 257, 78 S. W. (2d) 378; *In re Opinions of the Justices* (1936) Ala., 171 So. 902. (See also *Van Dyke* v. *Wisconsin Tax Commission* (1935), 217 Wis 528, 259 N. W. 700 and *Commonwealth* v. *Liveright* (1932), 308 Pa. 35, 161 Atl. 697).

The above rule is well expressed in *In re Governor's Proclamation* (1894), 19 Colo. 333, 35 Pac. 530, supra The call in that case attempted to limit the Legislature to amending certain subdivisions of the attachment laws and to providing that

the amendments were not to apply to existing contracts. At page 532 of 35 Pacific the court declared:

> "The proclamation further provides that the amendment of the attachment laws shall take effect only as to contracts made after such amendment shall become a law This provision must be held to be an unwarranted restriction upon legislative power and discretion. The governor having specially named the amendment of the attachment laws as part of the business to be transacted at the special session, his authority by proclamation in respect to that matter was exhausted. Whatever he has further said upon that subject must be considered as merely advisory. The manner in which, and the extent to which, the causes of attachment, or any of them, shall be amended, if at all, are matters for the legislature to determine in the first instance, according to its own judgment."

Finally, the fact that the Governor may limit the operation of the legislation to a particular period, in this instance an appropriation for the 91st and 92d fiscal years, finds support in *Corn* v. *Fort* (1936) Tenn., 95 S. W (2d) 620. The Tennessee Legislature had been convened in special session to "provide sufficient revenue to pay the expenses of the State Government * * * for the biennium beginning July 1, 1935," and passed a bill which became a law levying an excise tax on partnerships and corporations without limiting the operation of the statute to the biennium referred to in the Governor's Proclamation It was argued that the act was unconstitutional for that reason. The court pointed out that the question could not arise until the end of the biennium but declared that it must be presumed that the Legislature was undertaking to provide revenue for the period mentioned in the proclamation of the Governor and that the duty of providing revenue for succeeding bienniums will fall upon subsequent legislatures.

Under the views expressed above it appears that the *subject* of legislation as that term is used in section 9 of Article V, which is contained in item No. 1 of the proposed proclamation, is an appropriation for unemployment relief for the 91st and 92d fiscal years and in so far as the expenditure of that appropriation is concerned, it appears that the Legislature may impose such restrictions in addition to or different from those contained in the California Unemployment Relief Act of 1935 as the Legislature in the exercise of its discretion deems necessary or desirable.

Therefore it is our conclusion that with some revision to conform to the views herein expressed, the bill drafted under request No. 465 could be made a part of the act appropriating funds for unemployment relief and may be considered as properly coming within the terms of item No. 1 of the proposed call for the special session.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By GEORGE W. WAKEFIELD, Deputy.

GWW·h
cc—Senator Kenny.

Adjournment.

At two o'clock p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m., Tuesday, January 30, 1940.

DAVID V OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, January 30, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Monday, January 29, 1940, was dispensed with.

Communications.

From the Santa Monica Bay District Central Labor Council, opposing the turning over to the fifty-eight counties the administration of unemployment relief

From the City and County Federation of Women's Clubs, San Francisco, against diversion of fish and game funds into the general State fund.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, January 26, 1940.

Mr. Jack Carl Greenburg, Chief Clerk of the Assembly,
State Capitol, Sacramento, California.

DEAR SIR: On behalf of my brother and sisters, I will greatly appreciate it if you will express to the Members of the Assembly our deep appreciation for sending

the beautiful floral piece to our father, and for the honor of having his last rites held in the Assembly Chambers

I know that nothing could have been done that would have pleased him more and we are all so grateful. That was where he really began his political career and it was fitting that he should end it there.

The memory of this honor will live with us always.

Gratefully yours,

FRANK M. JORDAN.

STATE OF CALIFORNIA, DEPARTMENT OF INVESTMENT,
DIVISION OF INSURANCE, 417 MONTGOMERY STREET,
SAN FRANCISCO, November 22, 1939.

Honorable Jack Carl Greenburg, Chief Clerk of the Assembly,
State Capitol, Sacramento, California.

DEAR SIR: Pursuant to the request of the Assembly of the State of California embodied in House Resolution No. 188, adopted June 20, 1939, at the Fifty-third Session of the California Legislature (Assembly Daily Journal—Pg. 3394), I hereby submit the attached statement containing a full and complete report as of January 1, 1939, of the value of all real estate owned by, and real estate mortgages, trust deeds and other security interests in land held by, each insurance company, association and exchange subject to my jurisdiction, from and to the extent of the information in my files

Although the language of the resolution does not limit the requested information to interests in real property situate in California, the report is so limited upon advice from the Honorable Edward F O'Day, co-author of the resolution, to the effect that such was the intent of the resolution.

The values shown for real estate owned represent, on the whole, book values—i e, the values at which the properties are carried on the books of the insurers involved. In those cases indicated by one asterisk, however, the values shown represent market values as determined by the respective insurers. In two cases, indicated by two asterisks, the values shown represent actual cost For mortgages, trust deeds and other security interests in real property the amounts shown represent the unpaid balances of the debts secured thereby

Information in my files does not include a full and complete record of the acreage of real property in which insurers have interests. To the extent that my files disclose such information in one individual case, same is reported herewith.

The fact that notice of the adoption of the above mentioned resolution and a copy thereof was not received by me until July 26, 1939, together with increased demands upon the staff of my office, and my original uncertainty as to the extent of the information desired, constitute the reasons for the unavoidable delay in the completion and filing of this report.

Respectfully submitted.

A. CAMINETTI, JR,
Insurance Commissioner.

Enc.

Name of Insurer *State of Domicile*	*Value of California Real Estate Owned*	*Unpaid Balance of Mortgages and Trust Deeds on California R. E.*
Abstract and Title Insurance Company, California	$215,353 33	$66,000 00
Acacia Mutual Life Insurance Company, District of Columbia	214,118 42*	4,727,635 82
Alameda County-East Bay Title Insurance Company, California	517,337 43	35,306 10
Alliance Mutual Life Insurance Company, California		42,726 71
American National Insurance Company, Texas	74,772 71*	20,490 35
Associated Indemnity Corporation, California	319,651 40	
Automobile Indemnity Exchange of Orange County, California	34,626 88	92,455 85
Bankers Life Company, Iowa	46,920 11*	4,475,607 92
Beneficial Life Insurance Company, Utah		12,983 72
Benjamin Franklin Life Assurance Company, California	153,345 65	60,000 00
Business Men's Assurance Company of America, Missouri		568,440 24
California Insurance Company, California	884,590 41	55,954 13

* Market Value.

Name of Insurer *State of Domicile*	*Value of California Real Estate Owned*	*Unpaid Balance of Mortgages and Trust Deeds on California R. E.*
California Pacific Title and Trust Company, California	$669,538 30	$63,512 00
California State Automobile Association, California		287,000 00
California Western States Life Insurance Company, California	6,862,547 56*	7,873,855 32
Capital Fire Insurance Company of California, California	34,963 67	
Capitol Life Insurance Company of Colorado, Colorado		8,767 73
Central Life Assurance Society (Mutual), Iowa		120,232 50
City Title Insurance Company, California	1,500 26	
Colonial Mutual Compensation Insurance Company, Ltd, California		10,000 00
Commercial Union Assurance Company, Ltd, England	1,423,460 27	
Connecticut Mutual Life Insurance Company (The), Connecticut	121,297 59*	5,445,484 28
Continental Assurance Company, Illinois		9,400 00
Continental Casualty Company, Indiana		2,550 00
Continental Insurance Company, New York	322,500 00	
Equitable Insurance Company of California, California	74,682 74	21,100 00
Equitable Life Assurance Society of the U. S. (The), New York	4,077,105 87*	22,869,729 58
Equitable Life Insurance Company of Iowa, Iowa		1,185,067 40
Eureka Security Fire & Marine Insurance Company (The), Ohio		2,000 00
Fidelity Mutual Life Insurance Company, (The), Pennsylvania	317,651 11*	123,968 74
Fidelity-Phenix Fire Insurance Company of New York, New York	322,500 00	
Fidelity Title Insurance Company, California	26,890 52	440 00
Fireman's Fund Insurance Company, California	2,857,708 55	1,123,351 67
General Accident Fire and Life Assurance Corporation, Ltd, Scotland	37,646 07	
General American Life Insurance Company, Missouri	1,008,344 21*	1,732,910 48
Golden State Mutual Life Insurance Company, California	51,590 25	32,640 15
Guarantee Limited Mutual Insurance Company, California	6,431 74	11,994 10
Guaranty Union Life Insurance Company, California	56,483 82	57,832 45
Hartford Fire Insurance Company, Connecticut	316,875 00	
Home Fire and Marine Insurance Company of California, California		144,921 56
Indemnity Mortgage Guaranty Company, California	355,027 72	
Insurance Company of North America, Pennsylvania	440,000 00	
Jefferson Standard Life Insurance Co., North Carolina	60,203 14*	2,174,002 64
John Hancock Mutual Life Insurance Company, Massachusetts	1,552,807 33*	5,623,524 36
Kansas City Life Insurance Company, Missouri	9,489 79*	6,718 91
Lincoln National Life Insurance Company, Indiana	1,238,463 68*	272,993 12
Liverpool and London and Globe Insurance Company, Ltd. (The), England	384,577 00	
Maryland Casualty Company, Maryland		104,579 17
Master Life Insurance Company, California		3,250 00
Medical Protective Company (The), Indiana		6,895 48
Metropolitan Casualty Insurance Company of New York (The), New York		4,818 74

* Market Value.

Name of Insurer *State of Domicile*	*Value of California Real Estate Owned*	*Unpaid Balance of Mortgages and Trust Deeds on California R. E.*
Metropolitan Life Insurance Company, New York	$7,306,632 33*	$42,671,108 13
Mortgage Guarantee Company, California	996.522 71**	
Mortgage Insurance Corporation, California	151.192 17	
Mutual Life Insurance Company of New York, New York		280,000 00
National American Fire Insurance Company, Nebraska		21.964 25
National Automobile Insurance Company, California	160.946 85	1,700 00
National Guaranty Life Company, California	4,365 69	144.617 77
National Life Insurance Company, Vermont		584,746 24
National Surety Corporation, New York	27,100 00*	
National Title Insurance Company, California	174,069 27	48,141 74
New England Mutual Life Insurance Company, Massachusetts	4,749,287 02*	2,572,867 35
New World Life Insurance Company, Washington	93,584 20*	4,160,188 06
New York Life Insurance Company, New York	3,787,981 00*	21,801,146 64
New Zealand Insurance Company, Ltd., New Zealand	191,850 00	
Northern Counties Title Insurance Company, California		9,500 00
Northern Life Insurance Company, Washington		571,085 67
Northwestern Mutual Life Insurance Company (The), Wisconsin	2,325,325 74*	14,653,175 38
Norwich Union Fire Insurance Society, Ltd., England	175,000 00	
Oakland Title Insurance and Guaranty Company, California	531,969 34	45,919 76
Occidental Life Insurance Company, California	2,928,150 97*	8,003.505 73
(Western Mutual Fund)	1,003,758 67*	41,461 76
Ocean Accident and Guarantee Corporation, Ltd, (The), England	711,730 12	
Ohio National Life Insurance Company (The), Ohio	53,604 87*	2,743,154 36
Orange County Farmers Mutual Fire Insurance Company (The), California	48.159 71	19,650 00
Orange County Title Company, California	288,564 41	21,329 67
Pacific Automobile Insurance Company, California	70,727 22	
Pacific Employers Insurance Company, California	399,133 17	1.574 92
Pacific Indemnity Company, California	334,864 39	573,570 42
Pacific Mutual Life Insurance Company, California	19,878,180 47*	53,090,067 87
Pacific National Fire Insurance Company, California	235,529 30	
Pacific National Life Assurance Company, Utah	22,832 22*	
Penn Mutual Life Insurance Company (The), Pennsylvania	816,022 22*	6,414,487 20
Peoples Life Insurance Company, Indiana		5,000 00
Phoenix Assurance Company, Ltd., England	228.578 90	
Pioneer Title Insurance and Trust Company, California	252 315 97	21,093 72
Postal Union Life Insurance Company, California	1,017,825 64*	447.290 25
Provident Mutual Life Insurance Company, Pennsylvania	847,500 00*	4,291,151 40
Prudential Insurance Company of America, New Jersey	3,704,075 66	54,779,087 59
Royal Insurance Company, Ltd., England	495,000 00	
San Bernardino County Mutual Fire Insurance Company, California	8,813 59	
San Diego County Mutual Fire Insurance Company, California	5,000 00	15.686 58
San Jose Abstract & Title Insurance Company, California	115,873 61	

* Market Value.
** Actual Cost.

Name of Insurer *State of Domicile*	*Value of California Real Estate Owned*	*Unpaid Balance of Mortgages and Trust Deeds on California R. E.*
Santa Barbara County Farmers' Mutual Fire Association, California	$23,401 71	
Santa Clara County Fire Insurance Company, California	38,960 12	$5,748 75
Scandinavian Mutual Protective Fire Insurance Association, California	5,381 00	
Security Title Insurance and Guarantee Company, California	505,446 90	66,758 76
Sonoma County Farmers' Mutual Fire Insurance Company (The), California	12,059 44	
Southern Title & Trust Company, California	243,959 85	117,000 00
Southwestern Life Insurance Company, California	7,905 13	9,960 00
Springfield Fire and Marine Insurance Company, Massachusetts	17,905 02**	
Stanislaus County Mutual Fire Insurance Company, California	33,001 00	
State Compensation Insurance Fund, California	220,641 46	
State Life Insurance Company, Indiana	468,047 40*	1,808,807 28
State Mutual Life Insurance Company, California (Life)		14,910 72
(A&H)		13,217 09
Sunset Mutual Life Insurance Company, California		3,200 00
Title Guarantee and Trust Company, California	3,064,707 66	913,843 88
Title Insurance and Guaranty Company, California	40,262 74	75,119 66
Title Insurance and Trust Company, California	4,921,926 88	303,870 31
Union Central Life Insurance Company, Ohio	553,737 95*	2,003,730 00
Union Title Insurance and Trust Company, California	354,451 94	114,963 70
Unity Mutual Life and Accident Insurance Company, California		33,220 00
Ventura County Mutual Fire Insurance Company, California	1 00	
Washington National Insurance Company, Illinois (National Life Fund)	10,530 09*	3,625 75
West American Insurance Company, California	446,752 35	13,958 93
West Coast Life Insurance Company, California	2,165,658 28*	7,149,118 32
TOTAL	$92,367,807 88	$290,166,466 83
Aid Association for Lutherans, Wisconsin		7,001 87
Alianza Hispano-Americana, Arizona	14,427 61	
Associacao Protectora Uniao Madeirense Do Estada Da California (A. P. U. E. C.), California	31,781 50	63,106 00
Conselho Supremo Associacao Portuguesa Protectora E Do Estado Da California (A. P. P. B.), California	1,713 33	
Conselho Supremo Da Irmandade Do Divino Espirito Santo Do Estado Da California (I. D. E. S.), California	199,500 00†	35,711 73
Homesteaders Life Association (The), Iowa	721,046 14*	352,701 29
Independent Order of Foresters, Canada	174,116 41	112,500 00
Lutheran Brotherhood, Minnesota		20,891 52
Maccabees (The)		64,686 37
Sons of Norway, The Supreme Lodge of the, Minnesota		35,983 72
Standard Life Association (The), Kansas	668,703 10*	640,471 07
GRAND TOTAL	$94,179,095 97	$291,499,520 40

* Market Value.
** Actual Cost.
† 1.972 acres.

Resolutions.

By Messrs. Lyon, Maloney and Stream:

House Resolution No. 6.

Relative to adjournment in respect to the memory of the Honorable Frank C. Jordan

WHEREAS, On January 18, 1940, the Honorable Frank C. Jordan passed from time into eternity; and

WHEREAS, All California mourns the passing of her beloved and honored Secretary of State, whose twenty-nine years of friendly, efficient service have put every citizen of the State in his debt and endeared him to the hearts of all who entered the ever-open door of his office; and

WHEREAS, The kindliness, fidelity, intelligence, impartiality, and integrity of his career and of his life constitute an example for every public servant and for every man; now, therefore, be it

Resolved by the Assembly of the State of California, That when we adjourn this day we do so in respect to the memory of the late Secretary of State Frank C. Jordan; and be it further

Resolved, That we extend our heartfelt sympathy to his sons and daughters, Robert V. Jordan, Frank M. Jordan, Mrs. Grace Ramsay, and Mrs. Nettie Laing, whose grief we do sincerely share; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to have prepared and sent to the members of the bereaved family suitably engrossed copies of this resolution

House Resolution No. 6 read, and adopted unanimously.

By the Committee on Attaches:

House Resolution No. 7.

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

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

Commencing January 29, 1940:	*Per Day*
Rev. Raymond Lull Bailey, Chaplain	$ 4 00
Jack Carl Greenburg, Chief Clerk	10 00
David V. Oliver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
C. W. Booth, Assistant Chief Clerk	9 00
Albert Day, Journal Clerk	7 00
Mildred Watson, History Clerk	7 00
Lillian Larkin, Stenographer	5 00
John E. Fitzgerald, Assistant Sergeant-at-Arms	5 00
Tom Lyons, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
George Doering, Assistant Sergeant-at-Arms	5 00
William Davies, Assistant Sergeant-at-Arms	5 00
William Murphy, Chief Page	3 00
Harold McKenzie, Page	2 50
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50

Resolved, Further, That the compensation of the above named attaches shall be on a six-day per week basis, except the following: Chief Clerk, Assistant Chief Clerk, Minute Clerk, and Sergeant-at-Arms, who shall receive compensation on a seven-day per week basis

ERNEST O. VOIGT,
Chairman, Attache Committee.

House Resolution No. 7 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman,

Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66
NOES—Dilworth, Houser, Knight, and Pelletier—4.

By Mr. Desmond:

House Resolution No. 8.

Resolved by the Assembly of the State of California, That until further notice the following standing rules of the Assembly be, and the same are, hereby adopted as the Rules of this extraordinary session.

Hours of Meeting.

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

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

Speaker to Call Assembly to Order.

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

Roll Call and Quorum.

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

Order of Business.

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

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

Reading of the Previous Day's Journal.

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

Approval of the Journal.

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

Motion to Correct Journal.

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

Presentation of Petitions.

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

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

Reports of Committees.

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

Messages from the Governor.

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

Messages from the Senate.

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate, shall be ordered to enrollment.

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

Bills Defined.

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

Introduction and Reference of Bills.

13. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

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

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

Introduction of Bills.

14. No bill or resolution, except resolutions relating to routine business of the Assembly, shall be introduced or considered by the Assembly until it shall have been referred to and acted upon by the Committee on Rules. All requests for leave to introduce bills or resolutions except resolutions relating to the routine business of the Assembly, shall be sent to the desk in writing under the order of "Introduction of Bills." The request shall give the title of the bill or resolution and shall be accompanied by the same. It shall thereupon be referred to the Committee on Rules, and if found to be within the proclamation of the Governor calling the extraordinary session it shall be so reported by the committee and shall be read the first time

Examining of Bills by Legislative Counsel Bureau

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

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

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

Daily Calendar

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

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

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

Motions and Resolutions.

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

Adjournment.

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

Duties of Assembly Officers.

Duties of the Speaker.

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

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

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

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly.

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

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

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

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

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

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

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

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

Duties of the Speaker Pro Tempore.

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

Duties of the Chief Clerk.

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

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

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

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

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

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

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

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

Duties of the Sergeant-at-Arms.

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

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

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

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

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

(e) To execute all commands of the Speaker.

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

Members' Decorum and Privileges.

Order in Speaking to Questions.

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

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

Speaker to Decide Who Is Entitled to Floor.

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

Members Called to Order for Transgressing Rules.

25. If any member in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may call the offend-

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

Members Called to Order for Offensive Words

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

Members Voting.

27. Every member at his desk when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

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

Ayes and Noes

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

Voting Not to Be Interrupted

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

Changing Vote.

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

Members at Clerks' Desk.

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

Tie Vote.

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

Call of the Assembly.

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

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

Leave of Absence.

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

Personal Privilege.

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

Objection to Reading of Any Paper.

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

Assignment of Desks to Members

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

Motions and Questions.

Precedence of Motions During Debate.

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

First—To adjourn;
Second—To recess to a time certain;
Third—To lay on the table;
Fourth—For the previous question;
Fifth—To set as a special order;
Sixth—To postpone indefinitely;
Seventh—To refer or re-refer;
Eighth—To amend.

Questions of Order Decided Without Debate.

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

Appeal from Decision of the Speaker.

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

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

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

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

To Adjourn.

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

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

To Recess to a Time Certain.

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

To Lay on the Table.

43. A motion to lay on the table is not debatable and can not be amended. If carried by a majority vote of the entire elected membership, it carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or house resolution.

The Previous Question.

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

Motion to Set Special Order.

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

Motion to Postpone to a Time Certain.

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

Motion to Postpone Indefinitely.

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

Motion to Amend.

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

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

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

Amendment to Be Germane.

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

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

Substitute Motion.

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

Motions in Writing.

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

Consideration of Motions.

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

Division of Questions.

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

Resolutions.

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

Withdrawal of Motions.

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

Motion to Be Germane.

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

Bills Reported Back to Assembly.

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

Motion to Withdraw and Recall Bills.

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

No bill or resolution shall be withdrawn from committee and placed upon the Calendar except upon one day notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken from Calendar.

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

Motion to Rescind Action and Expunge Record.

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

Reference of Bills to Committee.

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

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

Record of Bills.

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

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions.

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

Second Reading of Bills.

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

Committee Amendments.

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

Amendments from the Floor.

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading Calendar, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1000 copies of all amended bills.

Committee on Engrossment and Enrollment.

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

Engrossing and Enrolling Bills.

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

Bills Transmitted to the Senate.

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

Bills Considered During Last Seven Days.

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

Concurrence in Senate Amendments.

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation sub-

ject to reduction or elimination under the provisions of section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments.

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

Committee on Free Conference.

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

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

Enrollment.

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

Committees.

Standing Committees.

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

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Attaches, to consist of 7 members.
3. A Committee on Aviation and Aircraft, to consist of 11 members.
4. A Committee on Banking, to consist of 9 members.
5. A Committee on Building and Construction, to consist of 7 members.
6. A Committee on Building and Loan Associations, to consist of 7 members.
7. A Committee on Civil Service, to consist of 9 members.
8. A Committee on Commerce and Navigation, to consist of 9 members.
9. A Committee on Conservation, to consist of 9 members.
10. A Committee on Constitutional Amendments, to consist of 13 members.
11. A Committee on Contested Elections, to consist of 5 members.
12. A Committee on Contingent Expenses, to consist of 5 members.
13. A Committee on Corporations, to consist of 9 members.
14. A Committee on County Government, to consist of 15 members.
15. A Committee on Crime Problems, to consist of 7 members.
16. A Committee on Direct Legislation, to consist of 7 members.
17. A Committee on Education, to consist of 13 members.
18. A Committee on Elections, to consist of 11 members.
19. A Committee on Engrossment and Enrollment, to consist of 5 members.
20. A Committee on Exhibitions and Fairs, to consist of 7 members.
21. A Committee on Federal Relations, to consist of 7 members.
22. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
23. A Committee on Fish and Game, to consist of 15 members.
24. A Committee on Governmental Efficiency and Economy, to consist of 11 members.
25. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
26. A Committee on Hospitals and Asylums, to consist of 11 members.
27. A Committee on Insurance, to consist of 11 members.
28. A Committee on Introduction of Bills, to consist of 5 members.
29. A Committee on Irrigation, to consist of 17 members.
30. A Committee on Judiciary Codes, to consist of 17 members.
31. A Committee on Judiciary General, to consist of 15 members.
32. A Committee on Labor and Capital, to consist of 13 members.
33. A Committee on Libraries, to consist of 5 members.
34. A Committee on Live Stock and Dairies, to consist of 9 members.

35 A Committee on Manufactures, to consist of 7 members.
36. A Committee on Medical and Dental Laws, to consist of 9 members.
37. A Committee on Mileage, to consist of 5 members
38. A Committee on Military Affairs, to consist of 9 members.
39. A Committee on Mines and Mining, to consist of 9 members
40. A Committee on Motor Vehicles, to consist of 15 members.
41. A Committee on Municipal Corporations, to consist of 13 members.
42. A Committee on Oil Industries, to consist of 9 members.
43. A Committee on Prisons and Reformatories, to consist of 11 members.
44. A Committee on Public Charities and Corrections, to consist of 9 members.
45. A Committee on Public Health and Quarantine, to consist of 9 members.
46 A Committee on Public Morals, to consist of 11 members.
47. A Committee on Public Utilities, to consist of 11 members.
48. A Committee on Revenue and Taxation, to consist of 15 members.
49. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members
50. A Committee on Roads and Highways, to consist of 15 members.
51 A Committee on Rules, to consist of 7 members, including the Speaker.
52. A Committee on Social Service and Welfare, to consist of 9 members.
53. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
54. A Committee on State Grounds and Parks, to consist of 7 members.
55. A Committee on State Colleges, to consist of 7 members.
56. A Committee on Unemployment, to consist of 7 members.
57. A Committee on Universities, to consist of 7 members.
58. A Committee on Ways and Means, to consist of 21 members.

Committee Quorum.

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

Meetings of Standing Committees.

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

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

Standing Committee Rules.

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

Signing Bills Out of Committee.

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

Committee Expenditures.

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

Committee on Attaches.

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

Committee on Ways and Means.

82 The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly, and other than bills affecting existing departments of State Government which do not increase or decrease the salaries or expenses of such departments.

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

Committee of the Whole.

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

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

Reconsideration of Vote.

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

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

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

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

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

Printing.

Authority for Printing.

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

Printing Style, Form and Amount to Be Printed.

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

Printing Assembly History.

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

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

Printing of Maps.

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

Rules.

Adoption of Standing Rules

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

Parliamentary Rules.

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

Suspension of Rules

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

Amending Standing Rules.

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

Temporary Rule.

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

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

Miscellaneous.

Press Privileges.

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

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

Privilege of Addressing the Assembly.

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

Smoking in Assembly Chamber.

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

Fees for Witnesses.

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars for each day such witness shall be required to appear, and the sum of three and one-half cents for each mile he shall travel in coming to and going from the place of examination.

Use of Assembly Chamber.

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

Persons Admitted to Floor of the Assembly.

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued. Guests of members shall not be permitted to sit at the desks of the members while the Assembly is in session. Such guests shall be seated only in the chairs in the rear of the Assembly Chamber No person other than an accredited newspaper representative shall be permitted to sit at the press desks.

A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber.

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

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

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

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session, 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 elected membership of the Assembly.

Speaker Explains Order of Business.

101. The Speaker may, on his own motion or upon the motion of any member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

House Resolution No. 8 read, and on motion of Mr. Desmond ordered printed in the Journal.

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Concurrent Resolution No. 1: By Mr. Kellems—Relative to approving amendments to the charter of the City of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of December, 1939.

Request for Unanimous Consent.

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

Assembly Concurrent Resolution No. 1 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—75.

NOES—None

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Concurrent Resolution No. 2: By Mr. Kuchel—Relative to the approval of a certain amendment to the charter of the city of Huntington Beach, a municipal corporation in the county of Orange, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the twenty-first day of November, 1939

Request for Unanimous Consent.

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

Assembly Concurrent Resolution No. 2 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Motion to Keep Lobby Clear.

Mr. Atkinson moved that all persons other than members, attaches and members of the press be excluded from the lobby for the balance of the session.

Substitute Motion.

Mr. Williamson moved as a substitute motion that the motion by Mr. Atkinson be referred to the Committee on Rules.

Substitute motion adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—52.

NOES—Andreas, Atkinson, Bennett, Collins, Crowley, Dills, Donnelly, Gallagher, Gilbert, Heisinger, Kilpatrick, King, Knight, Lore, Massion, O'Day, Peek, Pelletier, Reaves, Richie, Rosenthal, and Tenney—22.

Motion ordered referred to the Committee on Rules.

Resolutions.

By Mr. Yorty:

Assembly House Resolution No. 9.

Relative to investigation of relief.

WHEREAS, The Legislature has been granted plenary power by section 11 of Article XVI of the Constitution to provide for the administration of relief; and,

WHEREAS, The Legislature has been convened in Special Session to provide, among other things, an appropriation for unemployment relief; and,

WHEREAS, Charges of improper practices in connection with the administration of unemployment relief have been made; and,

WHEREAS, It is necessary that the Assembly and the members thereof be fully advised of the facts in connection therewith and in connection with the administration of unemployment relief, in order to be able to act advisedly and judiciously in the premises and upon the subject of relief as specified in the Proclamation of the Governor convening the Legislature in Special Session; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby established an investigating committee on relief to be known as the Assembly Relief Investigating Committee, which committee is to exercise the powers and perform the duties hereby granted to and imposed upon it during the sessions and any recess or recesses of the Special Session of the Legislature which convened on January 29, 1940, but in no event beyond the final adjournment thereof; and be it further

Resolved, That the committee shall study, investigate and survey, accurately and in detail, the entire problem of the relief of hardship and destitution whether resulting from unemployment or other causes, the administration of the California Unemployment Relief Act of 1935, and any and all phases of the legal, economic and social problems relating to, connected with or affected by the relief of hardship and destitution with a view to discovering and recommending to the Assembly such legislation as appears necessary and desirable upon the subject of relief as specified in the Governor's Proclamation at the Special Session, to which the committee may submit reports from time to time; and be it further

Resolved, That the committee shall consist of five members of the Assembly appointed by the Speaker. Vacancies in the membership of the committee occurring at any time shall be filled by the Speaker; and be it further

Resolved, That the committee may adopt, and from time to time amend, such rules as may appear necessary and proper to exercise the powers hereby granted and to perform the duties imposed. It may select a chairman and a secretary from its membership, and be it further

Resolved, That the committee may employ, prescribe the duties and fix the compensation of such professional assistants, clerical and other employees as it finds necessary for the conduct of its work and it may contract with such other agencies, public or private, as it deems necessary for the rendition of such services, studies and reports to it as will best assist it to effectuate the purposes for which it was created; and be it further

Resolved, That the committee is authorized to hold public hearings at Sacramento and at any place in California at which hearings the people are to have an opportunity to present their views to the committee, and be it further

Resolved, That the committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

Resolved, That the committee, each of its members and any representative of the committee thereunto authorized by the committee or by its chairman is authorized and empowered to administer oaths. All of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That every department, commission, board, agency, officer, and employee of the State Government and of the political subdivisions, the counties, the cities and the districts shall furnish the committee, upon request, such information, records and documents as the committee deems proper for the effectuation of the purposes for which it was created; and be it further

Resolved, That the committee is further authorized and empowered to make a complete investigation and study of every phase of the subject hereinabove mentioned and any and all matters incidental thereto and to do any and all things necessary or convenient to enable it fully and completely to exercise its powers and perform its duties; and be it further

Resolved, That the Sergeant-at-Arms of the Assembly and the Deputies Sergeant-at-Arms of the Assembly are hereby directed to serve any and all subpenas, orders

and other process that may be issued by the committee, when directed so to do by the chairman or upon a vote of the majority of the membership of the committee; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way, incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee or in lieu of such expenses for accommodations and meals, an allowance of eight dollars per day, and be it further

Resolved, That the sum of five hundred dollars ($500) or so much thereof as may be necessary is hereby made available from the contingent fund of the Assembly for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the Treasurer

House Resolution No. 9 read, and ordered referred to the Committee on Rules.

By Mr. Voigt:

House Resolution No. 10.

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the sum of $2,000, said amount being for the purchase of postage stamps to be used by members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding $2,000 in the aggregate, as shall be necessary for the use of the members of the Assembly for official mail, and be it further

Resolved, That the amount of stamps requisitioned by any one member of the Assembly for official mail shall not exceed the sum of $25.

House Resolution No 10 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Gallagher, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—Bashore, and Cassidy—2.

By Mr. Kellems:

House Resolution No. 11.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of Jack Carl Greenburg, Chief Clerk, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred fifty dollars ($150), said amount being for the payment of postage, telegraphing, expressage and incidental expenses of the Chief Clerk's office.

House Resolution No. 11 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J, Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—70.

NOES—None.

Guests Extended Privilege of Assembly Floor.

On request of San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon John Ratto, supervisor, of San Francisco.

On request of Mr. Dilworth, the privilege of the floor of the Assembly

Chamber for this day was unanimously extended to Mr. and Mrs. J. H. Walsh of Riverside.

On request of Mr. Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Isabel Morris of Brooklyn, New York.

Adjournment.

At eleven o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Frank C. Jordan, Secretary of State, until eleven o'clock a m., Wednesday, January 31, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY
THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, January 31, 1940.

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

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—78.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Tuesday, January 31, 1940, was dispensed with.

Leaves of Absence for the Day.

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

Mr. Robertson, on motion of Mr. Peek

Communications

Petition from 8,000 qualified electors, urging repeal of sections 2226 to 2229 of the State Social Welfare and Institutions Code, pertaining to liens.

STATEMENT OF ACREAGE AND REAL ESTATE OWNED, "OTHER THAN ASSOCIATION PREMISES," AND LOANS ON REAL ESTATE HELD BY STATE LICENSED BUILDING AND LOAN ASSOCIATIONS OF CALIFORNIA AS OF JANUARY 1, 1939.

House Resolution No. 188 as Amended.

STATE OF CALIFORNIA, SAN FRANCISCO,
OFFICE OF BUILDING AND LOAN COMMISSIONER,

RALPH W. EVANS, COMMISSIONER.

Honorable Jack Carl Greenburg,
Chief Clerk of the Assembly.

Recapitulation of Acreage and Real Estate "Other Than Association Premises" Owned and Loans on Real Estate Held by State Licensed Building and Loan Associations of California as at January 1, 1939

REAL ESTATE OWNED—"ACREAGE"			
Number of Pieces	195		
Number of Acres		46,105 96	
Value of Acreage			$ 4,562,209 18
REAL ESTATE OWNED—"OTHER"			
Not including Assn Premises			
Number of Pieces	3,054		
Value			42,502,532 04
Total Number of Pieces Real Estate Owned, Acreage and Other	3,249		
Total Value of Real Estate Owned, Acreage and Other			$ 47,064,741 22
LOANS ON REAL ESTATE			
Number of Loans	63,088		
Value of Loans			$125,464,791 81
Total Pieces of Real Estate Owned, and Number of Loans	66,337		
Total Value of Acreage and Loans			$130,027,000 99
Total Value of Acreage, Real Estate and Loans on Real Estate			$172,529,533 03

(SEAL)

STATEMENT OF ACREAGE AND REAL ESTATE OWNED, "OTHER THAN ASSOCIATION PREMISES," AND LOANS ON REAL ESTATE HELD BY STATE LICENSED BUILDING AND LOAN ASSOCIATIONS OF CALIFORNIA AS OF JANUARY 1, 1939

	Real estate acreage		Real estate other		Total value of acreage and real estate	No of R E loans	Loans on real estate	Total value of acreage and loans cols 3 and 5	Total value of R E and loans cols 6 and 8
	No pieces	No acres	Value	No pieces	Value				
	1	2	3	4	5	6	7	8	
Central	7	130	$35,089 45	162	$663,483 00	$698,572 45	1,175	$3,002,061 58	$3,037,151 03	$3,700,634 03
Alhambra Federalized		6-28-39		12	164,274 45	164,274 45	153	423,870 70	588,145 15	749,266 60
Mutual, Alhambra			0	28	86,636 28	86,636 28	353	662,630 32	662,630 32	856,422 42
Anaheim	2	181 75	15,752 06	45	135,148 21	150,900 27	347	705,522 15	721,274 21	856,422 42
Savings Loan, Anaheim	1	10	4,920 56	39	175,174 79	180,095 35	577	1,199,130 06	1,204,050 62	1,379,225 41
Greater Arcadia			0	0	0	0	164	249,671 84	249,671 84	249,671 84
Atascadero Guarantee			0	0	0	0	107	132,299 50	132,299 50	132,299 50
Kern County			0	0	0	0	619	1,074,844 44	1,074,844 44	1,074,844 44
Peoples			0	1	6,890 00	6,890 00	50	41,262 24	41,262 24	48,152 24
San Gorgonio	2	5 59	3,716 12	3	4,351 40	8,067 82	159	211,910 52	215,626 64	219,978 34
Berkeley Guarantee			0	68	453,614 20	453,614 20	1,180	3,204,107 54	3,204,107 54	3,657,721 74
Fidelity Guaranty			0	17	331,828 54	331,828 54	619	1,919,610 25	1,919,610 25	2,251,438 79
Beverly Hills			0	8	37,379 67	37,379 67	176	572,917 52	572,917 52	610,297 19
Burbank			0	11	11,322 26	11,322 26	200	295,235 70	295,235 70	306,557 96
Surety Bond			0	2	9,834 54	9,834 54	199	322,761 15	322,761 15	332,595 69
Chino	10	60 5	27,972 06	8	18,237 70	46,209 76	114	136,556 52	164,528 58	182 766 28
Chula Vista			0	1	2,186 30	2,186 30	230	411,490 67	411,490 67	113,676 97
Claremont			0	0	0	0	280	724,954 54	724 954 54	724,954 54
Corona Mutual			0	21	27,331 35	27,331 35	60	38,534 92	38,534 92	65,869 27
Cucamonga			0	24	46 094 37	46,094 37	44	51,832 26	51 832 26	97,926 63
Imperial Valley			0	4	8,530 35	8,530 35	230	315,161 91	315 161 91	323,692 26
Mutual, Elsinore			0	4	17,838 08	17,838 08	67	59,116 66	59,116 66	76,954 74
Ramona			0	24	109,194 17	109,194 17	150	222,355 31	222,355 31	331,549 48
Fontana			0	0	0	0	58	59,467 94	59,467 94	59,467 94
Fresno Guarantee	1	40	6,800 00	5	121,932 88	128,732 88	964	2,012,331 34	2,019,134 34	2,141,067 22
Fullerton			0	3	13,227 97	13,227 97	87	139,885 56	139,887 56	153,113 53
Mutual, Fullerton			0	78	265,837 67	265,837 67	341	448,500 02	448,500 02	714,337 69
Huntington Park	1	1	3,346 64	50	169,268 59	172,615 23	361	508,547 74	511,894 38	681,162 97
La Habra Valley			0	2	2,823 53	2,823 53	132	232,504 79	235,328 32	235,328 32
Long Beach		161	57,330 33	153	1,014,292 52	1,071,622 85	903	1,721,651 67	1,778,982 00	2,793,274 52
The Mutual, Long Beach	11	120 94	96,387 94	406	1,914,918 88	2,011,306 82	1,081	2,106,124 67	2,202,512 61	4,117,431 49
The Coast Mutual Federalized		3-4-39		0	0	0	698	1,228,044 44	1,228,044 44	1,228,044 44
Great Western, L A			0	5	14,725 70	14,725 70	297	718,447 22	718,447 22	733,172 92
Hollywood			0	6	113,216 53	113,216 53	111	228,136 66	228,136 66	341,653 19
Home				9	111,718 71	111,718 71	90	177,235 51	177,235 51	291,954 22
Liberty			0	1	1 827 15	1,827 15	131	129,203 10	129,203 10	131,030 25
Lincoln	1	17	9,752 13	6	3,874 56	13,626 69	215	364,875 87	374 628 00	378,502 56
Sub-total, page 1	36	7 33 78	$261,067 59	1,206	$6,060,017 35	$6,321,084 94	12,755	$26,053,097 83	$26,314,165 42	$32,374,182 77

(SEAL)

STATEMENT OF ACREAGE AND REAL ESTATE OWNED, "OTHER THAN ASSOCIATION PREMISES," AND LOANS ON REAL ESTATE HELD BY STATE LICENSED BUILDING AND LOAN ASSOCIATIONS OF CALIFORNIA AS OF JANUARY 1, 1939

	Real estate acreage			Real estate other		Total value of acreage and real estate	No of R E loans	Loans on real estate	Total value of acreage and loans cols 3 and 8	Total value of R E and loans cols 6 and 8
	No pieces	No acres	Value	No pieces	Value					
	1	2	3	4	5	6	7	8		
Los Angeles American	1	30	$9,164 49	9	$17,169 24	$26,333 73	115	$188,709 46	$197,873 95	$215,043 19
Southern California			0	154	460,307 89	460,307 89	4,002	7,216,890 72	7,216,890 72	7,677,198 61
State Mutual	3	30	23,525 99	83	351,058 92	374,584 91	6,036	8,882,255 24	8,905,781 23	9,256,840 15
Madera			0	2	3,590 24	3,590 24	290	410,689 44	410,689 44	411,279 68
Marysville			0	3	6,732 61	6,732 61	182	356,393 24	356,393 24	363,125 85
Merced Mutual			0	1	3,476 73	3,476 73	135	296,121 38	296,121 38	299,598 11
Tamalpais			0	0	0	0	41	66,277 24	66,277 24	66,277 24
El Portal			0	8	29,691 37	29,691 37	130	188,856 16	188 856 16	218,547 53
Modesto	1	18	4,326 43	43	185,822 62	190,149 05	773	1,320,868 51	1 325,191 94	1,511,017 56
Monrovia			0	41	78,721 11	78,721 11	661	1,112 393 32	1,112,393 42	1,191,111 43
Educational			0	1	4,611 85	4,611 85	169	300,198 20	300,498 20	305,140 05
Intervalley			0	0	0	0	253	476,182 70	176,182 70	476,182 70
Napa			0	10	25 779 56	25,779 56	586	1,257,525 53	1,257,525 53	1,283,305 09
Golden West			0	3	6,482 23	6,482 23	470	851,909 29	851,909 29	858,391 52
Euclid			0	3	21,555 83	21,555 83	315	463,804 42	463,804 42	485,360 25
Orange			0	18	59,501 65	59,501 65	1,386	1,966,760 68	1,966,760 68	2,026,262 33
Oxnard			0	5	12,384 09	12,384 09	325	493,005 01	493 005 01	505,389 10
Home Foundation			0		0	0	505	1,141,513 10	1,141,513 10	1,141,513 10
Palo Alto Mutual			0	26	90,134 67	90,434 67	998	2,573,120 60	2,573,420 60	2,663,855 27
Investors Mutual			0	14	104 874 24	104,874 24	376	1,004,763 89	1,004,763 89	1,109,638 13
Mutual, Pasadena			0	3	4,839 57	4,839 57	663	2,649,798 38	2,649,798 38	2,654,637 95
Pasadena			0	52	357,394 15	357,394 45	309	460,533 00	460,533 00	817,927 45
Paso Robles			0	8	11,321 00	11,321 00	150	248,640 85	248,640 85	259,961 85
Pico-Rivera			0	5	9,474 93	9,474 93	201	349,520 62	349,520 62	358,995 55
Home Builders			0	7	123,879 97	123,879 97	2,990	6,483,201 14	6,483,201 14	6,607,081 11
Porterville Mutual	2	44	1 001 62	13	32,063 49	33,065 11	281	334,547 42	335,549 04	367,612 53
American Mutual			0	8	30,667 20	30,667 20	156	392,122 35	392,122 35	422,789 55
San Mateo County	1	4	3,092 35	57	210 046 83	213,139 18	505	994,083 49	997,175 84	1,207,222 67
Citrus Belt	2	12	1,656 46	17	39,007 29	40 663 75	297	351,620 58	356,277 04	395,281 33
Riverside County Mutual			0	25	121,759 85	121,759 85	395	675,778 67	675,778 67	797,538 52
Roseville Guarantee—Merged with Calif Stgs & Loan 5-5-39			0	5	9,030 40	9,030 40	42	35,524 18	35,521 48	44,554 88
Sacramento Guar	2	170	2,477 19	49	455,491 11	457,968 30	271	505,016 37	507,523 56	963,014 67
Salinas			0		0	0	171	322,534 36	322,534 36	322,534 36
Silver Gate			0	33	183,408 12	183,408 12	149	247,215 63	217,215 63	430,623 75
California Savings	2	20	200	50	171,951 28	172,151 28	1,201	2,254,692 00	2,254,892 00	2,426,843 28
Franklin			0	2	6,794 52	6,794 52	291	714,052 60	714,052 60	720,847 12
Home Mutual Deposit			0	22	71,847 71	71,847 71	536	1,533,926 50	1,533,926 50	1,605,774 21
Pacific States	126	42,140	3,816,912 27	460	28,626,636 11	32,443,548 71	5,222	8,378,440 49	12,195,352 76	40,821,989 20
Provident			0	5	4,550 00	4,550 00	169	319,311 78	319,311 78	353,861 78
Western Loan Assn			0	9	45,297 15	45,297 15	137	268,792 59	268,792 59	314,089 74
Sub-total page 2 (SEAL)		42,468	$3,862,356 80	1,254	$31,977,686 16	$35,840,042 96	31,914	$58,121,221 43	$61,983,578 23	$93,961,264 39

STATEMENT OF ACREAGE AND REAL ESTATE OWNED, "OTHER THAN ASSOCIATION PREMISES," AND LOANS ON REAL ESTATE HELD BY STATE LICENSED BUILDING AND LOAN ASSOCIATIONS OF CALIFORNIA AS OF JANUARY 1, 1939

	Real estate acreage		Real estate other		Total value of acreage and real estate	No of R E loans	Loans on real estate	Total value of acreage and loans cols 3 and 6	Total value of R E and loans cols 6 and 8
	No pieces	No acres	Value	No pieces	Value				
	1	2	3	4	5	6	7	8	
Guaranty, San Jose	1	3 27	$300 00	76	$675,707 04	$676,007 04	1,847	$5,858,946 83	$5,859,246 83	$6,534,953 87
Independent			0	9	46,630 82	46,630 82	1,444	3,423,358 23	3,423,358 23	3,469,989 05
Nucleus	7	1,309 91	271,588 19	26	310,514 06	582,132 25	910	2,623,644 94	2,895,233 13	3,205,777 19
San Jose Pacific	2	1,494	137,865 39	41	1,301,439 39	1,439,304 78	816	2,941,848 82	3,079,714 21	4,381,153 60
Surety			0	21	68,945 11	68,945 11	1,033	2,939,292 77	2,939,292 77	3,008,237 88
Guarantee, S Luis Obispo			0	6	7,687 25	7,687 25	243	423,140 47	423,140 47	430,827 72
San Luis			0	16	116,318 97	116,318 97	211	361,100 19	361,100 19	477,419 16
San Mateo Mutual			0	18	61,241 89	61,241 89	296	668,746 28	668,746 28	729,988 17
Marin County			0	1	2,890 00	2,890 00	125	270,931 43	270,931 43	273,821 43
Santa Ana			0	9	30,951 79	30,951 79	650	1,272,548 62	1,272,548 62	1,303,500 41
Loan & Bldg, Sta Barbara	1	4	2,142 46	59	314,518 30	316,660 76	682	1,484,104 50	1,486,246 96	1,800,765 26
Santa Barbara			0	14	158,504 57	158,504 57	1,599	4,107,341 15	4,107,341 15	4,265,845 72
Santa Cruz			0	9	25,917 73	25,917 73	206	338,633 60	338,633 60	364,551 33
Santa Cruz	1	8	2,927 84	15	43,606 72	46,534 56	1,083	1,542,527 13	1,545,454 97	1,589,061 69
Santa Maria			0	7	14,361 71	14,361 71	320	492,266 84	492,266 84	506,628 55
Santa Paula			0	17	36,378 55	36,378 55	195	355,066 11	355,066 11	391,444 66
Santa Rosa			0	1	2,313 77	2,313 77	447	865,802 33	865,802 33	868,116 10
Northwestern			0	10	12,866 49	12,866 49	232	553,813 58	553,813 58	566,680 07
Sausalito Mutual			0	3	6,686 52	6,686 52	52	122,119 10	122,119 10	128,805 62
Sonora Guarantee			0	6	5,700 05	5,700 05	96	122,285 97	122,285 97	127,986 02
San Joaquin	1	20	1,916 68	94	559,783 16	561,699 84	1,396	2,659,709 74	2,661 626 42	3,221,409 58
State	3	30	11,487 19	35	219,754 24	231,241 43	935	1,665,893 76	1,677,380 95	1,897,135 19
Stockton Land, Loan			0	11	34,847 69	34,847 69	1,439	2,659,093 29	2,659,093 29	2,693,940 98
Torrance Mutual			0	5	46,004 34	46,004 34	141	214,320 50	214,320 50	260,324 84
Guarantee, Tulare			0	28	18,323 88	18,323 88	97	81,043 94	81,043 94	132 367 82
Turlock Guarantee			0	4	9,782 85	9 782 85	256	382,200 43	382,200 43	391 983 28
Provident			0	2	8,264 40	8 264 40	414	710,547 70	710,547 70	718,812 10
Van Nuys			0	9	21,312 71	21,312 71	22	32 621 59	32 621 59	53 937 30
Visalia			0	16	24,197 13	24 197 13	258	340,161 28	340,161 28	364,658 41
Whittier	1	30	7,903 96	10	137,746 41	145,650 37	620	1,270,906 41	1,278,810 37	1,416,556 78
Wilmington Mutual	2	5	2,653 08	10	34,369 55	37,022 63	282	386,984 54	389,637 62	424,007 17
Standard—Merged with Calif Sav & Loan 5-5-39			0	6	77,201 44	77,201 44	12	116,167 48	116,167 48	193,368 92
Sub-total, page 3	19	2,904 18	$438,784 79	594	$1,464,828 53	$4,903,613 32	18,419	$41 290,472 55	$41,729,257 34	$46 194,085 87
Sub-total, page 2	36	733 78	261,067 59	1,206	6,060,017 35	6,321,084 94	12,755	26,053 097 83	26,314 165 42	32 371,182 77
Sub-total, page 1	140	42,468	3,862,356 80	1,254	31,977,686 16	35,840,042 96	31,914	58,121,221 13	61 983,578 23	93,961,264 39
Grand total (SEAL)	195	46,105 96	$4,562,209 18	3,054	$42,502,532 04	$47,064,741 22	63,088	$125,464,791 81	$130,027 000 99	$172,529,533 03

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1940.

MR. SPEAKER: Your Committee on Rules has considered House Resolution No. 8, the proposed permanent Rules of the Assembly for this extraordinary session as printed in the Journal of January 30, 1940, pages 37 to 56 inclusive; and respectfully reports the same back with the recommendation that it be adopted with the following amendments:

Amendment No. 1.

In Rule 13, at the end of the second paragraph, add the following:

"Bills and constitutional amendments shall not be read the first time or printed until after the Legislative Counsel has reported thereon as provided by Rule 14."

Amendment No. 2.

Strike out Rule 14 and insert in lieu thereof the following:

"14. When a bill or constitutional amendment has been introduced and numbered, and before it is read the first time, it shall be delivered by the Clerk to the Legislative Counsel for examination and report as to whether it appears to be within the scope of the proclamation of the Governor calling the extraordinary session. The Legislative Counsel shall report as to each such measure as promptly as may be, and prior to the end of the next legislative day, returning the measure with the report to the Clerk and transmitting a copy of the report to the author of the measure.

The report shall state briefly and without detail whether the measure appears to be within or without the scope of the proclamation, or whether the matter is doubtful.

The report of the Legislative Counsel shall not be binding upon the Assembly nor preclude further consideration of any measure, nor shall it prevent an objection being subsequently made that such measure, or any amendment made or offered thereto, is not within the scope of the proclamation."

Amendment No. 3.

Strike out all of Rule 99 except the first sentence and insert in lieu thereof the following: "All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards."

Amendment No. 4.

In Rule No. 100, strike out the last paragraph and insert in lieu thereof the following:

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

Amendment No. 5.

Add a new rule to be numbered 102 to read as follows:

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

DESMOND, Chairman.

Consideration of Committee Amendments to Proposed Standing Rules of the Assembly.

Amendment No. 1.

In Rule 13, at the end of the second paragraph, add the following:

"Bills and constitutional amendments shall not be read the first time or printed until after the Legislative Counsel has reported thereon as provided by Rule 14."

Amendment adopted.

Amendment No. 2.

Strike out Rule 14 and insert in lieu thereof the following:

"14. When a bill or constitutional amendment has been introduced and numbered, and before it is read the first time, it shall be delivered by the Clerk to the Legislative Counsel for examination and report as to whether it appears to be within the scope of the proclamation of the Governor calling the extraordinary session. The Legislative Counsel shall report as to each such measure as promptly as may be, and prior to the end of the next legislative day, returning the measure with

the report to the Clerk and transmitting a copy of the report to the author of the measure.

The report shall state briefly and without detail whether the measure appears to be within or without the scope of the proclamation, or whether the matter is doubtful.

The report of the Legislative Counsel shall not be binding upon the Assembly nor preclude further consideration of any measure, nor shall it prevent an objection being subsequently made that such measure, or any amendment made or offered thereto, is not within the scope of the proclamation."

Amendment adopted.

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Strike out all of Rule 99 except the first sentence and insert in lieu thereof the following: "All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks A special section in the balcony shall be reserved for those holding guest cards."

Amendment adopted.

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In Rule No. 100, strike out the last paragraph and insert in lieu thereof the following:

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Amendment adopted.

Amendment No. 5.

Add a new rule to be numbered 102 to read as follows:

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

Amendment adopted.

Consideration of House Resolution No. 8 as Amended.

House Resolution No. 8, as amended, providing the standing rules of the Assembly for the fifty-third (extraordinary) session, read and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—69.

NOES—None.

Standing Rules of the Assembly for the Fifty-third (Extraordinary) Session.

House Resolution No. 8.

Resolved by the Assembly of the State of California, That until further notice the following standing rules of the Assembly be, and the same are, hereby adopted as the Rules of this extraordinary session

Hours of Meeting

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

Following the constitutional recess, the Assembly shall meet promptly at two o'clock p.m., daily (Sundays excepted) and Mondays at the hour

of eleven o'clock a.m., unless otherwise ordered by a majority vote of the members present.

Speaker to Call Assembly to Order.

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

Roll Call and Quorum.

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

Order of Business.

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

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

Reading of the Previous Day's Journal.

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

Approval of the Journal.

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

Motion to Correct Journal.

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

Presentation of Petitions.

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

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

Reports of Committees.

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

Messages from the Governor.

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

Messages from the Senate.

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate, shall be ordered to enrollment.

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

Bills Defined.

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

Introduction and reference of Bills.

13. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

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

Bills and constitutional amendments shall not be read the first time or printed until after the Legislative Counsel has reported thereon as provided by Rule 14.

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

Introduction of Bills.

14. When a bill or constitutional amendment has been introduced and numbered, and before it is read the first time, it shall be delivered by the Clerk to the Legislative Counsel for examination and report as

to whether it appears to be within the scope of the proclamation of the Governor calling the extraordinary session. The Legislative Counsel shall report as to each such measure as promptly as may be, and prior to the end of the next legislative day, returning the measure with the report to the Clerk and transmitting a copy of the report to the author of the measure.

The report shall state briefly and without detail whether the measure appears to be within or without the scope of the proclamation, or whether the matter is doubtful.

The report of the Legislative Counsel shall not be binding upon the Assembly nor preclude further consideration of any measure, nor shall it prevent an objection being subsequently made that such measure, or any amendment made or offered thereto, is not within the scope of the proclamation.

Examining of Bills by Legislative Counsel Bureau

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

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

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

Daily Calendar.

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

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

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

Motions and Resolutions.

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

Adjournment.

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

Duties of Assembly Officers.

Duties of the Speaker.

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

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

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

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly.

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

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

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

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

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

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

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

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

Duties of the Speaker Pro Tempore.

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

Duties of the Chief Clerk.

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

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

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

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

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

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

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

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

Duties of the Sergeant-at-Arms.

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

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

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

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

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

(e) To execute all commands of the Speaker.

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

Members' Decorum and Privileges.

Order in Speaking to Questions.

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

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

Speaker to Decide Who Is Entitled to Floor.

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

Members Called to Order for Transgressing Rules.

25. If any member in speaking or otherwise transgresses the rules of the Assembly, the Speaker shall, or any member may call the offend-

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

Members Called to Order for Offensive Words

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

Members Voting.

27. Every member at his desk when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall excuse him All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

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

Ayes and Noes.

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

Voting Not to Be Interrupted.

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

Changing Vote.

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

Members at Clerk's Desk.

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

Tie Vote.

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

Call of the Assembly.

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

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent.

A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

Leave of Absence.

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

Personal Privilege.

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

Objection to Reading of Any Paper.

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

Assignment of Desks to Members.

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

Motions and Questions.

Precedence of Motions During Debate.

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

First—To adjourn;
Second—To recess to a time certain;
Third—To lay on the table;
Fourth—For the previous question;
Fifth—To set as a special order;
Sixth—To postpone indefinitely;
Seventh—To refer or re-refer;
Eighth—To amend.

Questions of Order Decided Without Debate.

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

Appeal from Decision of the Speaker.

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

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

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

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

To Adjourn.

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

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

To Recess to a Time Certain.

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

To Lay on the Table.

43. A motion to lay on the table is not debatable and can not be amended. If carried by a majority vote of the entire elected membership, it carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or house resolution.

The Previous Question.

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

Motion to Set Special Order.

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

Motion to Postpone to a Time Certain.

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

Motion to Postpone Indefinitely.

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

Motion to Amend.

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

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

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

Amendment to Be Germane.

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

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

Substitute Motion.

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

Motions in Writing.

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

Consideration of Motions.

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

Division of Questions.

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

Resolutions.

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

Withdrawal of Motions.

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

Motion to Be Germane.

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

Bills Reported Back to Assembly.

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

Motion to Withdraw and Recall Bills.

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee

may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference.

No bill or resolution shall be withdrawn from committee and placed upon the Calendar except upon one day's notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken from Calendar.

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

Motion to Rescind Action and Expunge Record

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

Reference of Bills to Committee.

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

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

Record of Bills.

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

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions.

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

Second Reading of Bills.

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

Committee Amendments.

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

Amendments from the Floor

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading Calendar, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1000 copies of all amended bills.

Committee on Engrossment and Enrollment.

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

Engrossing and Enrolling Bills.

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

Bills Transmitted to the Senate.

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

Bills Considered During Last Seven Days.

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

Concurrence in Senate Amendments.

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation sub-

ject to reduction or elimination under the provisions of section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments.

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

Committee on Free Conference.

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

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

Enrollment.

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

Committees.

Standing Committees.

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

1. A Committee on Agriculture, to consist of 17 members
2. A Committee on Attaches, to consist of 7 members.
3. A Committee on Aviation and Aircraft, to consist of 11 members.
4. A Committee on Banking, to consist of 9 members.
5. A Committee on Building and Construction, to consist of 7 members.
6. A Committee on Building and Loan Associations, to consist of 7 members.
7. A Committee on Civil Service, to consist of 9 members.
8. A Committee on Commerce and Navigation, to consist of 9 members.
9. A Committee on Conservation, to consist of 9 members.
10. A Committee on Constitutional Amendments, to consist of 13 members.
11. A Committee on Contested Elections, to consist of 5 members.
12. A Committee on Contingent Expenses, to consist of 5 members.
13. A Committee on Corporations, to consist of 9 members.
14. A Committee on County Government, to consist of 15 members.
15. A Committee on Crime Problems, to consist of 7 members.
16. A Committee on Direct Legislation, to consist of 7 members.
17. A Committee on Education, to consist of 13 members.
18. A Committee on Elections, to consist of 11 members.
19. A Committee on Engrossment and Enrollment, to consist of 5 members.
20. A Committee on Exhibitions and Fairs, to consist of 7 members.
21. A Committee on Federal Relations, to consist of 7 members
22. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
23. A Committee on Fish and Game, to consist of 15 members.
24. A Committee on Governmental Efficiency and Economy, to consist of 11 members.
25. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
26. A Committee on Hospitals and Asylums, to consist of 11 members.
27. A Committee on Insurance, to consist of 11 members.
28. A Committee on Introduction of Bills, to consist of 5 members.
29. A Committee on Irrigation,fi to consist of 17 members.
30. A Committee on Judiciary Codes, to consist of 17 members
31. A Committee on Judiciary General, to consist of 15 members.
32. A Committee on Labor and Capital, to consist of 13 members
33. A Committee on Libraries, to consist of 5 members.
34. A Committee on Live Stock and Dairies, to consist of 9 members.

35. A Committee on Manufacturers, to consist of 7 members.
36. A Committee on Medical and Dental Laws, to consist of 9 members.
37. A Committee on Mileage, to consist of 5 members.
38. A Committee on Military Affairs, to consist of 9 members.
39. A Committee on Mines and Mining, to consist of 9 members.
40. A Committee on Motor Vehicles, to consist of 15 members.
41. A Committee on Municipal Corporations, to consist of 13 members.
42. A Committee on Oil Industries, to consist of 9 members.
43. A Committee on Prisons and Reformatories, to consist of 11 members.
44. A Committee on Public Charities and Corrections, to consist of 9 members.
45. A Committee on Public Health and Quarantine, to consist of 9 members.
46. A Committee on Public Morals, to consist of 11 members.
47. A Committee on Public Utilities, to consist of 11 members.
48. A Committee on Revenue and Taxation, to consist of 15 members.
49. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members.
50. A Committee on Roads and Highways, to consist of 15 members.
51. A Committee on Rules, to consist of 7 members, including the Speaker.
52. A Committee on Social Service and Welfare, to consist of 9 members.
53. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
54. A Committee on State Grounds and Parks, to consist of 7 members.
55. A Committee on State Colleges, to consist of 7 members.
56. A Committee on Unemployment, to consist of 7 members.
57. A Committee on Universities, to consist of 7 members.
58. A Committee on Ways and Means, to consist of 21 members.

Committee Quorum.

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

Meetings of Standing Committees.

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

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

Standing Committee Rules.

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

Signing Bills Out of Committee.

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

Committee Expenditures.

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

Committee on Attaches.

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

Committee on Ways and Means.

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly, and other than bills affecting existing departments of State Government which do not increase or decrease the salaries or expenses of such departments.

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

Committee of the Whole.

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

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

the Journal except upon motion and a majority vote of the members present.

Reconsideration of Vote.

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

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

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

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

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

Printing.

Authority for Printing.

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

matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed.

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

Printing Assembly History.

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

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

Printing of Maps.

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

Rules.

Adoption of Standing Rules.

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

Parliamentary Rules.

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

Suspension of Rules.

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

Amending Standing Rules.

92. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership

of the Assembly and one day's notice must be given on the motion thereof.

Temporary Rule.

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

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

Miscellaneous.

Press Privileges.

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

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

Privilege of Addressing the Assembly

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

Smoking in Assembly Chamber.

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

Fees for Witnesses.

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars for each day such witness shall be required to appear, and the sum of three and one-half cents for each mile he shall travel in coming to and going from the place of examination.

Use of Assembly Chamber

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

Persons Admitted to Floor of the Assembly.

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

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

Lobbying in the Assembly Chamber.

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

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

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

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

Speaker Explains Order of Business.

101. The Speaker may, on his own motion or upon the motion of any member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

Admission to Assembly Chamber.

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

Resolution.

By Messrs. Leonard and Lyon:

House Resolution No. 12.

Relative to adjournment in respect to the memory of Charles William Goetting.

WHEREAS, On January 16, 1940, the Honorable Charles William Goetting, former member of the Assembly, received that summons which comes finally to all men, and

WHEREAS, During his service as a member of the Assembly from 1917 through 1919 he brought to the deliberations of this body not only the knowledge of local conditions of a native Californian, born in San Francisco and educated in the San Francisco schools, but also the practical experience of a merchant and the specialized training of an expert accountant, and served with distinction as Chairman of the Committees on Banking and on Manufactures, and as a member of various other committees, including the Committees on Ways and Means, Public Charities and Corrections, and Elections; and

WHEREAS, He will long be remembered for his interest in humane and labor legislation and all legislation directed to the improvement of working conditions and the betterment of the home; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly does hereby express its sympathy in their loss to his widow, Mrs. Lyla Marks Goetting, to his daughter, Lyla Lucille Goetting, and to his son, Charles W. Goetting, and to his sister, Mrs. Margaret Pfingst; and be it further

Resolved, That when the Assembly adjourns this day it do so in respect to the memory of the Honorable Charles William Goetting, former member of the Assembly; and be it further

Resolved, That the Chief Clerk be instructed to send an engrossed copy of this resolution to Mrs. Margaret Pfingst.

Request for Unanimous Consent.

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

House Resolution No. 12 read, and adopted unanimously.

Recess.

At twelve o'clock and three minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock p.m.

Reassembled.

At two o'clock p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 1: By Messrs. Bashore, Yorty, Doyle, Stream, Garland, Allen, Turner, Green, Wollenberg, Watson, Dilworth, Kepple, Kellems, Poulson, Williamson, Phillips, Miller, Eleanor; Burson, Daley, Thurman, Corwin, Meehan, Pelletier, Sawallisch, Field, Lyon, Knight, Voigt, Gannon and Weber—An act to amend sections 2224 and 2227 of, to add section 2225.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 2: By Messrs. Pelletier, Lyon, Waters, Rosenthal, Voigt, Kilpatrick, Massion, Lore, Allen, Evans, Gilbert, Reaves, King, Hawkins, Poulson, Tenney, Yorty, Doyle and Kellems—An act authorizing any city of the first and one-half class to create a municipal department, to be under the control of a municipal commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural, recreational or incidental uses, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom

Assembly Bill No. 3: By Mr. Turner—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing license fees and commissions.

Assembly Bill No. 4: By Mr. Atkinson—An act to repeal sections 2226 and 2229 and to amend section 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged.

Assembly Bill No. 5: By Messrs. Green, Fulcher, Walker, Lyon, Call, Phillips, Wollenberg, Weybret, Johnson, Crowley, Miller, George P., Meehan, Robertson and Del Mutolo—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles.

Assembly Bill No. 6: By Messrs. King, Crowley, Miller, Eleanor; Miller, George P., Burson, Meehan, Poulson, Stream, Doyle, Andreas, Gilmore, Yorty, Robertson, O'Donnell, Rosenthal, Gallagher and Heisinger—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Assembly Bill No. 7: By Messrs. King, Miller, Eleanor; Stream, Burson, Crowley and Knight—An act to add section 13109.5 to the Health and Safety Code, relating to the powers and duties of the State Fire Marshal in the furnishing of fire protection and prevention service at the hospitals, institutions and schools in the State Department of Institutions, and making an appropriation therefor.

Assembly Bill No. 8: By Messrs. Doyle and Kellems—An act to add section 5.9 to the Retail Sales Tax Act of 1933, and section 4.3 to the Use Tax Act of 1935, relating to exemptions.

Assembly Bill No. 9: By Mr. O'Day—An act to amend sections 11000, 11003, 11009, 11010, 11035, 11160, 11166.05, 11166.06, 11166.07, 11166.08, 11166.11, 11166.12, 11167, 11200, 11391, 11392, 11425, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720, and 11780, and the article heading of Article 2, Chapter 5, Division 10, and to repeal sections 11036, 11178, 11332, 11396, 11710, and 11711 of, and to add sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession, or transportation thereof

Assembly Bill No. 10: By Messrs. Dills, O'Donnell, Lore and Donnelly—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption.

Assembly Bill No. 11: By Messrs. Johnson and Rosenthal—An act to add section 1190.5 to the Labor Code, validating orders and proceedings of the Industrial Welfare Commission

Assembly Bill No. 12: By Mr. Peek—An act to amend section 5 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Assembly Bill No. 13: By Mr. Peek—An act to amend section 5 of The Personal Income Tax Act, relating to rates of taxation on income of individuals, estates and trusts, to take effect immediately.

Assembly Bill No. 14: By Mr. Peek—An act to amend section 10 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, including credits thereon and exemptions therefrom, to take effect immediately.

Assembly Bill No. 15: By Mr. Peek—An act to amend sections 8 and 9.3 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Assembly Bill No. 16: By Mr. Peek—An act to amend sections 7 and 9 4 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Assembly Bill No. 17: By Mr. Peek—An act to amend section 12 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Assembly Bill No. 18: By Mr. Peek—An act to amend sections 4, 4a, and 23 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Assembly Bill No. 19: By Mr. Peek—An act to amend sections 4 and 23 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Assembly Bill No. 20: By Mr. Peek—An act to amend section 8 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Assembly Bill No. 21: By Mr. Peek—An act to amend section 8 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Assembly Bill No. 22: By Mr. Peek—An act to amend section 14 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations and to provide that this act shall take effect immediately.

Assembly Bill No. 23: By Mr. Peek—An act to amend section 3 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Assembly Bill No. 24: By Mr. Peek—An act to amend section 7 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately

Assembly Bill No. 25: By Mr. Peek—An act to amend section 7 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Assembly Bill No. 26: By Mr. Peek—An act to amend section 14 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Assembly Bill No. 27: By Mr. Peek—An act to amend section 24 of the Alcoholic Beverage Control Act, and to add thereto section 24.1, relating to an excise tax upon distilled spirits, and to provide that this act shall take effect immediately.

Assembly Bill No. 28: By Mr. Peek—An act to amend section 23 of the Alcoholic Beverage Control Act, relating to an excise tax upon beer and wine, and to provide that this act shall take effect immediately.

Assembly Bill No. 29: By Mr. Peek—An act to amend section 23 of the Alcoholic Beverage Control Act, relating to an excise tax upon beer and wine, and to provide that this act shall take effect immediately.

Assembly Bill No. 30: By Mr. Peek—An act to amend section 5 of the Alcoholic Beverage Control Act, relating to license fees, and to provide that this act shall take effect immediately.

Assembly Bill No. 31: By Mr. Peek—An act to amend sections 4 and 5 of the Inheritance Tax Act of 1935, relating to the inheritance tax, including the rates thereof, to take effect immediately.

Assembly Bill No. 32: By Mr. Peek—An act to amend sections 14, 15, 16, 17, and 18 of the Gift Tax Act of 1939, relating to taxes upon transfers of property by way of gift, including the rates thereof, to take effect immediately.

Assembly Bill No. 33: By Mr. Peek—An act imposing an excise tax for the privilege of severing petroleum, natural gas or natural gasoline from the earth, providing for permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations hereof, and providing that this act shall take effect immediately.

Assembly Bill No. 34: By Mr. Peek—An act imposing a tax upon the sale of cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, and making an appropriation for the administration thereof, to take effect immediately.

Assembly Bill No. 35: By Mr. Peek—An act imposing a tax upon the storage, use or other consumption in this State of cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, and making an appropriation of the proceeds of such tax, to take effect immediately.

Assembly Bill No. 36: By Mr. Peek—An act to amend section 22 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to exemptions

Assembly Bill No. 37: By Mr. Peek—An act to amend sections 9, 11, 12 and 14 of, and to add sections 12a, 13a and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation and licensing of horse racing, the amount and payment of license fees, the commissions of licensees and deposits made by them under the act, providing for the retroactive operation of this act, and providing that this act shall take effect immediately.

Assembly Bill No. 38: By Messrs. Stream and Reaves—An act to amend sections 867 and 868 of the Fish and Game Code, relating to yellow-tail, barracuda, and white sea bass.

Assembly Bill No. 39: By Messrs. Crowley and Meehan—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged.

Assembly Bill No. 40: By Messrs. Lore and Robertson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Assembly Bill No. 41: By Messrs. Lore and Robertson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing for the disbursement of the appropriation, declaring the urgency thereof and providing that it shall take effect immediately.

Assembly Bill No. 42: By Messrs. Peek, Doyle, Andreas, Tenney, Salsman, Gallagher, Cassidy, Meehan, Lore, Gannon, Burson, Daley, Lyon, Reaves, Bennett, Atkinson, Yorty, Pelletier, Johnson, Field, Phillips, Donnelly, Weber, Del Mutolo, Dills, Maloney, Wollenberg, Gilmore, Voigt, Miller, George P., O'Day and Sheridan—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid of the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged.

Assembly Bill No. 43: By Mr. Lore—An act to amend sections 2007 and 2227 of the Welfare and Institutions Code, and to repeal sections 2226 and 2229 of said code, relating to aid to the aged

Assembly Bill No. 44: By Messrs. Fulcher and Miller, George P.—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

Assembly Bill No. 45: By Messrs. Kuchel and Watson—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds.

Assembly Constitutional Amendment No. 1: By Mr. Lore—Proposed amendment to Article XVI of the Constitution by adding section 13 thereto, relative to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto

Assembly Constitutional Amendment No. 2: By Messrs. Yorty, Atkinson, Peek, Doyle, Andreas, Gallagher, Tenney, Bennett, O'Day, Pelletier, Donnelly, Phillips, Del Mutolo, Maloney, Voigt, Weber, Wollenberg, Miller, George P., Cassidy, Field, Lyon, Salsman, Gannon, Meehan, Burson, Lore, Sheridan, Gilmore, Johnson, Reaves and Mrs. Daley—Proposed amendment to Article XVI of the Constitution by adding section 13 thereto, relative to the powers of the Legislature in respect to the release, rescission, or remission of encumbrances and obligations taken as security for the repayment of aid to the aged, and ratifying certain acts of the Legislature relating thereto.

Assembly Joint Resolution No. 1: By Mr. Heisinger—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens.

Assembly Joint Resolution No. 2: By Mr. Heisinger—Relative to memorializing the Attorney General of the United States to commence deportation proceedings against Harry Bridges in the Federal courts.

Assembly Joint Resolution No. 3: By Mr. Heisinger—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Assembly Joint Resolution No. 4: By Mr. Heisinger—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens.

Assembly Joint Resolution No. 5: By Messrs. Johnson, Gannon and Kellems—Relative to efforts to provide funds for the relief of Finnish non-combatants.

Senate Message.

SENATE CHAMBER, SACRAMENTO, January 31, 1940.

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

Senate Concurrent Resolution No. 1—Relative to approving a certain amendment to the charter of the city of Los Angeles, a municipal corporation, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the twelfth day of December, 1939;

Senate Concurrent Resolution No. 2—Relative to the disposition of a statue of Juan Rodriquez Cabrillo.

J. A. BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON, Assistant Secretary.

Senate Concurrent Resolution No. 2 ordered on calendar without reference to committee.

Request for Unanimous Consent.

Mr. Rosenthal asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 1 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—Field—1.

Title read and approved. Bill ordered transmitted to the Senate.

Resolutions.

By Messrs Waters and Voigt:

House Resolution No. 13.

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened to legislate upon certain subjects, and the Legislature is now in extraordinary session commencing on the twenty-ninth day of January, 1940; and

WHEREAS, It is fitting that the Legislature take due cognizance of matters of great importance and unusual interest which have transpired since the Legislature was last in session; and

WHEREAS, The advent of a new soul and spirit in our midst is an event of great moment and an extraordinary occasion for gladness and rejoicing; and

WHEREAS, The members of the Assembly have learned with elation that on January 21, 1940, there was born to our Chief Clerk, Jack Carl Greenburg, and his charming wife a daughter, Toby, of the weight of six pounds and six ounces; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly and the members thereof do hereby heartily congratulate Mr. and Mrs Jack Carl Greenburg on the arrival of their daughter Toby, and extend to Miss Toby Greenburg a most sincere welcome; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit to Mrs. Jack Carl Greenburg and to Miss Toby Greenburg suitably engrossed copies of this resolution, and he is further directed to celebrate this happy occasion and each anniversary thereof with fitting ceremonies of thanksgiving and joy.

Request for Unanimous Consent.

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

House Resolution No. 13 read, and adopted unanimously.

By Mr. Knight:

House Resolution No. 14.

Congratulating the Honorable Paul Peek upon the announcement of his forthcoming appointment to the office of the Secretary of State of the State of California.

WHEREAS, It has been announced that our fellow member, the Honorable Paul Peek, will be appointed Secretary of State by the Governor of this state, and

WHEREAS, The said Honorable Paul Peek has served in the fifty-second and fifty-third Legislatures of this state as a member of this Assembly; and

WHEREAS, The said Honorable Paul Peek has served as Speaker of this Assembly during the fifty-third regular session of the Legislature of California, and

WHEREAS, The said Honorable Paul Peek is held in the highest personal esteem by the members of this Assembly, now therefore, be it

Resolved by the Assembly of the State of California, That this Assembly hereby extends to the Honorable Paul Peek their hearty congratulations upon the announcement of his forthcoming appointment to the office of Secretary of State and expresses their best wishes for a successful career of public service; and be it further

Resolved, By the Assembly of the State of California that it expresses its regret at the loss of one who in his service as Assemblyman has earned the respect and gained the friendship of all; and be it further

Resolved, That the Chief Clerk is hereby instructed to have a copy of this resolution forwarded to the said Honorable Paul Peek

Request for Unanimous Consent.

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

House Resolution No. 14 read, and adopted unanimously.

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1940.

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

Assembly House Resolution No. 9—Relative to investigation of relief;

Respectfully reports the same back without recommendation.

DESMOND, Chairman.

The above reported resolution ordered on third reading calendar.

Guests Extended Privilege of Assembly Floor.

On request of Alameda County delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. George A. Janssen, chairman of the Board of Supervisors of Alameda County, and Messrs. Harry Bartell, Thomas E. Caldecott, George P. Hellwig and Clifford Wixson, members of the Board of Supervisors of Alameda County.

Adjournment.

At two o'clock and thirty-five minutes p.m., on motion of Messrs. Leonard, Lyon and Peek, the Speaker declared the Assembly adjourned this day out of respect to the memory of Mr Charles William Goetting, former member of the Assembly, and Mr. S. W. Robertson, father of Assemblyman Alfred W. Robertson, until eleven o'clock a.m., Thursday, February 1, 1940.

DAVID V OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY
FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, February 1, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Wednesday, January 31, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Robertson, on motion of Mr. Lore.

Mr. Williamson, on motion of Mr. Maloney.

Mr. Bashore, on motion of Mr Knight.

Mr. Cronin, on motion of Mr. Maloney.

Mr. Crowley, on motion of Mr. Meehan

Communication.

STATE OF CALIFORNIA, DIVISION OF CORPORATIONS,
LOS ANGELES, CALIFORNIA, October 20, 1939.

Mr. Jack Carl Greenburg, Chief Clerk of the Assembly,
Sacramento, California.

DEAR SIR: Under date of July 24, 1939, you were good enough to submit to this Division copy of House Resolution No. 188, which, among other things, requested that the Corporation Commissioner submit to the Assembly "a full and complete report of the value and acreage of all real estate mortgages, trust deeds and other security interests in land as of January 1, 1939, held by each financial institution subject to his jurisdiction."

On behalf of the Commissioner of Corporations, I respectfully report as follows

Ordinarily, banking, building and loan and insurance companies filed applications with this Division for permits to sell securities to be used in financing their projects Invariably such companies, at the time of filing, had no assets such as real estate mortgages, trust deeds or security interests in land and did not have such assets during any of the period they remained under the jurisdiction of the Division.

We have examined all the Division's files relating to banks, insurance companies and building and loan associations and in no instance have found any information giving the volume of acreage of real estate owned, any real estate mortgages, trust deeds or other security interests in land held or owned by such companies as of January 1, 1939.

Very truly yours,

FRED A. WELLER,
Chief Assistant Commissioner of Corporations

FAW:FM

Resolutions.

By Mr. Burson:

House Resolution No. 15.

WHEREAS, Fox West Coast Theatres, Spyros P Skouras, president, Charles P. Skouras, executive vice president, W. H Lollier, manager, tax division and civic public relations, A. M Bowles, division manager, Mrs. Hulda McGinn, secretary-manager, California Theatres Association, Inc., and Blumenfeld Theatre Circuit, Joseph Blumenfeld, manager, have so constantly and thoughtfully contributed to the pleasure and entertainment of the members of this Assembly and their families during their stay in Sacramento during the Fifty-third Session of the California Legislature, and during this extraordinary session thereof, by granting admission courtesies of their many places of amusement; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this Assembly do hereby express their whole-hearted and sincere appreciation and thanks for the many courtesies extended them by the above named theaters and their officials and representatives, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to each of the persons named therein.

Request for Unanimous Consent.

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

House Resolution No. 15 read, and adopted.

By Mr. Desmond:

House Resolution No. 16.

Relative to amendment of Assembly Standing Rules.

Resolved by the Assembly of the State of California, That subdivision 52 of Assembly Standing Rule No 75 is hereby amended to read as follows:

"52 A Committee on Social Service and Welfare, to consist of 15 members."

Request for Unanimous Consent.

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

Assembly Rule No. 92 Temporarily Suspended by Unanimous Consent.

On request of Mr. Desmond, Assembly Rule No. 92 was temporarily suspended to allow further consideration of House Resolution No. 16, amending Assembly Rule No. 75.

Consideration of House Resolution No. 16.

House Resolution No. 16, amending Assembly Rule No. 75 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Joint Resolution No. 6: By Messrs. Tenney, Johnson, Gannon and Kellems—Relative to furnishing assistance to the Republic of Finland.

Request for Unanimous Consent.

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

Mr. Kuchel withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. Tenney moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 6 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Leonard, Lore, Lyon, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Poulson, Reaves, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—50.

NOES—Atkinson, Dills, Gilbert, Kilpatrick, Knight, Kuchel, Massion, Pelletier, Richie, and Rosenthal—10.

Consideration of Assembly Joint Resolution No. 6.

Demand for Previous Question.

Messrs. Peek, Bennett, Carlson, Thurman and Johnson demanded the previous question.

Demand for previous question sustained.

The question being on the Adoption of Assembly Joint Resolution No. 6.

Assembly Joint Resolution No 6 read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Carlson, Clarke, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Phillips, Poulson, Reaves, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—55

NOES—Atkinson, Cassidy, Kilpatrick, Massion, Pelletier, and Richie—6

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Explanation of Votes on Assembly Joint Resolution No. 6.

My negative vote on this measure is due to my belief that the most important and patriotic duty of an American is to do everything possible to keep this nation out of war.

VERNON KILPATRICK.

I have voted NO on Assembly Joint Resolution No. 6 because I feel that our duty as representatives should be to our people at home first. Taking issue in European affairs, on one side or the other will eventually involve us in war.

JACK MASSION

With reference to Assembly Joint Resolution No. 6 regarding the support of the Finnish Government in the present European conflict I should like to state at this time that I was detained in the Governor's office and, therefore, was unable to vote on this resolution. Had I been there, I would have voted in favor of Assembly Joint Resolution No. 6

JOHN W. EVANS.
Assemblyman, Sixty-fifth Assembly District

Assembly Concurrent Resolution No. 3: By Messrs. Maloney, Gallagher, O'Day, Gilmore, Wollenberg, Collins, Green, Cronin and Williamson—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1939

Request for Unanimous Consent.

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

Consideration of Assembly Concurrent Resolution No. 3.

Assembly Concurrent Resolution No. 3 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—63.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

The Speaker Pro Tempore in the Chair.

At eleven o'clock and fifty minutes a.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Assembly Joint Resolution No. 7: By Mr. Heisinger—Relative to the prevention of the exportation of arms to aggressor nations.

Request for Unanimous Consent.

Mr. Heisinger asked for unanimous consent to take up Assembly Joint Resolution No. 7, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Richie withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Heisinger moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 7 at this time.

Rules temporarily suspended by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Peek, Pelletier, Poulson, Reaves, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—55

NOES—Kilpatrick, O'Day, and Richie—3

Assembly Joint Resolution No. 7 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kuchel, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Rosenthal, Salsman, Sawal-

lisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—58.

NOES—Kilpatrick and Richie—2.

Title read and approved. Assembly Joint Resolution No. 7 ordered to print, and transmitted to the Senate.

Explanation of Vote on Assembly Joint Resolution No. 7.

My reason for my negative vote on this resolution is based upon Mr. Richie's request for further consideration and not because I am opposed to condemnation of bombing civilians.

VERNON KILPATRICK.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 46: By Messrs. Leonard, Weber, Salsman and Del Mutolo—*An act to add section 4383 to the Public Resources Code, relating to State forests,* including areas suitable for timber production, outdoor recreation, water protection, and fish and game production.

Assembly Bill No. 47: By Messrs. Leonard, Weber, Salsman, Del Mutolo, Kilpatrick and Burns, Michael J.—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4 3, consisting of sections 3534 to 3562, and Chapter 4 6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833 3, 3857.2 and 3859 20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773 2, 3785.4, 3785.5 and 3785 6 to, and to add Chapter IXb, consisting of sections 3860 01 to 3860 32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation.

Assembly Bill No. 48: By Messrs. Rosenthal, Scudder, Walker, Meehan, Waters and Poulson—An act to amend sections 1, 6, 20, 21, 23, 30 and 38 of, and to add sections 1 5, 6.5, 37.5, 37 6, 37.7, 38.1, 38.2, 38.3 and 38.4 to, and to repeal sections 16, 17, 18 and 19 of an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to the licensing and regulation of itinerant merchants.

Assembly Bill No. 49: By Mr. Maloney—An act to add section 3629 2 to the Political Code and to amend section 531 of, and to add section 451.5 to, the Revenue and Taxation Code, relating to property taxation

Assembly Bill No. 50: By Mr. Maloney—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2 3, 2.4, 6.5, 10 5, 12 5, 29.5, 39 5, 42.5, 43.3, 43 5, 44.5, 48.5, 53 5, 61.5 and 73 5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.

Assembly Bill No. 51: By Mr. Peek—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Assembly Bill No. 52: By Mrs. Daley, Messrs. Leonard, Stream, Gannon, Lyon, Kellems, Atkinson, Weber, Burns, Michael J., and Millington—An act to add section 5014 to the Public Resources Code, relating to parks and appropriating the money deposited in the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system.

Assembly Bill No. 53: By Messrs. Atkinson and Peek—An act to add section 2 to "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of the revenues derived from such lands.

Assembly Bill No. 54: By Messrs. Evans, O'Day, Johnson, Cronin, and Mrs. Daley—An act to add section 651a-1 to the Civil Code, relating to corporations conducting universities, colleges, seminaries, or schools of nursing.

Assembly Bill No. 55: By Mr. Donnelly—An act to amend section 1300.17 *the Agricultural Code, relating to the marketing of agricultural products.*

Assembly Bill No. 56: By Messrs. Wollenberg, Johnson, Green, Miller, George P., Cassidy, Meehan, Massion, Gilmore, O'Day, Collins, Sheridan, Gallagher, Peek, Cronin, Williamson, Maloney, Phillips and Weber—An act to amend the title and to add section 8 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Bill No. 57: By Mr. Hawkins—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the state; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately; and making an appropriation

Assembly Bill No. 58: By Mr. Hawkins—An act to amend sections 2, 3 and 4 of the Housing Cooperation Law, relating to aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law, and providing that this act shall take effect immediately.

Recess.

At eleven o'clock and fifty-nine minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m.

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Recess.

At two o'clock and thirty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and fifty-five minutes p.m.

Reassembled.

At two o'clock and fifty-five minutes p.m., the Assembly reconvened. Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Consideration of House Resolution No. 9.

House Resolution No. 9—Relative to the investigation of relief.

Demand for Previous Question.

Messrs. Reaves, Turner, Evans, Kilpatrick and Massion demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 9.

House Resolution No. 9 adopted by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Miller, George P., Millington, Phillips,

Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—51.

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, and Rosenthal—21.

Explanations of Votes on House Resolution No. 9.

It appeared advisable to vote "no" on this measure for the following reasons

1. SRA has been thoroughly investigated during the past six months and all the evidence has been laid open for inspection in the report of the various committees;

2. The present State Relief Administrator, Walter Chambers, is definitely opposed to communism and is making a thorough cleaning out of all subversive groups and obstructionists now employed by the State relief organization;

3. Because those who claim they have evidence establishing irregularities in SRA are given ample opportunity to have such evidence acted upon by the Administrator of Relief;

4. The investigation appears to be ill-timed to clear up the alleged irregularities inasmuch as they could be more effectively cleared up by reporting the evidence to the State Relief Administrator.

PAUL PEEK
EDWARD F. O'DAY.
S. L. HEISINGER.
CECIL R. KING.

I have voted "no" on Assembly House Resolution No. 9 because the chief argument in favor of the resolution is the clearing of the Democratic party in California of those masquerading as Democrats who are not such True, some elements have crept into the party in the process of its recent rapid growth, but it can not be expected that a committee constituted by those now in control of the Assembly will have the interest of the Democratic party at heart. The Democrats will do their own house cleaning without the aid of the Republicans and their allies.

GEORGE D COLLINS, JR.
HENRY P. MEEHAN.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 1, 1940.

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

Assembly Concurrent Resolution No. 1—Approving charter amendments of Santa Monica;

Assembly Concurrent Resolution No. 2—Approving chapter amendments to city of Huntington Beach.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 1, 1940

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

Senate Concurrent Resolution No. 3—Relative to the death of Senator Boggs.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PENNINGTON, Assistant Secretary.

Request for Unanimous Consent.

Mr. Weber asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, without reference to print, committee or calendar.

Consideration of Senate Concurrent Resolution No. 3.

Senate Concurrent Resolution No 3 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie,

Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—70.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 1: By Messrs. Bashore, Yorty, Doyle, Stream, Garland, Allen, Turner, Green, Wollenberg, Watson, Dilworth, Kepple, Kellems, Poulson, Williamson, Phillips, Burson, Thurman, Corwin, Meehan, Pelletier, Sawallisch, Field, Lyon, Knight, Voigt, Gannon, Weber, Miss Eleanor Miller and Mrs. Daley—An act to amend sections 2224 and 2227 of, to add section 2225.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 2: By Messrs. Pelletier, Lyon, Waters, Rosenthal, Voigt, Kilpatrick, Massion, Lore, Allen, Evans, Gilbert, Reaves, King, Hawkins, Poulson, Tenney, Yorty, Doyle and Kellems—An act authorizing any city of the first and one-half class to create a municipal department, to be under the control of a municipal commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural, recreational or incidental uses, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom.

Referred to Committee on Municipal Corporations

Assembly Bill No. 3: By Mr. Turner—An act to amend section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing license fees and commissions.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 4: By Mr. Atkinson—An act to repeal sections 2226 and 2229 and to amend section 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 5: By Messrs. Green, Fulcher, Walker, Lyon, Call, Phillips, Wollenberg, Weybret, Johnson, Crowley, Miller, George P., Meehan, Robertson and Del Mutolo—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles

Referred to Committee on Motor Vehicles

Assembly Bill No. 6: By Messrs. King, Crowley, Miller, George P., Burson, Meehan, Poulson, Stream, Doyle, Andreas, Gilmore, Yorty, Robertson, O'Donnell, Rosenthal, Gallagher, Heisinger and Miss Eleanor Miller—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 7: By Messrs. King, Stream, Burson, Crowley, Knight and Miss Eleanor Miller—An act to add section 13109.5 to the Health and Safety Code, relating to the powers and duties of the State Fire Marshal in the furnishing of fire protection and prevention service at the hospitals, institutions and schools in the State Department of Institutions, and making an appropriation therefor

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 8: By Messrs. Doyle and Kellems—An act to add section 5.9 to the Retail Sales Tax Act of 1933, and section 4.3 to the Use Tax Act of 1935, relating to exemptions.

Motion to Refer Assembly Bill No. 8.

Mr. Doyle moved that Assembly Bill No. 8 be referred to proper committee.

Substitute Motion.

Mr. Maloney moved as a substitute motion, Assembly Bill No. 8 be re-referred to the Legislative Counsel.

Substitute motion carried.

Assembly Bill No. 8 re-referred to the Legislative Counsel.

Introduction of Bills (Resumed).

Assembly Bill No. 9: By Mr. O'Day—An act to amend sections 11000, 11003, 11009, 11010, 11035, 11160, 11166.05, 11166.06, 11166.07, 11166.08, 11166.11, 11166.12, 11167, 11200, 11391, 11392, 11425, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720 and 11780, and the article heading of Article 2, Chapter 5, Division X, and to repeal sections 11036, 11178, 11332, 11396, 11710 and 11711 of, and to add sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession, or transportation thereof.

Referred to Committee on Medical and Dental Laws.

Assembly Bill No. 10: By Messrs. Dills, O'Donnell, Lore and Donnelly—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption.

Referred to Committee on Agriculture.

Assembly Bill No. 11: By Messrs. Johnson and Rosenthal—An act to add section 1190.5 to the Labor Code, validating orders and proceedings of the Industrial Welfare Commission.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 12: By Mr. Peek—An act to amend section 5 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 13: By Mr. Peek—An act to amend section 5 of The Personal Income Tax Act, relating to rates of taxation on income of individuals, estates and trusts, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 14: By Mr. Peek—An act to amend section 10 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, including credits thereon and exemptions therefrom, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 15: By Mr. Peek—An act to amend sections 8 and 9.3 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Referred to Committee on Revenue and Taxation

Assembly Bill No. 16: By Mr. Peek—An act to amend sections 7 and 9.4 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately

Referred to Committee on Revenue and Taxation

Assembly Bill No. 17: By Mr. Peek—An act to amend section 12 of The Personal Income Tax Act, relating to taxes on income of individuals, estates and trusts, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 18: By Mr. Peek—An act to amend sections 4, 4a, and 23 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 19: By Mr. Peek—An act to amend sections 4 and 23 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 20: By Mr. Peek—An act to amend section 8 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 21: By Mr. Peek—An act to amend section 8 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 22: By Mr. Peek—An act to amend section 14 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 23: By Mr. Peek—An act to amend section 3 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 24: By Mr. Peek—An act to amend section 7 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 25: By Mr. Peek—An act to amend section 7 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 26: By Mr. Peek—An act to amend section 14 of The Corporation Income Tax Act of 1937, relating to taxes on corporations, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 27: By Mr. Peek—An act to amend section 24 of the Alcoholic Beverage Control Act, and to add thereto section 24.1, relating to an excise tax upon distilled spirits, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 28: By Mr. Peek—An act to amend section 23 of the Alcoholic Beverage Control Act, relating to an excise tax upon beer and wine, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 29: By Mr. Peek—An act to amend section 23 of the Alcoholic Beverage Control Act, relating to an excise tax upon beer and wine, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 30: By Mr. Peek—An act to amend section 5 of the Alcoholic Beverage Control Act, relating to license fees, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 31: By Mr. Peek—An act to amend sections 4 and 5 of the Inheritance Tax Act of 1935, relating to the inheritance tax, including the rates thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 32: By Mr. Peek—An act to amend sections 14, 15, 16, 17 and 18 of the Gift Tax Act of 1939, relating to taxes upon transfers of property by way of gift, including the rates thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 33: By Mr. Peek—An act imposing an excise tax for the privilege of severing petroleum, natural gas or natural gasoline from the earth, providing for permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration

hereof, prescribing penalties for violations hereof, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 34: By Mr. Peek—An act imposing a tax upon the sale of cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, and making an appropriation for the administration thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 35: By Mr. Peek—An act imposing a tax upon the storage, use or other consumption in this State of cigarettes, cigars, smoking tobacco, plug tobacco, snuff and other forms of tobacco, and making an appropriation of the proceeds of such tax, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 36: By Mr. Peek—An act to amend section 22 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to exemptions.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 37: By Mr. Peek—An act to amend sections 9, 11, 12 and 14 of, and to add sections 12a, 13a and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation and licensing of horse racing, the amount and payment of license fees, the commissions of licensees and deposits made by them under the act, providing for the retroactive operation of this act, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 38: By Messrs. Stream and Reaves—An act to amend sections 867 and 868 of the Fish and Game Code, relating to yellow-tail, barracuda, and white sea bass.

Referred to Committee on Fish and Game.

Assembly Bill No. 39: By Messrs. Crowley and Meehan—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 40: By Messrs. Lore and Robertson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 41: By Messrs. Lore and Robertson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing for the disbursement of the appropriation, declaring the urgency thereof and providing that it shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 42: By Messrs. Peek, Doyle, Andreas, Tenney, Salsman, Gallagher, Cassidy, Meehan, Lore, Gannon, Burson, Lyon, Reaves, Bennett, Atkinson, Yorty, Pelletier, Johnson, Field, Phillips, Donnelly, Weber, Del Mutolo, Dills, Maloney, Wollenberg, Gilmore, Voigt, Miller, George P., O'Day, Sheridan and Mrs. Daley—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 43: By Mr. Lore—An act to amend sections 2007 and 2227 of the Welfare and Institutions Code, and to repeal sections 2226 and 2229 of said code, relating to aid to the aged.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 44: By Messrs. Fulcher and Miller, George P.—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

Referred to Committee on Municipal Corporations.

Assembly Bill No. 45: By Messrs. Kuchel and Watson—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds.

Referred to Committee on Conservation.

Assembly Bill No. 46: By Messrs. Leonard, Weber, Salsman and Del Mutolo—An act to add section 4383 to the Public Resources Code, relating to State forests, including areas suitable for timber production, outdoor recreation, water protection, and fish and game production

Referred to Committee on Conservation.

Assembly Bill No. 47: By Messrs. Leonard, Weber, Salsman, Del Mutolo, Kilpatrick and Burns, Michael J.—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation

Referred to Committee on Revenue and Taxation

Assembly Bill No. 48: By Messrs. Rosenthal, Scudder, Walker, Meehan, Waters and Poulson—An act to amend sections 1, 6, 20, 21, 23, 30 and 38 of, and to add sections 1.5, 6.5, 37.5, 37.6, 37.7, 38.1, 38.2, 38.3 and 38.4 to, and to repeal sections 16, 17, 18 and 19 of an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to the licensing and regulation of itinerant merchants

Motion to Re-refer Assembly Bill No. 48.

On motion of Mr. Rosenthal Assembly Bill No. 48 ordered re-referred to the Legislative Counsel.

Introduction of Bills (Resumed).

Assembly Bill No. 49: By Mr. Maloney—An act to add section 3629.2 to the Political Code and to amend section 531 of, and to add section 451.5 to, the Revenue and Taxation Code, relating to property taxation

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 50: By Mr. Maloney—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2.3, 2.4, 6.5, 10.5, 12.5, 29.5, 39.5, 42.5, 43.3, 43.5, 44.5, 48.5, 53.5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 51: By Mr. Peek—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Referred to Committee on Municipal Corporations.

Assembly Bill No. 52: By Mrs. Daley, Messrs. Leonard, Stream, Gannon, Lyon, Kellems, Atkinson, Weber, Burns, Michael J., and Millington—An act to add section 5014 to the Public Resources Code, relating to parks and appropriating the money deposited in the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system.

Referred to Committee on State Grounds and Parks.

Assembly Bill No. 53: By Messrs. Atkinson and Peek—An act to add section 2 to "An act granting certain tidelands and submerged lands of the State of Cali-

fornia to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of the revenues derived from such lands.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 54: By Messrs. Evans, O'Day, Johnson, Cronin and Mrs. Daley—An act to add section 651a-1 to the Civil Code, relating to corporations conducting universities, colleges, seminaries, or schools of nursing

Referred to Committee on Education.

Assembly Bill No. 55: By Mr. Donnelly—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products.

Referred to Committee on Agriculture.

Assembly Bill No. 56: By Messrs. Wollenberg, Johnson, Green, Miller, George P., Cassidy, Meehan, Massion, Gilmore, O'Day, Collins, Sheridan, Gallagher, Peek, Cronin, Williamson, Maloney, Phillips and Weber—An act to amend the title and to add section 8 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Request for Unanimous Consent.

Mr. Wollenberg asked for, and was granted, unanimous consent to take up Assembly Bill No. 56 at this time, without reference to print, committee, or calendar, and that the same be considered engrossed.

Resolved, That Assembly Bill No. 56 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read, the first, second and third times and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Collins, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—61

NOES—Bennett, Call, Clarke, Corwin, Dilworth, Field, Houser, Kepple, Knight, Kuchel, Millington, and Scudder—12

Whereupon, the Speaker declared the provisions of Article VI, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 56, at this time.

Second Reading of Assembly Bill No. 56.

Assembly Bill No. 56—An act to amend the title and to add section 8 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Donnelly,

Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Rosenthal, Salsman, Sawtelle, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—57.

NOES—Bennett, Clarke, Dilworth, Evans, Field, Houser, Kepple, Knight, Kuchel, Millington, and Scudder—11.

Third Reading of Assembly Bill No. 56.

Assembly Bill No. 56—An act to amend the title and to add section 8 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Without reference to committee.

Bill read third time.

Call of the Assembly.

Pending the announcement of the vote, Mr. Wollenberg moved a call of the Assembly.

Motion carried. Time, five o'clock and seven minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Introduction of Bills (Resumed).

Assembly Bill No. 57: By Mr. Hawkins—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately; and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 58: By Mr. Hawkins—An act to amend sections 2, 3 and 4 of the Housing Cooperation Law, relating to aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law, and providing that this act shall take effect immediately

Referred to Committee on Governmental Efficiency and Economy.

Assembly Joint Resolution No. 1: By Mr. Heisinger—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens.

Referred to Committee on Federal Relations.

Assembly Joint Resolution No. 2: By Mr. Heisinger—Relative to memorializing the Attorney General of the United States to commence deportation proceedings against Harry Bridges in the Federal courts

Referred to Committee on Federal Relations.

Assembly Joint Resolution No. 3: By Mr. Heisinger—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Referred to Committee on Federal Relations.

Assembly Joint Resolution No. 4: By Mr. Heisinger—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens.

Referred to Committee on Federal Relations.

Assembly Joint Resolution No. 5: By Messrs. Johnson, Gannon and Kellems—Relative to efforts to provide funds for the relief of Finnish non-combatants.

Referred to Committee on Federal Relations.

Assembly Constitutional Amendment No. 1: By Mr. Lore—Proposed amendment to Article XVI of the Constitution by adding section 13 thereto, relative to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto.

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 2: By Messrs. Peek, Yorty, Atkinson, Doyle, Andreas, Gallagher, Tenney, Bennett, O'Day, Pelletier, Donnelly, Phillips, Del Mutolo, Maloney, Voigt, Weber, Wollenberg, Miller, George P., Cassidy, Field, Lyon, Salsman, Gannon, Meehan, Burson, Lore, Sheridan, Gilmore, Johnson, Reaves and Mrs. Daley—Proposed amendment to Article XVI of the Constitution by adding section 13 thereto, relative to the powers of the Legislature in respect to the release, rescission, or remission of encumbrances and obligations taken as security for the repayment of aid to the aged, and ratifying certain acts of the Legislature relating thereto.

Referred to Committee on Constitutional Amendments.

Further Proceedings Under Call of the Assembly Dispensed With.

At six o'clock and one minute p m., on motion of Mr. Wollenberg, further proceedings under the Call of the Assembly were dispensed with.

Assembly Bill No. 56 passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Rosenthal, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Weber, Weybret, Wollenberg, and Yorty—54.

NOES—Burson, Call, Carlson, Clarke, Corwin, Dilworth, Evans, Field, Houser, Kepple, Knight, Kuchel, Millington, Poulson, Salsman, Scudder, Voigt, Watson, and Mr Speaker—19.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 59: By Mr. Houser—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing for the disbursement thereof, limiting the purposes under the California Unemployment Relief Act of 1935 for which it may be expended, restricting the administration of the expenditure thereof to civil service personnel, declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 60: By Messrs. O'Donnell, Robertson and Burns, Michael J.—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such district; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committees, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938; to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

Announcement of Appointment of Standing Committees.

The Speaker announced the appointment of the following standing committees:

Agriculture—Corwin, *Chairman;* Burns, Hugh M., Clarke, Daley, Desmond, Dilworth, Donnelly, Heisinger, Knight, Leonard, Lore, Millington, Robertson, Scudder, Thorp, Walker and Watson.

Attaches—Voigt, *Chairman;* Allen, Desmond, Fulcher, Lyon, Stream and Watson.

Aviation and Aircraft—Green, *Chairman;* Corwin, Cronin, Field, Kellems, King, Poulson, Reaves, Redwine, Tenney and Williamson.

Banking—Williamson, *Chairman:* Bennett, Crowley, Gallagher, Green, Lyon, Meehan, Millington and Redwine.

Building and Construction—Heisinger, *Chairman;* Atkinson, Lore, Meehan, Reaves, Salsman and Weber.

Building and Loan—Poulson, *Chairman;* Bennett, Crowley, Doyle, Houser, Pelletier and Tenney.

Civil Service—Sheridan, *Chairman;* Crowley, Donnelly, Evans, Gallagher, Gannon, Houser, Leonard and O'Donnell.

Commerce and Navigation—Maloney, *Chairman;* Atkinson, Gallagher, Gilmore, King, Leonard, Miller, George P., Sheridan and Weber.

Conservation—Knight, *Chairman;* Bashore, Kilpatrick, Peek, Redwine, Thurman, Walker, Weber and Weybret.

Constitutional Amendments—Call, *Chairman;* Bennett, Fulcher, Gannon, Hawkins, King, Lyon, Maloney, Pelletier, Scudder, Tenney, Williamson and Wollenberg.

Contested Elections—Massion, *Chairman,* Burson, Gilbert, Burns, Michael J., and Weybret.

Contingent Expenses—Hawkins, *Chairman;* Fulcher, Gilbert, Leonard and Burns, Michael J.

Corporations—Carlson, *Chairman:* Burns, Michael J., Cassidy, Collins, Doyle, Hawkins, Heisinger, Salsman and Thurman.

County Government—Bashore, *Chairman:* Andreas, Carlson, Clarke, Collins, Cronin, Crowley, Desmond, Gilmore, Kilpatrick, Kuchel, Meehan, O'Day, Reaves and Sawallisch.

Crime Problems—Richie, *Chairman:* Atkinson, Doyle, Gilmore, Kellems, Miller, Eleanor; and Wollenberg.

Direct Legislation—Redwine, *Chairman:* Collins, Crowley, Del Mutolo, Phillips, Waters and Wollenberg.

Education—Leonard, *Chairman:* Del Mutolo, Dills, Evans, Gilbert, Green, Johnson, Miller, Eleanor; Richie, Robertson, Sawallisch, Weber and Williamson.

Elections—Del Mutolo, *Chairman,* Cassidy, Collins, Evans, Gilmore, Maloney, O'Day, Reaves, Sheridan, Voigt and Waters.

Engrossment and Enrollment—Cassidy, *Chairman,* Burns, Michael J., Heisinger, Johnson and Kuchel.

Exhibitions and Fairs—Dilworth, *Chairman;* Doyle, Leonard, Miller, George P., Rosenthal, Thorp and Walker.

Federal Relations—Phillips, *Chairman;* Andreas, Carlson, Cassidy and Evans.

Financial Institutions—Lyon, *Chairman,* Dills, Johnson, King, Turner, Williamson and Yorty.

Fish and Game—Watson, *Chairman:* Allen, Call, Carlson, Fulcher, Gallagher, King, Kuchel, Miller, George P., Redwine, Robertson, Salsman, Scudder, Thurman and Voigt.

Governmental Efficiency and Economy—Field, *Chairman:* Allen, Cronin, Gilbert, Lore, Miller, Eleanor; O'Donnell, Peek, Poulson, Stream and Turner.

Governmental Revenues and Expenditures—Salsman, *Chairman;* Green, Kepple, Pelletier and Wollenberg.

Hospitals and Asylums—Burson, *Chairman;* Andreas, Cassidy, Corwin, Daley, Knight, Maloney, Miller, Eleanor; O'Day, Scudder and Voigt.

Insurance—Scudder, *Chairman,* Cronin, Desmond, Gallagher, Hawkins, Maloney, Meehan, Miller, George P., Robertson, Salsman and Sawallisch.

Irrigation—Walker, *Chairman;* Clarke, Corwin, Desmond, Donnelly, Heisinger, Kilpatrick, Lore, Massion, O'Donnell, Peek, Pelletier, Stream, Thorp, Weber, Weybret and Del Mutolo.

Judiciary Codes—Gannon, *Chairman*, Call, Carlson, Crowley, Del Mutolo, Desmond, Green, Kepple, Kuchel, Millington, O'Donnell, Redwine, Robertson, Sawallisch, Sheridan, Williamson and Wollenberg.

Judiciary General—Peek, *Chairman;* Bennett, Collins, Cronin, Dills, Houser, Johnson, Lyon, O'Day, Richie, Rosenthal, Salsman, Waters and Yorty.

Labor and Capital—Yorty, *Chairman;* Gilbert, Kilpatrick, Maloney, Hawkins, Evans, Pelletier, Phillips, Reaves, Richie, Rosenthal, Tenney and Williamson.

Libraries—Clarke, *Chairman;* Dills, Kuchel, Miller, Eleanor; and Poulson.

Live Stock and Dairies—Weybret, *Chairman;* Clarke, Cassidy, Desmond, Dills, Donnelly, Heisinger, Sawallisch and Thorp

Manufactures—Thorp, *Chairman;* Carlson, Collins, Crowley, Maloney, Massion and Wollenberg.

Medical and Dental Laws—Cronin, *Chairman;* Burns, Hugh M, Corwin, Gilmore, Kellems, Knight, Massion, Rosenthal and Richie.

Mileage—Waters, *Chairman;* Bashore, Gilbert, Meehan and Tenney.

Military Affairs—Miller, George P, *Chairman;* Andreas, Call, Cronin, Dilworth, Gannon, Kellems, Tenney and Voigt.

Mines and Mining—Thurman, *Chairman;* Clarke, Corwin, Dilworth, Doyle, Fulcher, Johnson, Redwine and Turner.

Motor Vehicles—Fulcher, *Chairman;* Burson, Call, Clarke, Daley, Doyle, Field, Gallagher, Heisinger, Lore, Lyon, Pelletier, Phillips, Sawallisch and Waters.

Municipal Corporations—Kuchel, *Chairman;* Allen, Bennett, Daley, Green, Johnson, Massion, Phillips, Reaves, Salsman, Sheridan, Waters and Yorty

Oil Industries—Houser, *Chairman;* Burson, Daley, Dills, Field, Kuchel, Millington, O'Donnell and Turner.

Prisons and Reformatories—Wollenberg, *Chairman;* Andreas, Atkinson, Burson, Cassidy, Evans, Gannon, Kilpatrick, Maloney, Miller, Eleanor; and Phillips.

Public Charities and Corrections—Bennett, *Chairman;* Atkinson, Burson, Carlson, Kilpatrick, Rosenthal, Scudder, Stream and Thurman

Public Health and Quarantine—Burns, Hugh M, *Chairman;* Field, Gilmore, King, Massion, Poulson, Tenney, Waters and Watson

Public Morals—Miller, Eleanor, *Chairman;* Atkinson, Dilworth, Gannon, Gilbert, Houser, Knight, Meehan, Peek, Thorp and Watson.

Public Utilities—Allen, *Chairman;* Bashore, Burson, Call, Gannon, Hawkins, Knight, Millington, Phillips, Watson and Yorty.

Revenue and Taxation—Turner, *Chairman;* Allen, Call, Carlson, Daley, Dilworth, Fulcher, Kellems, Lyon, Peek, Sawallisch, Scudder, Voigt, Wollenberg and Yorty.

River Navigation, Reclamation and Flood Control—Weber, *Chairman;* Atkinson, Bashore, Burns, Hugh M., Clarke, Collins, Dilworth, Kepple, Kuchel, Leonard, Redwine, Thorp and Weybret.

Roads and Highways—Stream, *Chairman;* Allen, Andreas, Bashore, Del Mutolo, Fulcher, Gilmore, Leonard, Massion, Meehan, O'Day, Robertson, Sawallisch, Walker and Weybret.

Rules—Desmond, *Chairman;* Burns, Hugh M, Hawkins, Kepple, Lyon and Millington.

Soldiers and Sailors Affairs—Kepple, *Chairman;* Andreas, Atkinson, Del Mutolo, Donnelly, Houser, Kellems, Miller, George P, O'Donnell, Poulson, Rosenthal, Scudder and Walker.

Social Service and Welfare—Daley, *Chairman;* Bashore, Yorty, Gallagher, Green, Heisinger, Houser, Johnson, Kepple, Lore, Millington, O'Day, Poulson, Watson and Weybret

State Colleges—Kellems, *Chairman*, Burns, Hugh M, Burns, Michael J., Richie, Robertson, Stream and Weybret.

State Grounds and Parks—Doyle, *Chairman;* Burns, Michael J, Donnelly, Leonard, Rosenthal, Stream and Thurman.

Unemployment—King, *Chairman,* Bennett, Houser, Kilpatrick, O'Donnell, Pelletier and Reaves.

Universities—Johnson, *Chairman;* Dills, Evans, Kellems, Richie, Sheridan and Waters

Ways and Means—Millington, *Chairman;* Allen, Burns, Hugh M, Corwin, Donnelly, Field, Gannon, Hawkins, Kepple, Knight, Miller, Eleanor; Miller, George P., O'Day, Peek, Sheridan, Thurman, Turner, Voigt, Walker, Weber and Williamson.

Adjournment.

At six o'clock and five minutes p m , on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Frank S. Boggs, former State Senator, until ten o'clock and thirty minutes a m , February 2, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY
FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, February 2, 1940

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—75.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Thorp, the further reading of the Journal of Thursday, February 2, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Salsman, on motion of Mr. Clarke.

Mr. Voigt, on motion of Mr. Turner.

Mr. Robertson, on motion of Mr. Peek.

Mr. Cronin, on motion of Mr Gilmore.

Consideration of Senate Concurrent Resolution No. 2.

Senate Concurrent Resolution No. 2—Relative to the disposition of a statue of Juan Rodriquez Cabrillo.

Motion to Appoint Special Committee.

On motion of Mrs. Daley the Speaker appointed the following special committee consisting of Mrs. Daley and Messrs. Carlson and Fulcher to consider Senate Concurrent Resolution No. 2.

Senate Concurrent Resolution No. 2 ordered referred to the above special committee.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 61: By Messrs. Desmond, Miller, George P., Gannon and Crowley—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately.

Assembly Bill No. 62: By Mr. Collins—An act to submit to the people at the general election in November, 1940, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Assembly Bill No. 63: By Mr. Leonard—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities, for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of public utilities and of works and improvements mentioned in the improvemet Act of 1911 by municipalities, counties cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately.

Assembly Bill No. 64: By Mr. Desmond—An act making an appropriation for the contingent expenses of the Assembly for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Assembly Bill No. 65: By Mr. Houser—An act providing limitations upon the purposes for which money appropriated for the relief of hardship and destitution and the administration thereof may be expended, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Service and Welfare.

Recess.

At ten o'clock and forty-five minutes a.m., by order of Mr Speaker, the Assembly was declared at recess until the hour of eleven o'clock a.m.

Reassembled.

At eleven o'clock a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Communication.

From the State Board of Equalization, relative to under-cover license plates.

Communication read, and on motion of Mr. Williamson ordered referred to the Committee on Rules.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 59: By Mr. Houser—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing for the disbursement thereof, limiting the purposes under the California Unemployment Relief Act of 1935 for which it may be expended, restricting the administration of the expenditure thereof to civil service personnel, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 60: By Messrs. O'Donnell, Robertson and Burns, Michael J.—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention of control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938; to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

Referred to Committee on Agriculture.

Assembly Bill No. 61: By Messrs. Desmond, Miller, George P., Gannon and Crowley—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 62: By Mr. Collins—An act to submit to the people at the general election in November, 1940, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 63: By Mr. Leonard—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of public utilities and of works and improvements mentioned in the Improvement Act of 1911 by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately

Referred to Committee on Public Utilities.

Assembly Bill No. 64: By Mr. Desmond—An act making an appropriation for the contingent expenses of the Assembly for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately

Referred to Committee on Rules

Assembly Bill No. 65: By Mr. Houser—An act providing limitations upon the purposes for which money appropriated for the relief of hardship and destitution and the administration thereof may be expended, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Service and Welfare.

Appointment of Special Committee.

The speaker appointed Messrs. Yorty, Tenney, Bashore, Millington and Call as a special committee in accordance with House Resolution No. 9.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Harrison W. Call and Harrison William Call, Jr.

Adjournment.

At 2 o'clock and fifteen minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m., Monday, February 5, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY
EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, February 5, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—74

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Dills, the further reading of the Journal of Friday, February 2, 1940, was dispensed with

Special Assembly Committee Excused for Legislative Day.

On motion of Mr. Williamson, Messrs Yorty, Tenney, Call, Bashore and Millington, the special Assembly committee investigating relief were excused for the legislative day.

Reports of Standing Committees.

On Conservation.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1940

MR. SPEAKER: Your Committee on Conservation, to which was referred
Assembly Bill No. 45.
Assembly Bill No. 46.
Respectfully reports the same back with the recommendation Do pass

KNIGHT, Chairman

The above reported bills ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1940.

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

Assembly Concurrent Resolution No. 1.

Assembly Concurrent Resolution No. 2.

And reports the same correctly enrolled, and presented to the Governor on this second day of February, 1940, at twelve o'clock m.

CASSIDY, Chairman.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 2, 1940.

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

Assembly Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1939.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PENNINGTON, Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 5, 1940.

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

Senate Bill No. 9—An act to amend sections 66 and 67 of the Vehicle Code, to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement, to take effect immediately;

Senate Bill No. 10—An act to add section 2.5 to an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to exemptions from vehicle license fees, to take effect immediately;

Senate Bill No. 11—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately;

Senate Bill No. 12—An act to amend section 374 of the Vehicle Code, relating to vehicle registration, including the payment of fees therefor by public agencies operating vehicles under lease, lease-sale or rental-purchase agreements, to take effect immediately;

Senate Joint Resolution No. 4—Relative to memorializing Congress to take action in respect to the existing emergency in the Tulelake District;

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately;

Senate Bill No. 50—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and providing for the disbursement thereof;

Senate Bill No. 51—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties under the California Unemployment Relief Act of 1935 of money appropriated for the relief of hardship and destitution due to and caused by unemployment, the conditions and procedure for the expenditure thereof, and the determination of the eligibility of persons therefor under the said California Unemployment Relief Act of 1935;

Senate Concurrent Resolution No. 4—Relative to the establishment of the Luther Burbank Memorial Highway.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PENNINGTON, Assistant Secretary.

Senate Bill No. 9 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No. 10 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No 11 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No. 12 read first time, and referred to Committee on Motor Vehicles

Senate Joint Resolution No 4 read first time, and referred to Committee on Federal Relations.

Motion to Set Senate Bill No. 48 as Special Order.

Mr Lore moved that the consideration of Senate Bill No. 48 be made a special order of business for Monday, February 5, 1940, at two o'clock and thirty minutes p.m., for consideration in the Committee of the Whole.

Demand for Previous Question.

Messrs. Lyon, Knight, Kellems, Burson and Dilworth demanded the previous question

Demand for previous question sustained.

The question being on the motion to set Senate Bill No. 48 as a special order.

Motion lost by the following vote:

AYES—Allen, Andrews, Atkinson, Bennett, Burns, Michael J., Cassidy, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Sheridan—33.

NOES—Burson, Carlson, Clarke, Corwin, Cronin, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, and Mr Speaker—34

Senate Bill No 48 read first time, and referred to Committee on Social Service and Welfare

Senate Bill No 50 read first time, and referred to Committee on Social Service and Welfare

Senate Bill No. 51 read first time, and referred to Committee on Social Service and Welfare.

Senate Concurrent Resolution No. 4 read first time, and referred to Committee on Roads and Highways

The Speaker Pro Tempore in the Chair.

At eleven o'clock and fifty-five minutes a m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Introduction and Reference of Bills.

The following bill was introduced, and read the first time.

Assembly Concurrent Resolution No. 4: By Messrs. Houser and Maloney—Relative to the death of Pope Pius XI

Request for Unanimous Consent.

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

Consideration of Assembly Concurrent Resolution No. 4.

Assembly Concurrent Resolution No. 4 read, and adopted

Title read and approved. Bill ordered to print and transmitted to Senate.

Request for Unanimous Consent to Consider Assembly Bill No. 45.

Mr. Kuchel asked for, and was granted, unanimous consent to take up Assembly Bill No. 45, at this time, without reference to calendar, and that the same be considered engrossed.

Consideration of Assembly Bill No. 45.
Case of Urgency Resolution.

Resolved, That Assembly Bill No. 45 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—60.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 45, at this time.

Second Reading of Assembly Bill No. 45.

Assembly Bill No. 45—An act to add sections 21 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds.

Bill read second time

Third Reading of Assembly Bill No. 45.

Assembly Bill No. 45—An act to add sections 21 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—62.

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

Reports of Standing Committees (Resumed).

On Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

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

Senate Bill No. 9.
Senate Bill No. 10.
Senate Bill No. 11.
Senate Bill No. 12.

Respectfully reports the same back with the recommendation: Do pass

FULCHER, Chairman

Request for Unanimous Consent to Consider Senate Bill No. 9.

Mr. Carlson asked for, and was granted, unanimous consent to take up Senate Bill No. 9, at this time, without reference to calendar.

Consideration of Senate Bill No. 9.
Case of Urgency Resolution.

Resolved, That Senate Bill No. 9 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Salsman, Sawallisch, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—62.

NOES—None

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 9, at this time.

Second Reading of Senate Bill No. 9.

Senate Bill No. 9—An act to amend sections 66 and 67 of the Vehicle Code, to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement, to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—65

NOES—None

Third Reading of Senate Bill No. 9.

Senate Bill No. 9—An act to amend sections 66 and 67 of the Vehicle Code, to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent to Consider Senate Bill No. 10.

Mr. Carlson asked for, and was granted, unanimous consent to take up Senate Bill No. 10, at this time, without reference to calendar.

Consideration of Senate Bill No. 10.
Case of Urgency Resolution.

Resolved, That Senate Bill No. 10 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal,

Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15, Article IV, of the Constitution suspended for the purpose of further considering Senate Bill No. 10, at this time.

Second Reading of Senate Bill No. 10.

Senate Bill No. 10—An act to add section 2.5 to an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to exemptions from vehicle license fees, to take effect immediately.

Bill read second time

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J. Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66.

NOES—None

Third Reading of Senate Bill No. 10.

Senate Bill No. 10—An act to add section 2.5 to an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein" approved June 25, 1935, relating to exemptions from vehicle license fees, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J. Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Request for Unanimous Consent to Consider Senate Bill No. 11.

Mr. Carlson asked for, and was granted, unanimous consent to take up Senate Bill No. 11, at this time, without reference to calendar.

Consideration of Senate Bill No. 11.
Case of Urgency Resolution.

Resolved, That Senate Bill No. 11 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal,

Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66

NOES—None.

Whereupon, the Speaker declared the provisions of section 15, Article IV, of the Constitution suspended for the purpose of further considering Senate Bill No. 11, at this time.

Second Reading of Senate Bill No. 11.

Senate Bill No. 11—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately.

Bill read second time

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66

NOES—None.

Third Reading of Senate Bill No. 11.

Senate Bill No. 11—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent to Consider Senate Bill No. 12.

Mr. Carlson asked for, and was granted, unanimous consent to take up Senate Bill No. 12, at this time, without reference to calendar.

Consideration of Senate Bill No. 12.
Case of Urgency Resolution.

Resolved, That Senate Bill No. 12 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 12, at this time

Second Reading of Senate Bill No. 12.

Senate Bill No. 12—An act to amend section 374 of the Vehicle Code, relating to vehicle registration, including the payment of fees therefor by public agencies operating vehicles under lease, lease-sale or rental-purchase agreements, to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66.

NOES—None.

Third Reading of Senate Bill No. 12.

Senate Bill No. 12—An act to amend section 374 of the Vehicle Code, relating to vehicle registration, including the payment of fees therefor by public agencies operating vehicles under lease, lease-sale or rental-purchase agreements, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—66

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Recess.

At twelve o'clock and thirty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of three o'clock and fifteen minutes p.m.

Reassembled.

At three o'clock and fifteen minutes p.m., the Assembly reconvened Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 66: By Mr. Turner—An act to amend sections 12, 13, and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse racing license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licensees under the act

Assembly Bill No. 67: By Mr. Stream and Mrs. Daley—An act to amend sections 3834.11, 3834.14, 3834.16, and 3834.17 of, and to add section 3834.18 to the Political Code, and to amend sections 3696, 3699, 3705, 3706, and 3707 of the Revenue and Taxation Code, relating to sales at public auction of tax deeded property.

Assembly Bill No. 68: By Mr. Stream and Mrs. Daley—An act to add sections 3881c and 3881d to the Political Code and to amend the title of Part 9 of Division I and to add Chapter 6, comprising sections 5200 and 5204, inclusive, to Part 9, Division I of the Revenue and Taxation Code, relating to compromising of litigation involving the validity of real or personal property taxes

Assembly Bill No. 69: By Mr. Rosenthal—An act to amend sections 1 and 6 of and to add sections 1.5 and 6.5 to an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants

Assembly Bill No. 70: By Mr. Heisinger—An act to amend sections 1700, 1705 and 1990 of, to repeal sections 1701 and 1743 of, and to add sections 1701, 1701.2, 1701.4, 1701.6, 1701.8, and 1730.5 to, and to add Chapter 12, comprising sections 3250 to 3423, inclusive, to Part 1 of Division VI of the Harbors and Navigation Code, relating to the Harbor of San Francisco, enlarging the membership of the Board of State Harbor Commissioners for San Francisco Harbor, and enlarging the powers and duties of the Board by including therein the right to mediate, conciliate and arbitrate labor disputes.

Assembly Bill No. 71: By Mr. Meehan—An act to provide for the creation and management of lotteries in the State of California and legalizing lottery transactions.

Assembly Bill No. 72: By Mr. Sawallisch—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately.

Assembly Bill No. 73: By Messrs. Andreas, Weber, O'Day, Sawallisch, Burns, Hugh M., Fulcher, Kellems, Maloney, Phillips, Stream, Lyon, Clarke, Lore, Del Mutolo, Thurman, Green, Desmond, Donnelly, Gilmore, Salsman, Burson, Field, Dilworth, Cassidy, Leonard, Miller, George P., Gannon, Dills, Allen, Robertson, Evans, Doyle, Atkinson, Voigt, Massion, Bennett, Rosenthal, Sheridan, Hawkins, Gilbert, Peek, Turner, King, Crowley, Pelletier, Meehan, Richie, Gallagher and Reaves—An act to amend sections 2007 and 2227, to add section 2227.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged.

Assembly Bill No. 74: By Mr. Doyle—An act making an appropriation for printing constitutional amendments, Secretary of State's office, for the ninety-first and ninety-second fiscal years, to take effect immediately.

Assembly Bill No. 75: By Mr. Doyle—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately

Assembly Bill No. 76: By Messrs. O'Donnell, Donnelly, Burns, Hugh M., Heisinger, O'Day, Collins, Gilmore, Meehan, Atkinson, Rosenthal, Massion, Reaves, Peek, Lore, Yorty and Gilbert—An act to add section 18a to the Central Valley Project Act of 1933, relating to the issuance of revenue bonds by the Water Project Authority of the State of California.

Assembly Bill No. 77: By Mrs. Daley and Messrs. Stream and Richie—An act to amend section 92 of the Agricultural Code, relating to the allocation of money appropriated for the encouragement of agricultural fairs.

Assembly Bill No. 78: By Mrs. Daley and Messrs. Stream and Richie—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of money in the Fair and Exposition fund

Assembly Bill No. 79: By Messrs. Watson, Houser, Lyon and Mrs. Daley—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Assembly Bill No. 80: By Messrs. Evans, Cronin, Johnson, O'Day and Mrs. Daley—An act to add section 651e to the Civil Code, relating to corporations furnishing courses of instruction in connection with the operation of a hospital owned or operated by the corporation.

Assembly Bill No. 81: By Messrs. Williamson, Wollenberg, Gallagher, Johnson, Miller, George P., Sheridan, Phillips, Meehan, Cassidy and Cronin—An act to amend section 6.4 of the Alcoholic Beverage Control Act and to add section 54.1 thereto, relating to alcoholic beverages.

Assembly Bill No. 82: By Messrs. Williamson, Waters and Poulson—An act to amend section 27 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, and to provide that this act shall take effect immediately.

Assembly Bill No. 83: By Messrs. Williamson, Waters and Poulson—An act to amend section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Assembly Constitutional Amendment No. 3: By Mr. Meehan—Proposed amendment to Article IV, section 26, of the Constitution, relative to State lotteries

Assembly Constitutional Amendment No. 4: By Miss Miller, Messrs. Kellems, Knight, Atkinson, Salsman, Dilworth, Bashore, Phillips, Heisinger, Corwin, Houser and Kepple—Proposed amendment to Article XX of the Constitution, repealing section 22 and adding section 23 thereto, relative to alcoholic beverages and the regulation, control and prohibition of the manufacture, sale, importation, exportation and distribution thereof.

Reports of Standing Committees (Resumed).

On Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

MR SPEAKER: Your Committee on Motor Vehicles, to which was referred:

Assembly Bill No. 5.

Respectfully reports the same back with the recommendation: Do pass

FULCHER, Chairman.

The above reported bill ordered on second reading calendar.

On Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

MR SPEAKER: Your Committee on Municipal Corporations, to which was referred:

Assembly Bill No. 44.

Assembly Bill No. 51.

Respectfully reports the same back with the recommendation: Do pass.

KUCHEL, Chairman.

The above reported bills ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

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

Assembly Bill No. 2.

Respectfully reports the same back with the recommendation: Do pass as amended

KUCHEL, Chairman.

The above reported bill ordered on second reading calendar

Introduction and Reference of Bills (Resumed).

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

Assembly Joint Resolution No. 8: By Messrs. Clarke, Field, Houser, Lyon, Dilworth, Stream, Desmond, Weybret, Donnelly, Cronin, Gilmore, Maloney, O'Day, Burns, Hugh M., Garland, Heisinger, Gallagher, Thurman, Leonard, Green, Sawallisch, Del Mutolo, Salsman, Burson, Waters, Corwin, Meehan and Gannon—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a national defense highway

Request for Unanimous Consent.

Mr. Clarke asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 8.

Assembly Joint Resolution No. 8 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Riche, Robertson, Rosenthal, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weybret, Williamson, Wollenberg, and Mr. Speaker—58.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Communication from Legislative Counsel.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 4, 1940.

Honorable Jack C. Greenburg, Chief Clerk of the Assembly,
Assembly Chamber, Sacramento, California.

Subject: *Assembly Bill No. 8, Relating to sales and use tax exemptions*

DEAR SIR: We have examined this measure, pursuant to Assembly Standing Rule No. 14, and report that in our opinion it appears to be without the scope of the Governor's proclamation.

We believe that the "subject" specified in Item 56 of the proclamation is the "exemption of poultry and live stock" (not exemptions generally) from the Retail Sales and Use Tax Acts. While we recognize the fact that much can be said in support of the opposite view, we believe that the "exemption of poultry and live stock" is the subject intended by the Executive, that it is clearly expressed, and that it is a matter susceptible to designation as a subject under the Constitution.

Very truly yours,

FRED B. WOOD, Legislative Counsel

Copy to
Honorable Thomas J. Doyle
Honorable Randolph J. Kellems

Assembly Bill No. 8 Ordered Withdrawn and Stricken from the Calendar.

On motion of Mr. Doyle, Assembly Bill No. 8 was ordered withdrawn, and stricken from the calendar.

Resolutions.

By Mr. Pelletier:

House Resolution No. 17.

WHEREAS, The members of the Assembly have learned with sorrow of the death of Clare Woolwine upon the fourth day of October, 1939; and

WHEREAS, The said Clare Woolwine was a former member of this Assembly and represented the Sixty-third Assembly District during the Forty-seventh and Forty-eighth Sessions of the Legislature and the Forty-fourth Assembly District during the Fiftieth Session of the Legislature; and

WHEREAS, The said Clare Woolwine has left an inspiring example of devotion to the public service, in that he was Assistant District Attorney of Los Angeles County from the year 1915 until his enlistment in the armed forces of the United States in the year 1917, was promoted to Captain of Infantry in the year 1918, serving over-seas, represented Southern California in the formation of the American Legion at St. Louis, Missouri upon his return from abroad, was a member of the first Executive Committee of the American Legion, State of California, was a charter member of Los Angeles Post No. 8 of the American Legion, was a member of the county and State committees of the Republican party for many years and was active in fraternal and legal societies; and

WHEREAS, *In his passing the State of California lost an esteemed and outstanding* citizen distinguished alike for his industry and talents; and

WHEREAS, His many friends including his former colleagues in the Legislature of this State cherish sentiments of the highest respect for his memory and the example he gave of a life devoted to the public good; now, therefore, be it

Resolved by the Assembly of the State of California, That when this body this day adjourns, it do so in respect to the memory of Clare Woolwine late member of the Assembly; and be it further

Resolved, That this body express its profound sympathy with Mrs. Clare Woolwine and its own sorrow at the untimely passing of the said Clare Woolwine; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to forward a suitably prepared copy of this resolution to Mrs. Clare Woolwine.

Request for Unanimous Consent.

Mr. Pelletier asked for, and was granted, unanimous consent to take up House Resolution No. 17, at this time, without reference to committee.

House Resolution No. 17 read, and adopted unanimously.

By Messrs. Leonard, Salsman and Johnson.

House Resolution No. 18.

WHEREAS, On July 8, 1939, Mr. and Mrs. Alvin P. Jacobs received a gift from heaven in the form of a son, Barry Philip Jacobs; and

WHEREAS, It has been reported that young Barry is the possessor of certain virtues which make him worth at least his weight in gold; and

WHEREAS, The members of this Assembly consider Master Barry's earthly debut a circumstance of no small moment and desire to extend felicitations to his happy parents; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof hereby congratulate Mr and Mrs Alvin P Jacobs on their good fortune, and hope that their youngster will encounter nothing but happiness in his journey through life; and be it further

Resolved, That Daddy Jacobs is hereby instructed to ascertain at once the value of his son's worth and file a donee's report thereon with the State Controller pursuant to the Gift Tax Act of 1939; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to deliver a copy of this resolution to Mr. and Mrs. Jacobs.

Request for Unanimous Consent.

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

House Resolution No. 18 read, and adopted unanimously.

By Mr. Carlson:

House Resolution No. 19.

WHEREAS, Among the most important of all events is the arrival of a new soul and spirit in our midst; and

WHEREAS, Forty years ago today there was introduced into this world a boy child designed to be a guiding beacon in the affairs of State and the affairs of men; and

WHEREAS, It is a truth beyond denial that life begins at forty; and

WHEREAS, Gerald C Kepple is today celebrating his fortieth birthday; now, therefore, be it

Resolved by the Assembly of the State of California, That we hereby extend our heartiest felicitations to our beloved colleague, Gerald C. Kepple, on arriving at this, his first day of life, after his arduous journey of forty years, and be it further

Resolved, That we hereby express our heartfelt wish that we may long enjoy his companionship and that the State of California may long enjoy the benefit of his leadership and statesmanship; and be it further

Resolved, That a copy of this resolution be suitably printed and presented to Gerald C. Kepple.

Request for Unanimous Consent.

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

House Resolution No. 19 read, and adopted unanimously.

Reports of Standing Committees (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

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

Assembly Bill No. 62.

Respectfully reports the same back with the recommendation: Do pass.

DESMOND, Chairman

The above reported bill ordered on second reading calendar.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 66: By Mr. Turner—An act to amend sections 12, 13 and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse race license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licenses under the act.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 67: By Mr. Stream and Mrs. Daley—An act to amend sections 3834.11, 3834.14, 3834.16 and 3834.17 of, and to add section 3834.18 to the Political Code, and to amend sections 3696, 3699, 3705, 3706 and 3707 of the Revenue and Taxation Code, relating to sales at public auction of tax deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 68: By Mr. Stream and Mrs. Daley—An act to add sections 3881c and 3881d to the Political Code and to amend the title of Part 9 of Division I and to add Chapter 6, comprising sections 5200 and 5204, inclusive, to Part 9, Division I of the Revenue and Taxation Code, relating to compromising of litigation involving the validity of real or personal property taxes.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 5, 1940.

Honorable Jack C. Greenburg, Chief Clerk of the Assembly,
Assembly Chamber, Sacramento, California

Subject: *Assembly Bill No. 68, relating to the compromise of tax suits.*

DEAR SIR We have examined this measure, pursuant to Assembly Standing Rule No 14, and report that in our opinion it appears to be without the scope of the proclamation.

A careful examination of the proclamation, particularly items 2, 24 and 35 thereof, has led us to the conclusion that the subject of legislation specified in the bill is not covered by any subject of legislation contained in the Governor's proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

Copies to:
Honorable Charles W. Stream.
Honorable Jeanette E Daley.

Assembly Bill No. 68 Withdrawn and Stricken from the Calendar.

On motion of Mrs. Daley, Assembly Bill No 68 was ordered withdrawn and stricken from the calendar.

Assembly Bill No. 69: By Mr. Rosenthal—An act to amend sections 1 and 6 of and to add sections 1.5 and 6.5 to an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 72: By Mr. Sawallisch—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 73: By Messrs. Andreas, Weber, O'Day, Sawallisch, Burns, Hugh M., Fulcher, Kellems, Maloney, Phillips, Stream, Lyon, Clarke, Lore, Del Mutolo, Thurman, Green, Desmond, Donnelly, Gilmore, Salsman, Burson, Field, Dilworth, Cassidy, Leonard, Miller, George P., Gannon, Dills, Allen, Robertson, Evans, Doyle, Atkinson, Voigt, Massion, Bennett, Rosenthal, Sheridan, Hawkins, Gilbert, Peek, Turner, King, Crowley, Pelletier, Meehan, Richie, Gallagher and Reaves—An act to amend sections 2007 and 2227, to add section 2227.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 79: By Messrs. Watson, Houser, Lyon and Mrs. Daley—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Request for Unanimous Consent.

Mr. Watson asked for, and was granted, unanimous consent to take up Assembly Bill No. 79, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Case of Urgency Resolution.

Resolved, That Assembly Bill No 79 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is here-

dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—72

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 79, at this time.

Second Reading of Assembly Bill No. 79.

Assembly Bill No. 79—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—72.

NOES—None.

Third Reading of Assembly Bill No. 79.

Assembly Bill No. 79—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—72.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate

Assembly Joint Resolution No. 9: By Messrs. Lyon and Atkinson—Relative to discrimination in steamship service and freight rates between New York and California ports to the Panama Canal Zone

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 9, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 9.

Assembly Joint Resolution No. 9 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor;

Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—66

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Concurrent Resolution No. 5: By Mr. Field—Relative to calling upon the Governor to permit well considered legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by indigency of unemployable persons

Introduced, and referred to Committee on Rules.

Assembly Bill No. 74: By Mr. Doyle—An act making an appropriation for printing constitutional amendments, Secretary of State's office, for the ninety-first and ninety-second fiscal years, to take effect immediately.

Request for Unanimous Consent.

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Bill No. 74, at this time without reference to print, committee or calendar, and that the same be considered engrossed.

Case of Urgency Resolution.

Resolved, That Assembly Bill No. 74 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 74, at this time.

Second Reading of Assembly Bill No. 74.

Assembly Bill No. 74—An act making an appropriation for printing constitutional amendments Secretary of State's office, for the ninety-first and ninety-second fiscal years, to take effect immediately

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Third Reading of Assembly Bill No. 74.

Assembly Bill No. 74—An act making an appropriation for printing constitutional amendments, Secretary of State's office, for the ninety-first and ninety-second fiscal years, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple,

King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Bill No. 75: By Mr. Doyle—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Request for Unanimous Consent.

Mr Doyle asked for, and was granted, unanimous consent to take up Assembly Bill No. 75, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Case of Urgency Resolution.

Resolved, That Assembly Bill No 75 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 75, at this time.

Second Reading of Assembly Bill No. 75.

Assembly Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Third Reading of Assembly Bill No. 75.

Assembly Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp,

Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—70.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Bill No. 76: By Messrs. O'Donnell, Donnelly, Burns, Hugh M., Heisinger, O'Day, Collins, Gilmore, Meehan, Atkinson, Rosenthal, Massion, Reaves, Peek, Lore, Yorty and Gilbert—An act to add section 18a to the Central Valley Project Act of 1933, relating to the issuance of revenue bonds by the Water Project Authority of the State of California

Referred to Committee on Public Utilities.

Senate Message (Resumed).

SENATE CHAMBER, SACRAMENTO, February 5, 1940

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

Senate Joint Resolution No. 1—*Relative to memorializing Congress to enact a plan for old age assistance wholly supported by Federal funds;*

Senate Bill No. 47—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PENNINGTON, Assistant Secretary.

Senate Joint Resolution No. 1 read first time, and referred to Committee on Federal Relations.

Senate Bill No. 47 read first time, and referred to Committee on Governmental Efficiency and Economy.

Reports of Standing Committees (Resumed).

On Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

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

Assembly Joint Resolution No. 3.

Senate Joint Resolution No. 4.

Respectfully reports the same back with the recommendation: Be adopted.

PHILLIPS, Chairman

Assembly Joint Resolution No. 3 ordered to engrossment.

Senate Joint Resolution No. 4 ordered on third reading calendar.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1940.

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

Assembly Concurrent Resolution No. 5.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman.

The above reported bill ordered to engrossment.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Thorp, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Fred Cary and Mrs. F. C. Green of Lodi and Mrs. K. M. Sperry of Berkeley.

On request of Mr. O'Day, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Collins of San Francisco.

On request of Mr. Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Walter G. Creswell of San Francisco.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to James Augotti and F. A. Kramer of Oakland.

Adjournment.

At four o'clock and forty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of Clair Woolwine, former member of the Assembly, until eleven o'clock a.m., Tuesday, February 6, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY
NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, February 6, 1940.

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

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call.

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Monday, February 5, 1940, was dispensed with.

Communications.

The following communication was read, and on motion of Mr. Desmond ordered printed in the Journal by the following vote:

AYES—Allen, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Evans, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Meehan, Miller, Eleanor, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—55

NOES—Andreas, Del Mutolo, Dills, Donnelly, Gilbert, Heisinger, Kilpatrick, Lore, Massion, Richie, Robertson, and Rosenthal—12

SRA LOS ANGELES CHAPTER NO. 65,
CALIFORNIA STATE EMPLOYEES' ASSOCIATION,
741 South Flower Street, Los Angeles, California, February 3, 1940.

Hon. Earl D. Desmond,
Sacramento, California.

DEAR MR. DESMOND: This chapter of the California State Employees' Association, namely, SRA Los Angeles Chapter No. 65, is composed entirely of employees of SRA, and we subscribe to its constitution, of which the first part of the preamble is: "To encourage among State employees a sense of civic responsibility"

Premised upon this thought the Legislative Committee of this chapter has compiled and caused to be written the attached report and recommendations concerning the SRA

This report is presented to you in good faith and in the full knowledge of the civic responsibility enjoyed by the members of this committee and of this chapter.

This report is submitted for your consideration with the hope that in some manner it may help to clarify the conditions now existing in the organization of the SRA with respect to the taxpayer, the recipient of relief and the personnel of the SRA.

Very respectfully yours,

MURRAY CLEMES, President.

Report and Recommendations of the Legislative Committee of SRA Los Angeles Chapter No. 65, of the California State Employees' Association.

It is evident that the sole object of the Relief Act of 1935, and the subsequent acts, was to relieve hardship and destitution due to and caused by unemployment The State Relief Administration, however, from its inception, was dominated and controlled by a group whose policies were based on the false premise that unemployment relief was a charity for paupers. Persons having had experience as social workers were given charge of the State Relief Administration. With their background and training in social service, most of them could not confine their efforts and the administration of relief funds to the purpose and object for which the funds were allocated They had been trained to deal with the domestic and health or intemperance problems of persons seeking or receiving charity, and did not comprehend the new social problem—namely, unemployment. Under the present setup, when the finance department protests expenditures as waste of taxpayers' money, social service can and does ruthlessly overrule them. Therefore, social service should be divested by law of all control over finance.

To the average citizen, our relief problem is a highly complicated affair, scarcely understandable, but tremendously expensive and of distinctly doubtful value in many instances The average citizen feels that we have been building a "Frankenstein" which, unless properly harnessed, may endanger our whole civilization, all of which is too true. Only a proper understanding of the basic things to be accomplished can ever force a solution of the problem in a manner fair to the taxpayer, to the relief client himself, and to those sincere men and women who, in spite of heartbreaking handicaps, have battled for a "square deal" all around.

Those of us who have worked in various phases of the "relief picture" too often forget that the average citizen does not have access to the same knowledge that we have secured through years of bitter experience. So, for the benefit of those "on the outside," we are taking this opportunity to discuss, fairly and frankly, the "relief problem" in general, the SRA in particular.

It has been stated so often that we believe it can be taken as a fundamental American policy, that no deserving citizen should go hungry, unclothed or shelterless, regardless of whether his need be due to age, infirmities or unemployment.

All our needy people fall into one of three groups, viz:

1. Our unemployables, such as the aged, blind, etc
2. Our partially employables—Class "B".
3. Our employables—Class "A".

The National Social Security Act was set up primarily to take care of the first group. The cost is borne by the nation, State and county. It is paid for strictly by taxation It is right and just and has always been recognized as a proper burden on the community.

The Federal Government, in so far as appropriations have been available, has attempted to find jobs for all Class "A" employables—people supposedly able and willing to give an honest day's work for a fair day's pay, but who have been unable to secure employment.

The function of the State Relief Administration, as now constituted, is to take care of all Class "B"—partially employables—as well as all Class "A" people for whom the Federal Government can not or will not supply jobs Whether this function shall continue must be determined by our California Legislature Whether it shall be confined to this channel or broadened to take in all phases of relief and reemployment is a moot question. It is the purpose of this committee to furnish

our legislators, as well as the general public, with whatever knowledge we have *gained in their employ that might be useful to them at this time.*

In order to formulate any future policy, it is necessary to freely and frankly discuss:

1. The relief recipients
2. The fundamental budget
3. The organization of the SRA
4. The attitude of the relief recipients toward the taxpayer and the SRA
5. The attitude of the personnel of the SRA toward taxpayer and the "client"
6. Proper inferences that may be drawn from the foregoing facts

The Relief Recipients.

As regards the relief recipients—known as "clients" of the SRA—it must first be stated that no differentiation is made because of citizenship, previous standard of living, race, color, or creed All are supposedly treated alike.

After *years of daily contact with these people*, we, as employees of the SRA, have made the following personal analysis of the clients:

A They fall into three nearly numerically equal groups:

(a) Those undoubtedly deserving. This group consists of the very people the program was set up to help and THEY ARE NOT GETTING ENOUGH. Most of them fall into the white American small family group formerly of adequate means.

(b) Those doubtfully deserving This group contains many ignorant, semi-skilled or laborer families who have always lived more or less precariously and their resources are extremely difficult to check. Furthermore, they are usually of larger than average families and their present "dole" constitutes to them a "security wage" comparable with past earnings

(c) Those undoubtedly NOT deserving to be supported by the American taxpayer. This group is composed of alien (or part alien) families (who constitute a very large percentage of the entire relief load), bums both masculine and feminine, habitual drunkards and dope users, and just plain "chiselers" The average citizen must realize that while all the people on relief are by no means or in any sense PROFESSIONAL RELIEFERS, nevertheless, EVERY REAL "BUM" IN CALIFORNIA IS ON RELIEF.

B. Besides our own citizens (and aliens) we have been supporting or partially supporting citizens of other States of the Union, known as "transients." As is well known, these people have flocked to California by the tens of thousands since 1932 Once they get here, if they can remain in the State one year, no matter how, they become a permanent part of our relief clientele. In the meantime, we must *arrange* (if we *can*) to send them home, again partially or wholly at our taxpayers' expense. Many have been sent home only to return time and time again.

The Fundamental Budget.

The reason that many deserving citizens of small family units are receiving inadequate care is due to a fundamental error in the basis of the budget itself Apparently relief recipients have been regarded as so many "human animals" to be fed, clothed and housed Everything was laid out by "tables," based on one or two people plus children of various ages Everything was figured down to the finest percentage so that the party figuring out a family's budget must be no mean mathematician.

Previous standards of living were disregarded entirely, so we have the anomaly of a real American family of two having to pay rent, utilities, food and clothing out of approximately $31 per month, even though they may have contributed thousands of dollars as taxpayers in the days of their prosperity, while many alien families who probably never earned over $75 per month in their lives, are receiving as a "dole" in cash, sums in excess of $125 per month from our taxpayers Does this make sense?

Obviously, minimum and maximum figures must be set by law if the budget is to be made to conform to the rules of fair play We therefore recommend the following standard table of relief budgets in this State

$25 per month for a single man;
$30 per month for a single woman;
$45 per month for a family of two (regardless of age or sex),
$50 per month for a family of three;
$55 per month for a family of four;
$5 per month for each additional person with a maximum of $85 per family

These figures are easily justified on the basis of the average "security wage" of $57.20 per month paid in Los Angeles County by the WPA to the average family (4.3 members). The maximum figure likewise is taken from the WPA's "foreman *scale*"—*deemed adequate for the intelligent head of a needy family.*

This scale eliminates high-power mathematics requiring college graduates to figure. It also eliminates the evil of pressure groups. The State of California

gives relief to an individual, and there should be no necessity for any group to act on behalf of said client.

The Organization of the SRA.

There are many deplorable and demoralizing conditions existing within the present organization of the State Relief Administration

1 Failure to recognize the basic aspect of its problem to be Unemployment rather than Social Service

2 Lack of proper coordination and cooperation between various departments having to do with unemployment proper, including the California State Employment Service, the Unemployment Reserves Commission, the Works Projects Administration, the Civilian Conservation Corps and the National Youth Administration.

3 Too much politics in the set-up

4. Inefficiency in department heads resulting in considerable useless expense—for example, changes made in procedure without proper forethought often resulting in the necessity of countermanding the initial order (after much work has been done or supplies furnished) due to obstacles which should have been apparent beforehand.

5. Personnel hired and paid on "yardstick" method without a proper study of "need" and "qualification" before appointment.

6. General deplorable condition of morale within the organization due to uncertainty of employment as well as lack of reward or recognition for merit. Stability of employment as well as a proper training school in the field would mean a big saving to the taxpayer.

7. The present philosophy of the Administration in the SRA is: "We have no interest in saving the taxpayers' money; our job is to take care of the client."

8. There is open advocacy by many persons in key positions in the SRA of "New Philosophy" groups. Administrative employees have been openly intimidated to join one of these groups, and some administrative employees have urged and even insisted that "clients" join a similar group It is very evident that at least some in authority are more interested in the "New Philosophy" than in doing well the job for which they are being paid by the taxpayers of California.

9 The present system results in failure of proper investigation of actual resources of clients Somehow, many on relief find plenty of money to spend on liquor, dope, non-necessities, etc Either through organization inefficiency or chiseling, it has been found necessary to set up over 31,000 cases of restitution claims in southern California alone!

10. Documentary proof of residence and other evidences of eligibility are not properly required in many cases, particularly when pressure groups intervene on behalf of the applicant.

11. Under the present system, case workers who make investigations, as a result of which millions of dollars of the taxpayers' money are paid out, are not bonded. Young students just out of college, with little sense of responsibility and with practically no real experience in life or handling people, are given carte blanche to spend the taxpayers' money. We recommend that one-third of the SRA personnel be over forty years of age, one-third over thirty, and one-third under thirty

Many administrative employees are honest, efficient (if permitted to be) and have the welfare of both the taxpayers and clients at heart. Under proper guidance, these people constitute an invaluable asset to the State service We recommend that the administrative machinery be revamped to give these individuals an opportunity to really function.

The Attitude of the Relief Recipients Toward the Taxpayer and the SRA.

The attitude of the client toward the taxpayer is naturally selfish but, in deserving cases, not unreasonable Only when stirred up by agitators and gulled by Red propaganda does any appreciable part of them get "the world owes me a living" complex. An independent and honest check-up of these agitators and most of their followers undoubtedly would disclose sources of income that would remove them from the relief rolls At present, at every pay station and distribution center, clients gather to whom agitators are permitted to distribute their literature freely. This should be forbidden No one has the right to acquire their audience on the taxpayers' money.

The Attitude of the Personnel of the SRA Toward the Taxpayer and the Client.

The attitude of the SRA toward both the taxpayer and the clients has been largely commented upon However, one point must be stressed Certain elements within the SRA—themselves communists, or "fellow-travelers" are deliberately playing with communist agitators and organizers to increase the taxpayers' load to the breaking point in order to hasten "der Tag" of Red Revolution They are building their "cells" from within and from without, deliberately. They are teaching the clients "the world owes them a living" and if the clients will only follow them, they will collect. Outside "client" pressure (often engineered from inside) meets weak-kneed or subservient inside cooperation and behold, they have performed what seems to their deluded membership to be a "miracle."

Proper Inferences That May Be Drawn from the Foregoing Facts.

The only proper inferences to be drawn from the foregoing facts are that a revamping of the unemployment machinery is in order. Proper safeguards must be thrown around the handling of relief money.

We recommend that the Unemployment Reserves Commission, the State Department of Social Welfare, the State Reemployment Service, and the SRA be combined in one unit under a State Welfare and Relief Commission composed of three members, consisting of the Director of Finance, the State Controller, and the Attorney General. Two of these are elected officials. This commission would enforce and interpret all policies laid down by the Legislature. They would constitute a court of appeal on relief matters.

This commission would be empowered to appoint an administrative board in northern California and another in southern California.

Each administrative board shall have power to appoint, with the consent of the State Personnel Board, all necessary help. Civil service should be put into operation immediately—by qualifying examination.

A law should be passed denying California citizenship to any person who has not been a continuous resident of this State three years without being on any form of relief.

Transient status should be allowed citizens of other States unable to conform to our citizenship laws. Once proof of citizenship in another State has been established, any transient who refuses to return, at our expense, to his State of legal residence, automatically forfeits all claim to our bounty and must be stricken from the relief rolls. Also any transient who has been once returned to his State of legal residence *can not be admitted to our relief rolls within a period of five years from that date.* Relief to aliens should be discontinued at once.

We recommend "work relief." It is less demoralizing than the "dole" both to the recipient and society in general. The children of these clients are the citizens of tomorrow. The so-called "Santa Barbara" plan seems to be the most feasible. Refusal to accept employment, public or private, except upon a doctor's certificate, should automatically be grounds for removal from the relief rolls.

Should people be allowed on the relief rolls who are habitual drunkards, who consistently refuse to work when given the opportunity, who expend relief money for the purchase and/or operation of automobiles for their pleasure, for the purchase of homes, and expensive personal property and household equipment on installments, or who have fraudulently received relief, or whose combined family income exceeds the budget allowance? All on the taxpayers' money!

We recommend that rules and regulations be incorporated in the Relief Act to control the above wide spread practices.

Real work, coupled with an independent investigation of need, will cut our relief load to understandable proportions within six months, but only an active and continuous interest on the part of the general public can ever hope to solve the "relief problem," and keep it solved.

Respectfully submitted.

LEGISLATIVE COMMITTEE, CHAPTER NO. 65

A. M. WILSON, Chairman.
GEORGE R. LANE
ELEANOR O'CONNOR
LYAL B. RYMARCZICK
JERRY G. DUNKELBERGER.
ELLYN MARTIN, Secretary.

APPROVED:

MURRAY CLEMES, President

Communication.

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

COUNTY OF LOS ANGELES, BOARD OF SUPERVISORS,
LOS ANGELES, February 2, 1940

Assemblyman Augustus F. Hawkins,
State Capitol, Sacramento, California.

DEAR MR. HAWKINS: Certain misunderstandings are current with regard to the position of Los Angeles County on the question of relief to able-bodied unemployed (SRA).

Our board here went on record as a board, and as a voting unit of the State Supervisors' Association, in stating that it did not request return of such type of relief to the counties. If such relief should be returned, the counties should be the administrative agents only for the purpose of assuring that the levies of taxes against the common property taxpayer would not be increased.

During the past eight years, the levies in Los Angeles County have almost doubled—there are over 100,000 parcels of property in our county sold to the State for taxes lying idle or undeveloped. To add to the burden of the small property owner at this time would further retard the progress of the State

This consideration prompted the action of our board

Copy of the resolution adopted unanimously by the seven southern California counties, and reaffirmed in Sacramento yesterday by unanimous vote of the Supervisors' Association, is attached

Best wishes.

Yours very truly,

WAYNE ALLEN,
Chief Administrative Officer.

WA-bw.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 84: By Mr. Meehan—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885.1 to 10886, inclusive, to the Insurance Code, relating to contributions in the form of certificates of advancement.

Assembly Bill No. 85: By Mr. Hawkins—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged, and declaring the urgency thereof, to take effect immediately.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 5.
Assembly Joint Resolution No. 3.
And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR SPEAKER: Your Committee on Revenue and Taxation, to which was referred:
Assembly Bill No. 66.
Assembly Bill No. 37.
Assembly Bill No. 47.
Requests the same be amended, and re-referred back to committee.

TURNER, Chairman.

The above reported bills ordered on second reading calendar.

On Fish and Game.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR SPEAKER: Your Committee on Fish and Game, to which was referred:
Assembly Bill No. 38.
Respectfully reports the same back with the recommendation: Do pass.

WATSON, Chairman.

The above reported bill ordered on second reading calendar.

On Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR SPEAKER: Your Committee on Agriculture, to which was referred:
Assembly Bill No. 10.
Assembly Bill No. 55.
Assembly Bill No. 60.
Respectfully reports the same back with the recommendation: Do pass.

CORWIN, Chairman

The above reported bills ordered on second reading calendar.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 70: By Mr. Heisinger—An act to amend sections 1700, 1705 and 1990 of, to repeal sections 1701 and 1743 of, and to add sections 1701, 1701.2, 1701.4, 1701.6, 1701.8, and 1730.5 to, and to add Chapter 12, comprising sections 3250 to 3423, inclusive, to Part 1 of Division VI of the Harbors and Navigation Code, relating to the Harbor of San Francisco, enlarging the membership of the Board of State Harbor Commissioners for San Francisco Harbor, and enlarging the powers and duties of the board by including therein the right to mediate, conciliate and arbitrate labor disputes.

Report from Legislative Counsel Ordered Printed in the Journal.

On motion of Mr Williamson, the following report from the Legislative Counsel was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 5, 1940

Honorable Jack C Greenburg, Chief Clerk of the Assembly,
Assembly Chambers, Sacramento, California

Subject *Assembly Bill No. 70, relating to the Board of State Harbor Commissioners for San Francisco Harbor.*

DEAR SIR: We have examined this bill, pursuant to Assembly Rule No 14, and report that in our opinion it appears to be partly within and partly without the scope of the Proclamation

Sections 1 to 8 of the bill affecting sections 1700, and following, of the Harbors and Navigation Code, and section 10 of the bill amending section 1990 of the Harbors and Navigation Code, increasing the board membership from three to five, appear to be without the scope of the Proclamation

The remainder of the bill, relating principally to conciliation, mediation and arbitration of labor controversies at the harbor, appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel

Copy to:
Honorable S L. Heisinger

Motion to Refer Assembly Bill No. 70 to Committee.

On motion of Mr. Heisinger, Assembly Bill No 70 was referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 71: By Mr. Meehan—An act to provide for the creation and management of lotteries in the State of California and legalizing lottery transactions.

Referred to Committee on Revenue and Taxation

Assembly Bill No. 77: By Mrs. Daley and Messrs. Stream and Richie—An act to amend section 92 of the Agricultural Code, relating to the allocation of money appropriated for the encouragement of agricultural fairs

Referred to Committee on Agriculture

Assembly Bill No. 78: By Mrs. Daley and Messrs. Stream and Richie—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of money in the Fair and Exposition Fund.

Referred to Committee on Agriculture.

Assembly Bill No. 80: By Messrs. Evans, Cronin, Johnson, O'Day and Mrs. Daley—An act to add section 651e to the Civil Code, relating to corporations furnishing courses of instruction in connection with the operation of a hospital owned or operated by the corporation

Referred to Committee on Education.

Assembly Bill No. 81: By Messrs. Williamson, Wollenberg, Gallagher, Johnson, Miller, George P., Sheridan, Phillips, Meehan, Cassidy and Cronin—An act to amend section 64 of the Alcoholic Beverage Control Act and to add section 54.1 thereto, relating to alcoholic beverages.

Referred to Committee on Public Morals.

Assembly Bill No. 82: By Messrs. Williamson, Waters and Poulson—An act to amend section 27 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 83: By Messrs. Williamson, Waters and Poulson—An act to amend section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 84: By Mr. Meehan—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885.1 to 10886, inclusive, to the Insurance Code, relating to contributions in the form of certificates of advancement.

Referred to Committee on Insurance

Assembly Bill No. 85: By Mr. Hawkins—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged, and declaring the urgency thereof, to take effect immediately

Referred to Committee on Social Service and Welfare.

Assembly Constitutional Amendment No. 3: By Mr. Meehan—Proposed amendment to Article IV, section 26, of the Constitution, relative to State lotteries

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 4: By Miss Miller, Messrs. Kellems, Knight, Atkinson, Salsman, Dilworth, Bashore, Phillips, Heisinger, Corwin, Houser and Kepple—Proposed amendment to Article XX of the Constitution, repealing section 22 and adding section 23 thereto, relative to alcoholic beverages and the regulation, control and prohibition of the manufacture, sale, importation, exportation and distribution thereof

Referred to Committee on Constitutional Amendments

Second Reading of Assembly Bills.

Assembly Bill No. 46—An act to add section 4383 to the Public Resources Code, relating to State forests, including areas suitable for timber production, outdoor recreation, water protection, and fish and game production

Bill read second time, and ordered to engrossment

Assembly Bill No. 5—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles.

Bill read second time, and ordered to engrossment

Assembly Bill No. 51—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 62—An act to submit to the people at the general election in November, 1940, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 44—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

Amendments to Assembly Bill No. 44.

The following amendments were submitted by Mr. Fulcher:

Amendment No. 1.

On page 2, line 16, of the printed bill, after "elected", insert the following: ", qualified".

Amendment No. 2.

On page 2, line 37, of the printed bill, after "errors", insert the following: "in complying with statutory requirements".

Amendment No. 3.

On page 2, lines 38 and 39, of the printed bill, strike out "the statutory requirements of".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 2—An act authorizing any city of the first and one-half class to create a municipal department, to be under the control of a municipal commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural, recreational or incidental uses, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom.

Committee Amendments to Assembly Bill No. 2.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 7, of the title of the printed bill, strike out ", recreational or incidental uses", and insert in lieu thereof the following: "and recreational purposes, and purposes incidental thereto".

Amendment No. 2.

On page 1, line 9, of the title of the printed bill, strike out the comma after the word "entity", and insert in lieu thereof the following "for any of the foregoing purposes".

Amendment No. 3.

On page 1, line 11, of the title of the printed bill, after the word "therefrom" insert the following: ", and to validate any proceedings heretofore taken for any purpose or purposes authorized by this act".

Amendment No. 4.

On page 2, lines 1 and 2, of the printed bill, strike out ", recreational or incidental uses", and insert in lieu thereof the following: "and recreational purposes, and purposes incidental thereto".

Amendment No. 5.

On page 2, line 4, of the printed bill, after the comma following the word "created", insert the following: "a site or sites for such buildings and adjuncts, and".

Amendment No. 6.

On page 2, line 14, of the printed bill, after the word "board", insert the following: "of commissioners".

Amendment No. 7.

On page 2, lines 23 and 24, of the printed bill, strike out ", recreational or incidental uses", and insert in lieu thereof the following: "and recreational purposes, and purposes incidental thereto".

Amendment No. 8.

On page 2, lines 27 and 28, of the printed bill, strike out ", recreational or incidental activities, and", and insert in lieu thereof the following: "and recreational activities, and activities incidental thereto. Such department shall also have power".

Amendment No. 9.

On page 2, lines 34 and 35, of the printed bill, strike out ", recreational or incidental activities", and insert in lieu thereof the following: "and recreational activities, and activities incidental thereto".

Amendment No. 10.

On page 3, line 2, of the printed bill, strike out ", recreational or incidental activities", and insert in lieu thereof the following: "and recreational activities, and activities incidental thereto".

Amendment No. 11.

On page 3, line 4, of the printed bill, strike out ", exhibits", and insert in lieu thereof the following: "to be located upon a site or sites provided by said department, or elsewhere, or through the provision of exhibits, or of funds for any of such purposes,".

Amendment No. 12.

On page 3, line 14, of the printed bill, strike out the comma after the word "department", and insert in lieu thereof the following: "created under the authority of this act,".

Amendment No. 13.

On page 3, line 27, of the printed bill, strike out the word "of", and insert in lieu thereof the following: "employed by or acting for".

Amendment No. 14.

On page 3, line 31, of the printed bill, after the words "including the", insert the following: "repayment or".

Amendment No. 15.

On page 3, line 39, of the printed bill, after the word "appropriated", insert the following: "for any such purpose".

Amendment No. 16.

On page 3, line 40, of the printed bill, after the semicolon, insert the following "from moneys appropriated for the purpose by the United States or the State of California, or by any other governmental authority, and duly transferred to the revenue fund;".

Amendment No. 17.

On page 3, line 49, of the printed bill, strike out the comma, and insert in lieu thereof the following "(including the reimbursement of other funds of the city by which such department is created, and the United States or any other entity or entities, public or private, for sums advanced for purposes authorized by this act,)"

Amendment No. 18.

On page 4, lines 45 and 46, of the printed bill, strike out the following: "subject to the approval of the legislative body of the city by which such board is created,"

Amendment No. 19.

On page 5, lines 7 and 8, of the printed bill, after the words "shall be" in line 7, strike out the remainder of the sentence, and insert in lieu thereof the following. "considered in determining the indebtedness of such city within any charter limitations upon indebtedness thereof, and no such guarantee shall be made which would result in the creation of any indebtedness contravening the constitutional restrictions on the incurring of indebtedness by cities"

Amendment No. 20.

On page 5, lines 31 and 32, of the printed bill, strike out the following: "by the city by which such department is created,".

Amendment No. 21.

On page 6, line 1, of the printed bill, after the words "provisions of", insert the following: "sections 7 to 9, inclusive, of".

Amendment No. 22.

On page 6 of the printed bill, after line 7, insert the following:

"SEC. 10. Any city which shall create a municipal department pursuant to, and for the purposes specified in, this act, may place under the management and control of such department any site or sites, building or buildings, or any other property, real or personal, acquired by it for purposes contemplated by this act, or suitable for such purposes, and all acts and proceedings, which, prior to the effective date of this act may have been done and taken by any such city, through its council or governing body, or any board or officer, for the acquisition of a site or sites, or to accomplish any of the purposes contemplated by this act, or for the creation of a department for the purposes for which a department may be created under this act, and all acts and proceedings done and taken by the board of commissioners or other governing body of such department, which, prior to the effective date of this act may have been created, be and the same are hereby validated, ratified and confirmed, and all contracts and indebtedness and bonds of any such department be and the same are hereby declared to be the valid and binding obligations, according to their terms, of any department created under this act which under the authority of this act assumes the powers, duties and liabilities of any such previously created department."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 3—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Bill read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller,

Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—71.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 5—Relative to calling upon the Governor to permit well considered legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by indigency of unemployable persons.

Bill read third time.

Motion to Amend Assembly Concurrent Resolution No. 5.

Mr. Lyon moved to amend Assembly Concurrent Resolution No. 5 as follows:

Amendment No. 1.

On page 1 of the printed resolution, strike out lines 5 to 10, inclusive

Amendment adopted.

Request for Unanimous Consent.

Mr. Field asked for unanimous consent to take up Assembly Concurrent Resolution No. 5, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed

Mr. Evans withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Field moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 5, at this time

The roll was called

Call of the Assembly.

Pending the announcement of the vote, Mr. Field moved a call of the Assembly.

Request for Roll Call.

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Colwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, O'Day, Peek, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—56.

NOES—Atkinson, Cassidy, Del Mutolo, Dills, Kilpatrick, Lore, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Reaves, Richie, Robertson, and Rosenthal—15.

Call of the Assembly.

Time, twelve o'clock and thirty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Motion to Print Communication in Journal.

On motion of Mr. Lyon the following communication was ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 27, 1940.

The Honorable Charles W. Lyon,
Senator Hotel, Sacramento, California

SIR: The Southern California Wine Wholesalers, Inc., of Los Angeles, representing eleven counties of Southern California, urge very strongly that you oppose the

Governor's Proclamation No. 3 in his agenda, as we believe that an elective body by the people, and not an appointive body of men or women should handle such great matters as a privileged business must have, and we further respectfully oppose the Governor's program of increasing excise taxes on California wines, as proposed in Number 2 of the Governor's agenda since we feel that such proposed increased taxes would be against the public interest, and would work a considerable hardship on an already over-taxed and chaotic home industry.

SOUTHERN CALIFORNIA WINE WHOLESALERS, INC.,
SAMUEL BENNETT, Assistant Secretary-General Manager.

Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock and thirty-five minutes p.m., on motion of Mr. Field, further proceedings under the call of the Assembly were dispensed with.

Motion for temporary suspension of rules lost by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Vogt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—45

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Sawallisch—31

Assembly Concurrent Resolution No. 5 ordered to reprint and re-engrossment.

Third Reading of Senate Bills.

Senate Joint Resolution No. 4—Relative to memorializing Congress to take action in respect to the existing emergency in the Tulelake district.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Vogt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—69

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 37—An act to amend sections 9, 11, 12 and 14 of, and to add sections 12a, 13a and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation and licensing of horse racing, the amount and payment of license fees, the commissions of licensees and deposits made by them under the act, providing for the retroactive operation of this act, and providing that this act shall take effect immediately.

Committee Amendment to Assembly Bill No. 37.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 2, lines 41, 42 and 43, of the printed bill strike out the following: "No license shall be granted for a period of more than one year from and after the date thereof."

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 47—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation

Committee Amendment to Assembly Bill No. 47.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 10, line 29, of the printed bill, strike out "The", and strike out all of lines 30 to 33, inclusive

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 66—An act to amend sections 12, 13 and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse racing license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licensees under the act

Committee Amendment to Assembly Bill No. 66.

The following amendment was submitted by the committee.

Amendment No. 1.

On page 2, lines 5 and 6, of the typewritten bill, as introduced, strike out "on the fourth $5,000,000, and 8 per cent on all over $20,000,000", and insert in lieu thereof the following: "on all over $15,000,000".

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment

Reports of Standing Committees (Resumed).

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940

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

Assembly Bill No. 5.
Assembly Bill No. 46.
Assembly Bill No. 51.
Assembly Bill No. 62.

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar

Recess.

At twelve o'clock and forty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m.

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees (Resumed).

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 5.**

And reports the same correctly re-engrossed.

CASSIDY, Chairman.

Consideration of Assembly Concurrent Resolution No. 5.

Assembly Concurrent Resolution No. 5—Calling upon the Governor to permit well considered legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by indigency of unemployable persons.

Bill read third time.

Demand for Previous Question.

Messrs. Meehan, Thurman, Reaves, Gallagher and Robertson demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 5.

Assembly Concurrent Resolution No. 5 read and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—44

NOES—Atkinson, Bennett, Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Kilpatrick, Massion, Meehan, Miller, George P., O'Day, Peek, Pelletier, Reaves, Richie, Rosenthal, and Sawallisch—24.

Title read and approved. Bill ordered transmitted to the Senate

Reports of Standing Committees (Resumed).

On Education.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR. SPEAKER: Your Committee on Education, to which was referred **Assembly Bill No. 80.**

Respectfully reports the same back with the recommendation: Do pass as amended

LEONARD, Chairman

The above reported bill ordered on second reading calendar.

Recess.

At two o'clock and fifty-five minutes p.m the Speaker declared the Assembly at recess until three o'clock p m. to hear from George J. Hatfield, former Lieutenant Governor of the State of California.

Reassembled.

At three o'clock p m. the Assembly reconvened.

Speaker Pro Tempore Gardiner Johnson in the chair.

Motion to Print Digest of Bills in History.

On motion of Mr. Williamson, the Legislative Counsel was requested to furnish the Legislature with a daily digest of all Senate and Assembly Bills, such digest to be printed in the Daily History.

Recess.

At three o'clock and three minutes p m , on motion of Mr. Millington, the Assembly was declared at recess until the hour of four o'clock and thirty minutes p.m.

Reassembled.

At four o'clock and thirty minutes p.m., the Assembly reconvened. Hon Gordon H Garland, Speaker of the Assembly, in the chair.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 6, 1940.

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

Assembly Joint Resolution No. 8.

Assembly Joint Resolution No. 9.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary.

The above reported bills ordered to enrollment.

Reports of Standing Committees (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

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

Assembly Bill No. 64.

Respectfully reports the same back with the recommendation: Do pass as amended.

DESMOND, Chairman.

The above reported bill ordered on second reading calendar.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 64—An act making an appropriation for the contingent expenses of the Assembly for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Committee Amendments to Assembly Bill No. 64.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "thirty-five", and insert in lieu thereof the following: "fifty".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "($35,000)", and insert in lieu thereof the following: "($50,000)".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 86: By Messrs. Williamson and Fulcher—An act to raise revenue for the State by the taxation and licensing of off-track wagering, as herein defined; providing for the administration and enforcement of this act; and making an appropriation of the funds collected hereunder.

Assembly Bill No. 87: By Mr. Poulson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which the appropriation may be expended for such relief, establishing control agencies to safeguard the expenditure of the appropriation, declaring the urgency thereof, and providing that this act shall take effect immediately.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Crowley, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to American History and Government class, High School Department of Pacific Union

College Instructor, Ralph Byron Prout; guests, Dr. A. W. Johnson, business manager of college, Mrs. Charles Utt, Mrs Ralph B. Prout, Phyllis Prout; members of class, Ben Holder June Kolstad, Marcella Pattini, Norma Taylor, Boyd Thompson, Melvin Underwood, Richard Utt, Donna Courville, Lawrence Crockett, Eileene Goodrich, Harley Cordis, Lawrence Dashier and Harold Leland.

On request of Mr. Sawallisch, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dorothy Lewis, Leta Wright, Frances Lozier and Frances Johnson, teachers; and the following class of new citizens and prospective new citizens of the Crockett High School Citizenship Department. Mary Rodrigues, Mary Gomez, Maria Gomez, Ellen Matthews, Lina Arquilla, Annie Cattelini, Vittoria Verta, Lucy Beldi, Piarina Ferrario, Angelina Vico, Annie Pereira, Casimiro Pereira, Mary Albera, Antonio Mimosa, Guilio Torretta, Jesus Ramirez, Louis Grimani, Julia Grimani, Raymond Mendoza, Peggy Mendoza, Angelina Montesano, Ella Zampa, Felicita Colombo, Emma Battilocchi, Cosetta Slavazza, Antonio Almeida, Eduarda Almeida, Antone Sindicich, Ysidro Famoso, Jack Machado, Regina Fernandez, Porfirio Romo, Vicente Ramos, Saul Andrade, Anna Turcanik, Speranza Aiello, Elizabeth Girola, Julia Pastori, Maria Demergasso, Luigia Orecchia, Ruth Seyfried, Freida Seyfried, Margaret Morgan, Nan James, Rosarina Leordini, Constance Dias, Margaret Saligari, Maria Martignoni, Antoinette Corbetta, Joaquin de Jesus, Cecilia Gonsales, Mamie Rodrigues, Maria Garces and Louise Costa.

On request of Mr. Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Elizabeth Graham of Berkeley.

Adjournment.

At five o'clock and fifteen minutes p m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a m., Wednesday, February 7, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY
TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, February 7, 1940

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M. Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Riche, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79

Quorum present

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Heisinger, the further reading of the Journal of Tuesday, February 6, 1940, was dispensed with.

Petition.

Requesting Washington Boulevard, Los Angeles, California, be included in the State highway system.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred **Assembly Bill No. 69.**

Respectfully reports the same back with the recommendation: Do pass.

TURNER, Chairman

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR SPEAKER: Your Committee on Revenue and Taxation, to which was referred. Assembly Bill No. 17.

Requests the same be amended, and re-referred back to committee.

TURNER, Chairman.

The above reported bill ordered on second reading calendar.

Second Reading of Assembly Bills.

Assembly Bill No. 38—An act to amend sections 867 and 868 of the Fish and Game Code, relating to yellow-tail, barracuda, and white sea bass

Bill read second time, and ordered to engrossment.

Assembly Bill No. 10—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4 11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption

Bill read second time, and ordered to engrossment.

Assembly Bill No. 55—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 60—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority, providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938; to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 80—An act to add section 651e to the Civil Code, relating to corporations furnishing courses of instruction in connection with the operation of a hospital owned or operated by the corporation

Committee Amendment to Assembly Bill No. 80.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 1 of the printed bill, after line 27, insert the following:

"Nothing herein contained shall be construed as a repeal either directly or by implication of Chapter 6 of Division II of the Business and Professions Code, and the provisions of Article 4, comprising sections 2785 to 2789 of said code, together with all other pertinent provisions of Chapter 6 of Division II of said Business and Professions Code are hereby made specifically applicable to any corporation issuing certificates or diplomas evidencing completion of any course of instruction in nursing."

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 86: By Messrs. Williamson and Fulcher—An act to raise revenue for the State by the taxation and licensing of off-track wagering, as herein defined, providing for the administration and enforcement of this act; and making an appropriation of the funds collected hereunder.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 87: By Mr. Poulson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which the appropriation may be expended for such

relief, establishing control agencies to safeguard the expenditure of the appropriation, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Joint Resolution No. 10: By Mr. Del Mutolo—Relative to the use of white canes or walking sticks by blind persons

Request for Unanimous Consent.

Mr. Del Mutolo asked for unanimous consent to take up Assembly Joint Resolution No. 10, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Heisinger withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Del Mutolo moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 10 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Houser, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—61

NOES—Heisinger, and Johnson—2

Consideration of Assembly Joint Resolution No. 10.

Assembly Joint Resolution No. 10 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kilpatrick, Knight, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—None

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Concurrent Resolution No. 6: By Mr. Cronin—Relative to reports of the 1939 annual convention of the Military Order of the Purple Heart

Request for Unanimous Consent.

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

Consideration of Assembly Concurrent Resolution No. 6.

Assembly Concurrent Resolution No. 6 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—68.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Petition.

The following petition was presented and, on motion of Mr. Atkinson, ordered printed in the Journal by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72

NOES—None.

Petition.

To His Excellency, Culbert L. Olson, Governor of the State of California, and to the State Legislature of the State of California:

WHEREAS, Due to the erosion of beach sands by the action of the Pacific Ocean on that portion of the shoreline of said ocean in the city of Long Beach, county of Los Angeles, State of California, and located between Granada Avenue on the west in said city and Fifty-fifth Place on the east in said city, a large portion of the eastern part of said city known as the Belmont Shore District is in imminent and constant danger of inundation and flooding by the Pacific Ocean, with consequent serious damage to private and public property and possible loss of life; and

WHEREAS, Said area has heretofore been flooded and inundated with serious damage to private and public property; and

WHEREAS, The greater part of said beach lands are privately owned, with private dwellings and other buildings constructed thereon, and as a result thereof the public authorities can not legally go upon said lands for the purpose of constructing or erecting public works of a protective character for the purpose of protecting said beach lands and said lands in said Belmont Shore District of said city from inundation and damage; and

WHEREAS, Said danger is so imminent and serious as to constitute an emergency and will continue to remain such unless remedied by the public acquisition of said beach lands and the subsequent construction and erection thereon of protective works of a proper character, and

WHEREAS, Said acquisition and said construction should be consummated at the earliest possible date for the reasons above stated,

NOW, THEREFORE, we, the undersigned residents of the city of Long Beach, county of Los Angeles, State of California, respectfully petition Your Excellency, as Governor of the State of California, and the State Legislature of the State of California, to immediately, forthwith and without further delay or procrastination, proceed to cause to be acquired by the exercise of the power of eminent domain vested in the State of California, or in such other manner as Your Excellency and/or the State Legislature may deem advisable and proper, all of the privately owned land located between Granada Avenue on the west and Fifty-fifth Place on the east and lying south of the south line of Ocean Avenue to the Pacific Ocean on the south, and that said properties be acquired and purchased for public use upon the grounds of public necessity and convenience, and that immediately and forthwith following the acquisition of said lands for public use, the necessary and proper protective works in the form of sea walls or such other contrivances as may be determined by Your Excellency and/or the State Legislature be constructed and erected thereon for the purpose of protecting said beach lands from further erosion and protecting the lives and property of the residents of the Belmont Shore area and Belmont Park area, in said city of Long Beach, and consequently preventing serious loss and damage to taxable property in the city of Long Beach, county of Los Angeles, State of California, and incidentally the loss of life which may follow any considerable inundation of said property by reason of the conditions hereinabove set forth, and that all means within your power be employed to the end that the acquisition of said lands and the construction of said works may be consummated and completed at the earliest possible date

Communications.

On motion of Mr. Field, the following communications were ordered printed in the Journal:

WESTERN UNION

LONG BEACH, CALIFORNIA, February 6, 1940.

Hon. C. Don Field,
California Assembly, Sacramento, California

Long Beach city council today voted 7 to 2 its opposition to Assembly Bill No 53, relating to expenditure of revenue from harbor district oil. The Press-Telegram

of this date has editorial disapproving the bill, and copy of the editorial is being mailed to you.

W. F. PRISK,
Editor and Publisher Long Beach Press-Telegram

WESTERN UNION
LONG BEACH, CALIFORNIA, February 6, 1940

Assemblyman Don C. Field,
Room No. 21, Fourth Floor, Capitol Building,
Sacramento, California.

The city council of Long Beach by vote of 7 to 2 opposed Assembly Bill No. 53 sponsored by Peek and Atkinson, today. We earnestly solicit your efforts to oppose passage of this bill until citizens of Long Beach adopt charter amendment expressing their will. We take this means of appeal to assure that this information reaches the Assembly.

L. A. COLLINS,
Publisher Long Beach Independent

SACRAMENTO, CALIFORNIA, February 6, 1940

Honorable C. Don Field,
Chairman, Governmental Efficiency and Economy Committee,
Assembly Chambers, Sacramento, California

DEAR MR. FIELD: I have just been informed that my council have opposed Assembly Bill 53 by a 7 to 2 vote this morning.

It apparently is not the type of legislation that they had hoped to receive, and does not accomplish the things desired. Therefore, I am asking that you withdraw the bill from your committee.

Thanking you for the courtesies you have shown me, I am

Sincerely,

J. W. CHARLEVILLE

On motion of Mr. Atkinson the following communications were ordered printed in the Journal:

WESTERN UNION
LONG BEACH, CALIFORNIA, February 6, 1940.

Maurice Atkinson,
Capitol Building

Hope you will secure adoption of Assembly Bill No. 52 and Assembly Bill No. 53 irrespective of city council action today. Residents in your district favor vote bill as heretofore advised you.

LEWIS P. LANE

WESTERN UNION
LONG BEACH, CALIFORNIA, February 6, 1940

Hon. Maurice Atkinson,
State Capitol

Council turned down your bill 7 to 2. Suggest you go ahead and put it through. Not sentiment of this district. 300 voted to support your bill and mass meeting last night. Won't be up.

BILL BRUNTON

On motion of Mr. Johnson the following communication was ordered printed in the Journal:

WESTERN UNION
NEW YORK, N. Y., February 6, 1940

Hon. Gordon H. Garland,
Assembly Speaker.

I want you to know how much I appreciated the warm resolution in support of the Finnish cause that you passed and the assistance that it is to us in our work.

HERBERT HOOVER

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 88: By Mr. Lyon—An act to add section 33.5 to the Retail Sales Tax Act of 1933, and section 27.5 to the Use Tax Act of 1935, relating to proceedings thereunder, and to provide that this act shall take effect immediately.

Assembly Bill No. 89: By Mr. Miller, George P.—An act to add Article 7.5, comprising sections 122 to 125, inclusive, to the State Lands Act of 1938, and to add section 135 to said act, relating to lands owned by the State, and to the powers and duties of the State Lands Commission in connection therewith, including the production and sale of oil and gas from State lands by the commission, and the scope of the powers vested in the commission.

Assembly Bill No. 90: By Mr. Rosenthal—An act to amend sections 5, 6 and 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the administration of the act, providing for the designation of a chairman of the California Horse Racing Board and for salaries of the chairman and other members of said board, increasing the amount allocated for administration of the act, and providing for a fund to be expended at the sole discretion of the board for enforcement of the act, and increasing the salary of the secretary of said board.

Assembly Bill No. 91: By Mr. Rosenthal—An act to amend section 13 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of the money in the Fair and Exposition Fund

Assembly Bill No. 92: By Mr. Rosenthal—An act to amend section 92 of the Agricultural Code, relating to the allocation of money appropriated for the encouragement of citrus fruit fairs, county fairs, district fairs, and combined county and district fairs.

Assembly Bill No. 93: By Mr. Rosenthal—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of money derived under the act

Assembly Bill No. 94: By Messrs. Williamson, Cronin, Collins, Gallagher, Gilmore, Green, Maloney, O'Day, Wollenberg, Johnson, Meehan, Sheridan, Cassidy, Phillips, Weber, Sawallisch, Burns, Hugh M., and Doyle—An act to amend the title and to add sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Constitutional Amendment No. 5: By Mr. Lyon—Proposed amendment to Article IV of the Constitution by adding section 1.3 thereto, relative to initiative measures.

Recess.

At twelve o'clock and ten minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m.

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 88: By Mr. Lyon—An act to add section 33.5 to the Retail Sales Tax Act of 1933, and section 27.5 to the Use Tax Act of 1935, relating to proceedings thereunder, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 89: By Mr. Miller, George P.—An act to add Article 7.5, comprising sections 122 to 125, inclusive, to the State Lands Act of 1938, and to add section 135 to said act, relating to lands owned by the State, and to the powers and duties of the State Lands Commission in connection therewith, including the production and sale of oil and gas from State lands by the commission, and the scope of the powers vested in the commission.

Referred to Committee on Oil Industries.

Assembly Bill No. 90: By Mr. Rosenthal—An act to amend sections 5, 6 and 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the administration of the act, providing for the designation of a chairman of the California Horse Racing Board and for salaries of the chairman and other members of said board, increasing the amount allocated for administration of the act, and providing for a fund to be expended at the sole discretion of the board for enforcement of the act, and increasing the salary of the secretary of said board.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 91: By Mr. Rosenthal—An act to amend section 13 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of the money in the Fair and Exposition Fund.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 92: By Mr. Rosenthal—An act to amend section 92 of the Agricultural Code, relating to the allocation of money appropriated for the encouragement of citrus fruit fairs, county fairs, district fairs, and combined county and district fairs.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 93: By Mr. Rosenthal—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1935, relating to the allocation of money derived under the act.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 94: By Messrs. Williamson, Cronin, Collins, Gallagher, Gilmore, Green, Maloney, O'Day, Wollenberg, Johnson, Meehan, Sheridan, Cassidy, Phillips, Weber, Sawallisch, Burns, Hugh M., and Doyle—An act to amend the title and to add sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Request for Unanimous Consent.

Mr. Williamson asked for, and was granted, unanimous consent to take up Assembly Bill No. 94, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Case of Urgency Resolution.

Resolved, That Assembly Bill No. 94 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby

dispensed with and it is ordered that said bill be read the first, second, and third times, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Donnelly, Doyle, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—63

NOES—Burson, Dills, Field, Kepple, and Mr. Speaker—5

Whereupon, the Speaker declared the provisions of Article IV, section 15 of the Constitution suspended for the purpose of further considering Assembly Bill No. 94, at this time

Second Reading of Assembly Bill No. 94.

Assembly Bill No. 94—An act to amend the title and to add sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately

Bill read second time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Weybret, Williamson, Wollenberg, and Yorty—57

NOES—Burson, Clarke, Dills, Field, Houser, Kepple, Knight, Lyon, Walker, and Mr. Speaker—10

Third Reading of Assembly Bill No. 94.

Assembly Bill No. 94—An act to amend the title and to add sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, Leonard, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Weber, Weybret, Williamson, Wollenberg, and Yorty—56.

NOES—Bashore, Burson, Clarke, Dills, Field, Houser, Kepple, Lyon, Massion, Walker, Waters, Watson, and Mr. Speaker—13

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Communication from Legislative Counsel.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO CALIFORNIA, February 7, 1940.

Honorable Jack C. Greenburg, Chief Clerk of the Assembly,
Assembly Chambers, Sacramento, California

Subject *Assembly Constitutional Amendment No 5, relating to Initiative Measures*

DEAR SIR. We have examined this measure, pursuant to Assembly Standing Rule No 14, and report that in our opinion it appears to be without the scope of the proclamation

Very truly yours,

FRED B WOOD, Legislative Counsel

Copy to
Honorable Charles W. Lyon.

Introduction of Bills (Resumed).

Assembly Constitutional Amendment No. 5: By Mr. Lyon—Proposed amendment to Article IV of the Constitution by adding section 1 3 thereto, relative to initiative measures

Assembly Constitutional Amendment No. 5 Ordered Withdrawn and Stricken from the Calendar.

On motion of Mr. Lyon, Assembly Constitutional Amendment No. 5 was ordered withdrawn and stricken from the calendar.

Resolutions.

By Messrs. Andreas, Dilworth and Bashore:

House Resolution No. 20.

WHEREAS, The United States of America has lately embarked upon a program of aviation expansion and to that end is cooperating with colleges and universities throughout the nation in training students in flying, and

WHEREAS, Chaffey Junior College and Pomona Junior College are now giving courses in aviation and conducting training programs for aviators pursuant to regulations of the Civil Aeronautics Authority; and

WHEREAS, The Pomona-Ontario-Upland area of California is an especially advantageous locality for the training of aviators, in that it is in close proximity to Inglewood, Santa Monica and Glendale where much of the construction of aircraft is at present taking place, is free from fog and has ideal flying, climatic and weather conditions, and is yet not so close to the Pacific Coast as to cause an undesirable concentration of the aviation industry; and

WHEREAS, The construction of an airport would greatly strengthen the aviation program of Chaffey Junior College and Pomona Junior College, be an important factor in promoting the aviation industry in California, and assist the national defense, now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully urges and memorializes the President, the Secretary of War, and the Congress of the United States to take such steps as are necessary to establish an emergency landing field within a short distance of Chaffey Junior College and Pomona Junior College, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President, the Vice President, and Secretary of War of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that the Senators and Representatives from California are hereby respectfully urged to support any necessary or appropriate measures to accomplish the establishment of the emergency landing field

Request for Unanimous Consent.

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

House Resolution No 20 read, and adopted

By Messrs O'Day, Collins, Gallagher and Maloney:

House Resolution No. 21.

WHEREAS, The United Irish Societies in California are holding their annual St Patrick's Day Convention in San Francisco, and

WHEREAS, Irish people and people of Irish extraction living in the State of California are vitally interested in the proper observance of St Patrick's Day, and

WHEREAS, It is a distinct honor that the people of the State of California annually observe St Patrick's Day; now, therefore, be it

Resolved, That the Assembly of the State of California extend a cordial welcome to the United Irish Societies' St. Patrick's Day Convention and express every good wish that this day may be a joyous and successful one throughout the State; and, be it further

Resolved, That the Chief Clerk of the Assembly send a copy of this resolution suitably engrossed to the President of the United Irish Societies.

Request for Unanimous Consent.

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 21, at this time, without reference to committee.

House Resolution No. 21 read, and adopted.

By the Committee on Attaches:

House Resolution No. 22.

Resolved, That the compensation of Michael Connolly, heretofore appointed Assistant Sergeant-at-Arms, shall be on a seven-day per week basis, instead of a six-day per week basis, and the Controller is hereby directed to draw his warrants in favor of the said Michael Connolly upon such basis and the Treasurer is hereby directed to pay the same

VOIGT, Chairman

House Resolution No. 22 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 7, 1940

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

Assembly Concurrent Resolution No. 4.

Assembly Joint Resolution No. 6.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 7, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following

Assembly Concurrent Resolution No. 5—Calling upon the Governor to permit well considered legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by indigency of unemployable persons

J. A. BEEK, Secretary of Senate.

By MAITLAND S. PENNINGTON, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, February 7, 1940.

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

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section numbered 13 to Article XVI thereof, relating to the powers of the Legislature in respect to the release, rescission, or remission of encumbrances and obligations taken as security for the repayment of aid to the aged, and ratifying certain acts of the Legislature relating thereto;

Senate Bill No. 4—An act to add section 374.5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act;

Senate Bill No. 5—An act to add section 862c to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to water systems of sixth-class cities and the sale and distribution of water therefrom;

Senate Bill No. 6—An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors.

Senate Bill No. 7—An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles;

Senate Bill No. 8—An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof relating to permits to nonresident owners of motor vehicles,

Senate Bill No. 15—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner" approved July 1, 1937, relating to powers and duties of the board and commissioner.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary.

Senate Constitutional Amendment No. 2 read first time, and referred to Committee on Constitutional Amendments

Senate Bill No. 4 read first time, and referred to Committee on Motor Vehicles

Senate Bill No. 5 read first time, and referred to Committee on Municipal Corporations

Senate Bill No. 6 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No. 7 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No. 8 read first time, and referred to Committee on Motor Vehicles

Senate Bill No. 15 read first time, and referred to Committee on Governmental Efficiency and Economy

SENATE CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 79—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately,

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

Consideration of Senate Amendments to Assembly Bill No. 79.

Assembly Bill No. 79—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 79?

Amendment No. 1.

On page 2 of the printed bill, as amended February 6, 1940, strike out all of the matter beginning with the word "and" in line 41 down to and including the word "appropriation" in line 42.

Amendment No. 2.

On page 3, line 6, of the printed bill, strike out the following: "relief or other benefit".

Amendment No. 3.

On page 1 of the printed bill after line 30, add the following

SEC. 4. (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election.

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose whatever from any person receiving compensation, employment, relief or other benefit made available from the appropriation.

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes.

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election.

(f) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation and it is unlawful for any person receiving relief or other benefit from the appropriation to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation.

(i) As used in this section "Appropriation" refers to the sum appropriated in section 1 of this act."

Demand for Previous Question.

Messrs Allen, Call, Gannon, Reaves and Richie demanded the previous question.

Demand for previous question sustained.

The question being on the concurrence in Senate amendments to Assembly Bill No. 79.

Assembly concurred in the Senate amendments to Assembly Bill No 79 by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Phillips, Poulson, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—70.

NOES—Collins, Dills, Gilbert, Hawkins, Kilpatrick, Pelletier, Reaves, and Richie—8.

Assembly Bill No 79 ordered to enrollment.

Explanations of Votes.

I voted "no" on motion to concur in Senate Amendments on Assembly Bill No. 79 because I objected to the clauses restricting political and civil liberties. I favor the bill without these restrictions.

RALPH C. DILLS

I voted against concurrence in amendments to Assembly Bill No. 79 because in many respects they encroach upon the freedom of the citizen.

GEORGE D. COLLINS, JR.

Motion to Print Letters in Journal.

Mr Johnson moved to have the letters read by Mr. Kilpatrick and Mr Kepple printed in the Journal.

Substitute Motion.

Mr. Rosenthal moved that the above motion be laid on the table.

Substitute motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Heisinger, Kilpatrick, Maloney, Massion, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, Turner, and Yorty—29

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Evans, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—43.

The question being on the original motion by Mr. Johnson.

Substitute Motion.

Mr. Williamson moved that only the letter read by Mr. Kepple be printed in the Journal.

Substitute motion carried.

The following letter was addressed to an employee of the SRA in Los Angeles County:

LOS ANGELES COUNTY DEMOCRATIC CENTRAL COMMITTEE,
707 SOUTH BROADWAY, ROOM 412,
LOS ANGELES, CALIFORNIA, December 26, 1939.

Responsibilities of victory are likely no greater than those of a militant campaign, but their aspect and character are somewhat different.

The Democratic Party must be supported financially as well as morally, and there are only two honorable sources of income; from those who have been placed in positions, elective or appointive, and from individuals or groups who have surpluses and a big heart for the Democratic Party. This makes it incumbent upon me, since my appointment as Secretary of the Democratic County Central Committee by Chairman B. J. Kelly, to call upon you for a regular and substantial contribution.

The enclosed pledge card is for your convenience, and I trust that the amount you decide upon will be in keeping with benefits you are receiving.

It is not the intent to burden the resources of anyone, but merely to ask that everyone does his bit so that the party may also compensate those in headquarters as you are being compensated, and that such facilities are provided as will be required in carrying on a forward program, also the retiring of our obligations.

If you prefer to discuss the matter before filling in the enclosed card, please answer suggesting a time and place, keeping in mind that my office hours at the headquarters are, for the present 12 to 3 p.m. daily except Saturday and Sunday.

There is need for an early adjustment in the affairs at the office, and we would ask that you please be as prompt in your reply as you can.

Sincerely yours,

VERNON KILPATRICK,
Secretary.

VK:CS.
Enclosure.

Reports of Standing Committees (Resumed).

On Roads and Highways.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER: Your Committee on Roads and Highways, to which was referred **Senate Concurrent Resolution No. 4.**

Respectfully reports the same back with the recommendation: Be adopted.

STREAM, Chairman.

Request for Unanimous Consent.

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

Consideration of Senate Concurrent Resolution No. 4.

Senate Concurrent Resolution No. 4—Relative to the establishment of the Luther Burbank Memorial Highway

Senate Concurrent Resolution No. 4 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—66

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Presentation of Bills for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 95: By Messrs. Gilbert, Hawkins, Kilpatrick and Rosenthal—An act to amend section 2160 of the Welfare and Institutions Code, relating to the age qualification for old age assistance.

Third Reading of Assembly Bills.

Assembly Bill No. 5—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles

Bill read third time, and passed by the following vote.

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, O'Day, Peek, Pelletier, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 44—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote.

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66

NOES—None

Assembly Bill No. 44 read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate

Assembly Bill No. 51—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, O Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—73

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 64—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O Day, O Donnell, Peek, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty and Mr Speaker—70

NOES—None

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—70

NOES—None

Title read and approved. Bill ordered transmitted to the Senate

Reports of Standing Committees (Resumed).

On State Grounds and Parks.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1940.

MR SPEAKER: Your Committee on State Grounds and Parks, to which was referred,

Assembly Bill No. 52.

Respectfully reports the same back with the recommendation Do pass as amended

DOYLE, Chairman.

The above reported bill ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940

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

Assembly Bill No. 44.

Assembly Bill No. 64.

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR SPEAKER: Your Committee on Constitutional Amendments, to which was referred·

Assembly Constitutional Amendment No. 1.

Respectfully reports the same back with the recommendation: Be adopted.

CALL, Chairman.

The above reported bill ordered to engrossment.

On Governmental Efficiency and Economy.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred·

Senate Bill No. 47.

Respectfully reports the same back with the recommendation: Do pass as amended.

FIELD, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 58.

Respectfully reports the same back with the recommendation. Do pass.

FIELD, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 7.

Respectfully reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

FIELD, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER. Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 6.
Assembly Bill No. 11.
Assembly Bill No. 57.

Respectfully reports the same back with the recommendation: Do pass as amended.

FIELD, Chairman.

The above reported bills ordered on second reading calendar.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 17—An act to amend section 12 of The Personal Income Tax Act, relating to taxes on income of individuals, estates, and trusts, to take effect immediately.

Committee Amendment to Assembly Bill No. 17.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 3, line 33, of the printed bill, strike out "dead or".

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment.

Adjournment.

At four o'clock and forty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m., Thursday, February 8, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY
ELEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, February 8, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M. Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly

Reading of the Journal Dispensed With.

On motion of Mr. Houser, the further reading of the Journal of Wednesday, February 7, 1940, was dispensed with.

Reports of Standing Committees.

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1940

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

Assembly Bill No. 2.
Assembly Bill No. 37.
Assembly Bill No. 10.
Assembly Bill No. 38.
Assembly Bill No. 55.
Assembly Constitutional Amendment No. 1.

And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bills ordered on third reading calendar

Second Reading of Assembly Bills.

Assembly Bill No. 69—An act to amend sections 1 and 6 of and to add sections 1.5 and 6.5 to an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants

Bill read second time, and ordered to engrossment.

Assembly Bill No. 52—An act to add section 5014 to the Public Resources Code, relating to parks and appropriating the money deposited in the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system

Committee Amendments to Assembly Bill No. 52.

The following amendments were submitted by the committee:

Amendment No. 1.

In the title of the printed bill, strike out lines 1 to 2, inclusive, and insert in lieu thereof the following: "An act relating to parks and making an appropriation from"

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following:

"SECTION 1. In addition to any money otherwise appropriated, there is hereby appropriated out of the State park maintenance and acquisition fund the sum of $46,500, or so much thereof as may be necessary, to be expended in accordance with law for the operation, maintenance and extension of the State park system

SEC. 2. The money appropriated in this act shall be expended during the 91st and 92d fiscal years and shall be subject to the provisions of the Budget Act of 1939."

Amendments adopted.

Bill read second time, ordered to reprint and engrossment

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State, to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor, to provide for a certification of the bonds by the Attorney General, to confer remedies on obligees of the California Housing Authority, to exempt the property and securities of the California Housing Authority from taxation and assessments, to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately, and making an appropriation

Committee Amendments to Assembly Bill No. 57.

The following amendments were submitted by the committee

Amendment No. 1.

In line 13 of the title of the printed bill, after the semicolon, insert the following: "and"

Amendment No. 2.

In the title of the printed bill, strike out lines 14 and 15, and insert in lieu thereof the following: "tion and assessments."

Amendment No. 3.

On page 3 of the printed bill, strike out lines 2 to 13, inclusive, and insert in lieu thereof the following:

"(a) Any work or undertaking to be financed in whole or in part by the Federal Government or to which the Federal Government extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise; (1) to demolish, clear or remove buildings from any slum area, such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes, or (2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes, or (3) to accomplish a combination of the foregoing."

Amendment No. 4.

On page 12 of the printed bill, strike out lines 46 to 49, inclusive, and on page 13 thereof, strike out lines 1 to 10, inclusive, and in line 11 thereof strike out "SEC. 44.", and insert in lieu thereof the following: "SEC. 43."

Amendment No. 5.

On page 13 of the printed bill, strike out lines 21 to 25, inclusive

Amendments adopted

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 58—An act to amend sections 2, 3 and 4 of the Housing Cooperation Law, relating to aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law, and providing that this act shall take effect immediately

Committee Amendments to Assembly Bill No. 58.

The following amendments were submitted by Mr. Hawkins:

Amendment No. 1.

In the title of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following "Authority Law."

Amendment No. 2.

On page 3 of the printed bill, strike out lines 25 to 38, inclusive.

Amendment No. 3.

On page 3, line 39, of the printed bill, strike out "SEC. 5", and insert in lieu thereof the following "Sec. 4."

Amendments adopted

Bill read second time, ordered to reprint, and engrossment

Assembly Bill No. 11—An act to add section 1190.5 to the Labor Code, validating orders and proceedings of the Industrial Welfare Commission

Committee Amendment to Assembly Bill No. 11.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the figures "1913", add the following "made prior to January 1, 1940"

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 6—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal

Committee Amendment to Assembly Bill No. 6.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 7 to 23, inclusive, and strike out all of page 2

Amendment adopted

Bill read second time, ordered to reprint, and engrossment.

Second Reading of Senate Bills.

Senate Bill No. 47—An act to validate the organization, boundaries, *governing officers or boards, acts, proceedings, and bonds of public bodies, to take* effect immediately.

Committee Amendments to Senate Bill No. 47.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 2, line 17, of the printed bill, after "elected", insert the following: ", *qualified*".

Amendment No. 2.

On page 2, line 38, of the printed bill, after "errors", insert the following: "in complying with statutory requirements".

Amendment No. 3.

On page 2, lines 39 and 40, of the printed bill, strike out "the statutory requirements of".

Amendment No. 4.

On page 2 of the printed bill, as introduced on January 31, 1940, between lines *44 and 45, insert the following*.

"(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective

for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under section 3720 of the Political Code, is filed in the manner and within the time required by said section."

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 96: By Messrs. Bashore, Andreas, Pelletier, Gannon, Yorty, Doyle, Stream, Garland, Allen, Turner, Green, Wollenberg, Watson, Dilworth, Kepple, Kellems, Poulson, Williamson, Phillips, Burson, Thurman, Corwin, Meehan, Sawallisch, Knight, Field, Lyon, Voigt, Weber, O'Day, Burns, Hugh M., Fulcher, Maloney, Clarke, Lore, Del Mutolo, Desmond, Donnelly, Gilmore, Salsman, Cassidy, Leonard, Miller, George P., Dills, Robertson, Evans, Atkinson, Massion, Bennett, Rosenthal, Sheridan, Hawkins, Gilbert, Peek, King, Crowley, Richie, Gallagher, Reaves, Houser, Heisinger, Kuchel, King, Weybret, Kilpatrick, Tenney, Call, Miss Miller and Mrs. Daley—An act to amend sections 2224 and 2227 of, to add section 2225.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Assembly Constitutional Amendment No. 6: By Messrs. Lore, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, King, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, Garland, Miss Miller and Mrs. Daley—Proposed amendment by adding a new section numbered 13 to Article XVI of the Constitution, relative to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto.

Third Reading of Assembly Bills.

Assembly Bill No. 46—An act to add section 4383 to the Public Resources Code, relating to State forests including areas suitable for timber production, outdoor recreation, water protection, and fish and game production.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—73.

NOES—None.

Title read and approved. Bill ordered transmitted to Senate.

Reports of Standing Committees.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Bill No. 47.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

On Public Morals.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1940.

MR SPEAKER: Your Committee on Public Morals, to which was referred: **Assembly Bill No. 81.**

Respectfully reports the same back with the recommendation: Do pass.

ELEANOR MILLER, Chairman.

The above reported bill ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Bill No. 60.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 2—An act authorizing any city of the first and one-half class to create a municipal department to be under the control of a municipal commission, and authorizing such department when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural, recreational or incidental uses, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72.

NOES—Field—1.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 38—An act to amend sections 867 and 868 of the Fish and Game Code, relating to yellow-tail, barracuda, and white sea bass.

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—69.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Leave of Absence.

Mr. Kilpatrick was granted leave of absence for the balance of this legislative day, on motion of Mr. George P. Miller.

Hon. Frederick F. Houser in the Chair.

At eleven o'clock and forty minutes a.m., Hon. Frederick F. Houser, member of the Assembly from the Fifty-third District, in the chair.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 10—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Sals-

man, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—66.
Noes—Doyle—1.

Title read and approved Bill ordered transmitted to the Senate

Leave of Absence.

Mr Bennett was granted leave of absence for the balance of this legislative day, on motion of Mr Knight

The Speaker in the Chair.

At eleven o'clock and fifty-five minutes a m., Hon Gordon H Garland, Speaker of the Assembly, in the chair

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 95: By Messrs. Gilbert, Hawkins, Kilpatrick and Rosenthal—An act to amend section 2160 of the Welfare and Institutions Code, relating to the age qualification for old age assistance

Referred to Committee on Social Service and Welfare

Assembly Joint Resolution No. 11: By Messrs. Heisinger and Weber—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens

Request for Unanimous Consent.

Mr Heisinger asked for unanimous consent to take up Assembly Joint Resolution No 11, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Mr. Williamson withheld his consent

Assembly Joint Resolution No. 11 referred to the Committee on Rules.

Assembly Joint Resolution No. 12: By Mr. Atkinson—Relative to memorializing the President and Congress to enact a comprehensive, adequate and uniform system of old age security entirely financed by the Federal Government

Referred to Committee on Federal Relations

Assembly Bill No. 96: By Messrs. Bashore, Andreas, Pelletier, Gannon, Yorty, Doyle, Stream, Garland, Allen, Turner, Green, Wollenberg, Watson, Dilworth, Kepple, Kellems, Poulson, Williamson, Phillips, Burson, Thurman, Corwin, Meehan, Sawallisch, Knight, Field, Lyon, Voigt, Weber, O'Day, Burns, Hugh M., Fulcher, Maloney, Clarke, Lore, Del Mutolo, Desmond, Donnelly, Gilmore, Salsman, Cassidy, Leonard, Miller, George P., Dills, Robertson, Evans, Atkinson, Massion, Bennett, Rosenthal, Sheridan, Hawkins, Gilbert, Peek, King, Crowley, Richie, Gallagher, Reaves, Houser, Heisinger, Kuchel, King, Weybret, Kilpatrick, Tenney, Call, Miss Miller and Mrs. Daley—An act to amend sections 2224 and 2227 of, to add section 2225.5 to, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately

Request for Unanimous Consent.

Mr. Bashore asked for, and was granted, unanimous consent to have Assembly Bill No 96 placed on calendar, without reference to committee, and that the same be considered engrossed

Special Order Set for Assembly Bill No. 96.

On motion of Mr Bashore, the consideration of Assembly Bill No. 96 was made a special order of business for Thursday, February 8 1940, at two o'clock and thirty minutes p m

Assembly Constitutional Amendment No. 6: By Messrs. Lore, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, King, Kuchel, Leonard,

Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, Garland, Miss Miller and Mrs. Daley—Proposed amendment by adding a new section numbered 13 to Article XVI of the Constitution, relative to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto

Request for Unanimous Consent.

Mr Lore asked for, and was granted, unanimous consent to have Assembly Constitutional Amendment No. 6 placed on calendar, without reference to committee, and that the same be considered engrossed.

Special Order Set for Assembly Constitutional Amendment No. 6.

On motion of Mr Lore, the consideration of Assembly Constitutional Amendment No 6 was made a special order of business for Thursday, February 8, 1940, at two o'clock and forty-five minutes p m.

Recess.

At 12 o'clock and five minutes p m., on motion of Mr Desmond, the Assembly was declared at recess until the hour of two o'clock p m

Reassembled.

At two o'clock p m., the Assembly reconvened

Hon Gordon H Garland, Speaker of the Assembly, in the chair.

Senate Messages.

SENATE CHAMBER SACRAMENTO, February 8, 1940

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

Assembly Bill No. 64—An act making an appropriation for the contingent expenses of the Assembly for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately

J A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON Assistant Secretary

The above reported bill ordered to enrollment

SENATE CHAMBER, SACRAMENTO, February 8, 1940

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 57—An act to repeal sections 2226 and 2229 and to amend sections 2007 and 2227 of the Welfare and Institutions Code, relating to aid to the aged and providing for the cancellation and release of certain agreements heretofore required of recipients of aid to the aged,

And adopted

Senate Joint Resolution No. 3—Relative to increased contributions by the Federal Government for relief in California

J. A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary

Senate Bill No 57 read first time, and referred to Committee on Social Service and Welfare.

Request for Unanimous Consent.

Mr Stream asked for, and was granted, unanimous consent to take up Senate Joint Resolution No 3 at this time, without reference to committee or calendar

Consideration of Senate Joint Resolution No. 3.

Senate Joint Resolution No. 3—Relative to increased contributions by the Federal Government for relief in California

Senate Joint Resolution No 3 read, and adopted by the following vote:

AYES—Atkinson, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight,

Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Salsman, Sawallisch, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—50.

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

Introduction and Reference of Bills (Resumed).

The following bill was introduced, and read the first time:

Assembly Joint Resolution No. 13: By Mr. Fulcher—Relative to the allocation of funds by the Congress of the United States to the Central Valley Project.

Request for Unanimous Consent.

Mr. Fulcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No 13, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 13.

Assembly Joint Resolution No. 13 read, and adopted by the following vote:

AYES—Atkinson, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Green, Hawkins, Heisinger, Johnson, Kellems, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—55

NOES—None.

Title read and approved Bill ordered to print and transmitted to the Senate.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 55—An act to amend section 1300 17 of the Agricultural Code, relating to the marketing of agricultural products.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard Lore, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—61

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, February 7, 1940.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day requests the return of Assembly Concurrent Resolution No. 5.

J. A. BEEK, Secretary of Senate

By MAITLAND S PENNINGTON, Assistant Secretary.

Assembly Concurrent Resolution No. 5 ordered returned to the Senate.

Motion to Print Circular in Journal.

On motion of Mr. Desmond, the following circular was ordered printed in the Journal:

WORKERS; EMPLOYED & UNEMPLOYED
HOME OWNERS & TAX PAYERS
Tonight, Wednesday, at 7 30 p m in the Legislature the
Committee on Relief Appropriations Meets The Banks, Corporations
and Associated Farmers Have Ganged Up to Put Across Two Points.
1—Cut the Appropriation to a Starvation Level.
2—Return Relief Administration to the Counties
HOW DOES THIS AFFECT YOU?

Cutting Relief Appropriations Will Mean More Starvation for
California's Unemployed.
This unemployed army of hungry people will be used by the bankers, corporations
and Associated Farmers to undermine wages and working conditions
of employed workers
Return of relief to the counties will make it possible for the monopoly, and big
business interests to escape taxation and put the burden on the
home owner, small business man, and worker.
THIS IS YOUR FIGHT
Demand an Adequate Relief Appropriation, Not a Famine Appropriation
Stop Return of Relief to the Counties
Defend Yourselves Against the Bankers, Corporations, and the
Reactionary Legislature
All Out to the Legislature Tonight at 7 30
Issued by the Communist Party 618½ J Street Sacramento

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 8, 1940

To the Honorable Members of the Senate and Assembly of the California Legislature, Sacramento, California

GREETINGS: The attached letter from Director of the Department of Agriculture W. B. Parker contains information regarding the operations of the Federal Surplus Commodities Corporation which I am sure the Legislature should have.

I feel therefore that it is my duty to transmit a copy to you.

Respectfully.

CULBERT L OLSON,
Governor of California

CLO:PW

STATE OF CALIFORNIA, DEPARTMENT OF AGRICULTURE,
SACRAMENTO, February 7, 1940.

Confidential Memorandum to Governor Culbert L Olson

DEAR GOVERNOR OLSON: As you know, I have just returned from Washington, D. C., where I have been working for the past four weeks with Federal officials to bring additional vitally needed aid to some of our most important California farm industries.

Upon my return to Sacramento Tuesday morning, it was reported to me that the special session of the Legislature has under consideration a plan to return the administration of unemployment relief to the 58 counties and to decentralize the administration and operation of the State Relief Administration

Today, I was advised by a representative of the Federal Surplus Commodities Corporation, a Federal agency, operating under the United States Department of Agriculture, that his superiors in Washington had instructed him, during the course of a telephone conversation that, in the event administration of the State Relief Administration was returned to the 58 counties, the Federal Surplus Commodities Corporation would no longer operate its program of distribution of surplus commodities in California, and would be seriously hampered in its program of purchasing agricultural surplus commodities from California farmers for distribution both within California and outside of the State

To confirm this report, I called, this afternoon, H. C Albin, Chief of the Purchase and Distribution Division for the Federal Surplus Commodities Corporation in Washington Mr Albin advised me that the report which was given to me by his California representative is correct and asked me to convey to you the attitude of the Federal Surplus Commodities Corporation on this matter

Mr Albin pointed out to me that the manner in which the Federal Surplus Commodities Corporation, a non-profit governmental corporation, organized in 1933, for the express purpose of aiding hungry people on relief rolls and to keep farmers from being overwhelmed by surpluses of the commodities they produce, is set up in such a manner as to preclude their engaging in cooperative operations with the various States other than through state-wide State agencies

The corporation accomplishes its two-fold objective by buying up acute surpluses of farm products and supplying them to State welfare agencies for relief distribution

The seriousness of the problem which California farmers, taxpayers, and relief clients now face, in the event that the operations of the Federal Surplus Commodities Corporation are eliminated or curtailed in California, as the result of the transfer of the administration and operations of the State Relief Administration from its former state-wide agency basis to the 58 counties, can be illustrated graphically in the following figures:

During the past five years (up to July 1 1939) the Federal Surplus Commodities Corporation has purchased $19,783,595 worth of California farm commodities for distribution to relief clients in California and throughout the Nation These purchases by the Federal Surplus Commodities Corporation cover such foodstuffs and

other farm products as the following: Apples, dried and fresh, apricots, dried, beans; butter, cattle; cheese, corn meal, cotton, raw baled and bags, eggs, figs fish; grapefruit, fresh and juice, milk, dried skim and evaporated, onions, oranges, peaches, fresh and dried; pears, plums, potatoes, prunes, raisins, rice, seed, sheep; sugar-beets; walnuts, white flour, graham flour; hogs, and pork products.

In addition, since July 1, 1939, the Federal Surplus Commodities Corporation has purchased approximately $5,000,000 worth of farm products in California, making a grand total for the past five years of nearly $25,000,000 worth of purchases of agricultural commodities for distribution to relief clients in this and other States.

Please bear in mind that this figure of $25,000,000 represents only the investment by the Federal Surplus Commodities Corporation in farm commodities at farm prices and is exclusive of amounts paid by the Federal Surplus Commodities Corporation for transportation and for processing.

The retail value of the food commodities distributed in California by the Federal Surplus Commodities Corporation, during this same period, is $26,864,683.87 and represents not only commodities produced in California but in other States as well.

I would like to call to your attention that the programs of the Federal Surplus Commodities Corporation have done more than supplement the inadequate food supplies of recipient families in California representing the unemployed.

These programs have encouraged these families to continue as regular consumers of farm surplus commodities.

By promoting more orderly marketing through the removal of some of the excessively heavy supplies, these programs have helped to increase the income of our growers not merely by the amount expended but also by the beneficial effect of the surplus removal on their entire shipments.

These Federal Surplus Commodity programs have also been the means of stimulating grower interest in marketing problems and in improving marketing practices from the viewpoint of adjusting supplies to demand.

Just within the past year, we persuaded the Federal Surplus Commodities Corporation to aid us in removing a surplus of canning clingstone peaches, which resulted in a purchase of 20,000 tons by the Federal Surplus Commodities Corporation for relief distribution purposes in California and elsewhere, and a $20.00 per ton return to our growers, or four times the price they received the year before.

The total prune purchasing program by the Federal Surplus Commodities Corporation over several years has reached the sum of about $10,000,000.

On my last trip to Washington, I sought the aid of the Federal Surplus Commodities Corporation in a purchase program involving about $3,000,000 and covering 1939 unsold raisins still in the hands of the growers and for which there is no market at the present time.

Just this past Monday, the Federal Surplus Commodities Corporation launched another program to aid our prune growers, involving the purchase of nearly $900,000 worth of surplus prunes for relief distribution.

Repeated questioning of Mr. Albin today over the long-distance telephone brought his emphatic statement that the Federal Surplus Commodities Corporation will not deal with separate counties in its dual program, which means that our cooperative operations for the removal of unsalable surpluses will virtually cease. Such relief programs for agriculture as the peach purchase program and others are automatically stopped if the Federal Surplus Commodities Corporation is not in a position to handle its operations through a state-wide relief agency.

Very sincerely,

W. B. PARKER, Director.

The above message ordered referred to the Committee on Social Service and Welfare.

Communication.

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

STATE OF CALIFORNIA, BUREAU OF PRINTING,
SACRAMENTO, February 7, 1940.

Hon. Jack Carl Greenburg, Chief Clerk, Fifty-third California Assembly, State Capitol, Sacramento, California.

DEAR MR. GREENBURG: In accordance with provisions of section 695 of the Political Code, we are pleased to convey you a summary from our accounts to show our handling in sales of documents published through legislative order. Our account covers the period from July 1, 1938, to June 30, 1939.

We are depositing $6,109.15 in the State treasury and entering instructions to the State Controller that the sum is to be credited to the general fund, from which source an appropriation was made to cover expenses of legislative printing.

You will note that we debited $3,906 in expense for postage and applied a credit of $3,000 which was paid to our account from the appropriation for postage for the Fifty-third Legislature in 1939

Trusting that you will find this in order, we are

Very truly yours,

GEORGE H MOORE,
State Printer
By ROBERT A GARDINER,
Supervisor of Documents

SUPERVISOR OF DOCUMENTS
Sacramento, California

Statement of Consignment Liability at June 30, 1939—Legislature

Gross Sales—July 1, 1938 to June 30, 1939.			
Budget, 1935-37	2 at	$0 50	$1 00
Budget, 1937-39	70	1 00	70 00
Budget, 1939-41	457	1 00	457 00
Report on Revenue and Taxation	3	5 00	15 00
Constitution, Annotated—1933	7	3 50	24 50
Handbook of Information, 52d Session	25	1 00	25 00
Handbook of Information, 53d Session	19	1 00	19 00
Chaptered Law Service	139	6 00	834 00
Assembly and Senate Journals, 1935 (Set)	7	22 50	157 50
Assembly Journals, 1937	2	7 50	15 00
Senate Journals, 1937	2	7 50	15 00
Statutes and Amendments, 1933	3	7 50	22 50
Statutes and Amendments, 1935	5	9 00	45 00
Statutes and Amendments, 1937	24	9 50	228 00
Statutes of 1938, Extra Session	369	2 50	922 50
Manual of Legislative Procedure	17	1 50	25 50
Legislative Material	...	...	676 07
California Blue Book	956	3 00	2,868 00
Legislative Bill Service	282	45 00	12,690 00
Total Gross Sales			$19,110 57
Deductions:			
Discounts, Returns and Allowances		$739 85	
Express		391 00	
Postage		3,906 00	
Extra Salaries—Handling Legislative Bill Service		466 13	
Expense—Blue Books—Printing Plant		14 85	
Printing Plant—Assembling Library Bill Service		746 93	
Senate and Assembly Publication Charges		2,129 70	
Prorata of Administrative Expenses		7,606 96	
		$16,001 42	
Less: Check to apply on postage		3,000 00	
Total Deductions			$13 001 42
Consignment Payable Current			$6,109 15

Resolutions.

By Messrs. Field, Robertson and Kellems

House Resolution No. 23.

WHEREAS, There has convened a special session of the California State Assembly, at which are in attendance 79 of its members; and

WHEREAS, The member from the Fifty-seventh Assembly District in Hollywood, through sickness, is unable to be present at this special session; and

WHEREAS, The thoughts of all of the 79 members present frequently turn to Kent Redwine in his temporary home in Hemet, and

WHEREAS, Kent Redwine, with his gracious and kindly bearing, his natty, Hollywood appearance and his unfailing devotion to the good for the people of his district in the State of California, has at all times been most highly regarded and beloved by the other members of the California Assembly; now, therefore, be it

Resolved by the Assembly of the California Legislature, That each and every member thereof do tender to the Honorable Kent Redwine their highest hopes for his speedy and complete recovery, and do hereby forward to him their warmest regards and their very best wishes.

And let a copy of this resolution, after it has been duly engrossed and recorded, be forwarded immediately to Kent Redwine.

Request for Unanimous Consent.

Mr. Field asked for, and was granted, unanimous consent to take up House Resolution No. 23, at this time, without reference to committee.

House Resolution No 23 read, and adopted unanimously.

Special Order.

The hour of two o'clock and thirty minutes p.m. having arrived, the special order heretofore set for this hour was taken up for consideration.

Motion to Defer Special Order.

On motion of Mr. Bashore the special order heretofore set for this hour was ordered deferred until the hour of three o'clock and fifteen minutes.

Special Order.

The hour of two o'clock and forty-five minutes p.m. having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Assembly Constitutional Amendment No. 6.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section numbered 13 to Article XVI thereof, relating to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto.

Assembly Constitutional Amendment No. 6 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, three o'clock and five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent. Further Proceedings Under Call of the Assembly Dispensed With.

At three o'clock and ten minutes p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Assembly Constitutional Amendment No. 6 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peck, Pelletier, Phillips, Poulson Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—77.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section numbered 13 to Article XVI thereof, relating to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, in extraordinary session commencing on the twenty-ninth day of January, 1940, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding a new section, to be numbered 13, to Article XVI thereof, to read as follows:

Sec. 13. (a) The people of the State of California, for themselves, for the State government, and for every county and other agency of the government of the State, do hereby abjure, renounce, and relinquish all rights and claims heretofore acquired by the State or any county or other agency of the State under the provisions of the Old Age Security Act of the State of California (Chapter 530 of the Statutes of 1929, as amended), or the Old Age Security Law (Chapter 1 of Division III of the Welfare and Institutions Code), or both, against the property of recipients of aid to the aged lawfully granted and received pursuant to said laws, or against such recipients personally, in so far as such rights and claims are based upon or arise out of liens, mortgages, transfers or other encumbrances taken by any county as security for aid granted pursuant to the provisions of said laws, or either of them, or are based upon or arise out of agreements not to transfer or encumber real property without the consent of the board of supervisors entered into pursuant to the provisions of sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1939;

(b) All liens, mortgages, and other encumbrances heretofore taken by any county as security for aid granted under the aforesaid laws, or either of them, are hereby released, and shall hereafter be conclusively presumed to have been paid;

(c) Every agreement not to transfer or encumber real property without the consent of the board of supervisors heretofore executed pursuant to the provisions of sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1939 is hereby rescinded, canceled and declared to be hereafter of no force and effect, subject to the consent thereto of the applicant or recipient of aid, his legal representative, or successor in interest in the property concerning which the agreement was made. The failure of the applicant or recipient, his legal representative, or successor in interest, to cause to be recorded in the office of the county recorder within thirty days after this section becomes effective an instrument expressly withholding consent to the rescission and cancellation of any such agreement shall constitute consent thereto, and every such agreement, to the rescission and cancellation of which consent has not been expressly withheld, shall, *from a date thirty days after this section becomes effective*, be conclusively presumed to have been rescinded, canceled, and of no effect,

(d) The board of supervisors of each county shall immediately execute and record appropriate instruments of release or rescission and cancellation of all such liens, mortgages, encumbrances and agreements and shall take such other steps as may be necessary to relieve the recipients of aid heretofore granted to such persons under either or both of such statutes and the real property of the recipients from all obligation to repay either to the county or to the State any such aid lawfully granted to or received by any such person;

(e) Notwithstanding any other provision of this Constitution, the Legislature shall have power to release, rescind, cancel, or otherwise nullify in whole or in part any encumbrance on property, personal obligation, or other form of security heretofore or hereafter exacted or imposed by the Legislature to secure the repayment to, or reimbursement of, the State, and the counties or other agencies of the State government, of aid lawfully granted to and received by aged persons;

(f) Should an amendment to this Constitution by adding a new section to be numbered 12 to this article, as proposed by Assembly Constitutional Amendment No. 1 of the fifty-third session of the Legislature (Resolutions Chapter 58 of the Statutes of 1939), be enacted at the general election held on November 5, 1940, nothing in this section shall be construed to limit or restrict the operation of the provisions of said section 12.

Special Order.

The hour of three o'clock and fifteen minutes p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Assembly Bill No. 96.

Assembly Bill No. 96—An act to amend sections 2224 and 2227 of, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read.

Case of Urgency Resolution.

Resolved, That Assembly Bill No. 96 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74

NOES—None

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 96, at this time.

Second Reading of Assembly Bill No. 96.

Assembly Bill No. 96—An act to amend sections 2224 and 2227 of, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72.

NOES—None.

Third Reading of Assembly Bill No. 96.

Assembly Bill No. 96—An act to amend sections 2224 and 2227 of, and to repeal sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend Assembly Bill No. 96.

Mr. Robertson moved to amend Assembly Bill No. 96 as follows:

Amendment No. 1.

On page 3 of the printed bill, as amended, after line 24, add the following:

"SEC. 7. Section 2231 is hereby added to the Welfare and Institutions Code, to read as follows:

2231. Upon the death of a recipient of aid under this chapter who has no heirs in the United States who are citizens of the United States, the county shall have a claim against the entire estate of the recipient for reimbursement for all aid granted to the recipient under this chapter, and shall have all the rights of an unsecured creditor against the entire estate of the recipient, but it shall not be necessary for the executor or administrator of the estate to obtain the consent of the county to a transfer or encumbrance of the property made pursuant to an order of the court."

Amendment refused adoption by the following vote:

AYES—Burns, Hugh M., Carlson, Cassidy, Clarke, Cronin, Desmond, Dilworth, Donnelly, Gannon, Heisinger, Houser, Kellems, Kepple, Leonard, Lyon, Millington,

O'Donnell, Phillips, Reaves, Robertson, Salsman, Sawallisch, Scudder, Thorp, Thurman, Turner, Walker, and Wollenberg—28.

NOES—Allen, Andreas, Atkinson, Bashore, Burns, Michael J., Burson, Call, Collins, Corwin, Daley, Del Mutolo, Dills, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Johnson, King, Knight, Kuchel, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Pelletier, Poulson, Richie, Rosenthal, Sheridan, Stream, Tenney, Waters, Watson, Weybret, Yorty, and Mr. Speaker—42

Assembly Bill No. 96 read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—75

NOES—Carlson—1.

Title read and approved Bill ordered transmitted to the Senate.

Reports of Standing Committees (Resumed).

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1940.

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

Assembly Concurrent Resolution No. 4.
Assembly Joint Resolution No. 6.
Assembly Bill No. 79.

And reports the same correctly enrolled, and presented to the Governor on this eighth day of February, 1940, at ten o'clock a.m.

CASSIDY, Chairman

Re-reference of Bills.

By order of the Speaker, the following bills were withdrawn from the calendar, and re-referred as follows:

Assembly Bill No 37 re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 47 re-referred to Committee on Ways and Means.

Motion for Committee on Social Service and Welfare to Issue Subpena.

Mr. Johnson moved that the Committee on Social Service and Welfare be authorized to subpena the Orange County SRA Director to appear before said committee.

Motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Maloney Meehan, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—57

NOES—Atkinson, Collins, Dills, Donnelly, Gilbert, King, Lore, Massion, Miller, George P., O'Donnell, Peek, Reaves, Richie, Robertson, and Rosenthal—15.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, February 8, 1940.

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

Assembly Concurrent Resolution No. 5—Calling upon the Governor to permit well considered, comprehensive legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by other causes; And respectfully requests your honorable body to concur in said amendments.

J. A BEEK, Secretary of the Senate.

Consideration of Senate Amendments to Assembly Concurrent Resolution No. 5.

Assembly Concurrent Resolution No. 5—Relative to calling upon the Governor to permit well considered legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by indigency of unemployable persons.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Concurrent Resolution No. 5?

Amendment No. 1.

In line 2 of the title of the printed measure, as amended, after "considered", insert the following: ", comprehensive".

Amendment No. 2.

In line 4 of the title of the printed measure, as amended, strike out "indigency of", and insert in lieu thereof the following: "other causes".

Amendment No. 3.

In the title of the printed measure, as amended, strike out line 5.

Amendment No. 4.

On page 1, line 22, of the printed measure, as amended, strike out "Not only the", and insert in lieu thereof the following "The".

Amendment No. 5.

On page 1 of the printed measure, as amended, strike out lines 23 and 24, and insert in lieu thereof the following "destination, whether due to and caused by unemployment or by other causes, should be considered by the".

Amendment No. 6.

On page 2, line 10, of the printed measure, as amended, strike out "indigency of unemployables", and insert in lieu thereof the following: "any other causes".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Concurrent Resolution No. 5 by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Evans, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Donnell, Phillips, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—50.

NOES—Andreas, Atkinson, Cassidy, Collins, Del Mutolo, Dills, Donnelly, Gallagher, Gilmore, Heisinger, Massion, Meehan, Miller, George P., O'Day, Peek, Rosenthal, and Sawallisch—17.

Assembly Concurrent Resolution No. 5 ordered to enrollment.

Resolution.

By Mr. Allen:

House Resolution No. 24.

Relative to a happy first birthday.

WHEREAS, On this day, February 8, 1940, at the California Lutheran Hospital in Los Angeles, California, there was born to Mary Evans, wife of our own John W. Evans, member of the Assembly of the State of California, a seven-pound, nine-ounce boy; and

WHEREAS, The arrival of the Evans heir-apparent is a joyous and happy occasion; and

WHEREAS, It is the desire of the Assembly and members thereof to participate in this occasion and to extend their best wishes to the proud parents; now, therefore, be it

Resolved by the Assembly of the State of California, That it does hereby extend to Mr. and Mrs. John W. Evans its best wishes and heartiest congratulations; and be it further

Resolved, That a copy of this resolution, suitably engrossed, be presented to Mr. and Mrs. John W. Evans.

Request for Unanimous Consent.

Mr. Allen asked for, and was granted, unanimous consent to take up House Resolution No. 24, at this time, without reference to committee.

House Resolution No. 24 read, and adopted unanimously.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 60—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority, providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938; to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—68.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to James H. Donnelly of San Francisco, son of Assemblyman Hugh P. Donnelly.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Ruth Waring, Mrs. L. D. Fletcher and Dan Dana, all of Alameda County.

Also on request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the University of California Young Democratic Club: Robert Nisbet, Margaret Rohrer, Michio Kunitani, Sophie Stone, Ed Tackle, Nan Ried, Dick Meyers, Fred Fletcher, Floy Hopkins, Ignatius Billy, Charles Best, Mrs. H. E. Erdman, Don Robinson, Mickey Robbins, Eleanor Phipps, Dan Hertz, Ernest Iujama, John Forshon, John Mavity, Lee Roberts, Matt Walker, Arvine Wales, Harold Eslep, Anne Rapport and Wayne Williams.

On request of Mr. Pelletier, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Walter Shockley of San Francisco and Helen D. Lawson of Marin County.

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hall Mohr, president International Photographers Union of Hollywood, and Herbert Aller, business manager International Photographers Union of Hollywood; Joe Touhy, Studio Transportation Union of Hollywood.

On request of Messrs. Weybret and Scudder, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. Riffle; Cadets Wandesforde, Merritt, Thompson, and Ruse of the San Rafael Military Academy

On request of Mr Heisinger, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Margaret Rohrer of Parlier.

On request of Mr. Dilworth, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Chas. Paukratz and Mr. Williams, both of Smartville.

On request of Messrs. Thorp and Weber, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. R. F. Brown, State vice president, California League of Women Voters, Mrs. J. Stuart Moore, president San Joaquin County League, and Mesdames Raymond Manuel, Norman, E Sikora, J. C. Broune, C A Broadus and Folkner, of San Joaquin County

On request of Mr. Sheridan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Bessie Keller of Roosevelt High School in Oakland, with the following pupils of the school: Walt Frates, Lorene Steinbie, Jane Lee, Bob Morgenson, Albert Fenton, Betty De Pavo, Corrin Bardeline, Betty Chick, Marion Butler, Jean Lee, Betty Brown, Robert Sears, Carl Mathson, Irving Biron, Izelda De Azevada, Chris Eiferle, Bob Kruft, Ann Poretti, Bill Sverestead, June Branch, Ted Silva, Tom Cleary, Clarence Brest, Leo Kovelli, Al Triplett, Robert Pyne, Theresa Vacchieri, Juanita Ewing, Charles Ewing Don Stratton, Betty Solomon, Charles Morris, and Jack Woodall

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to members of Berkeley League of Women Voters: Mesdames Fuller Clarkson, Leffler Miller, George Scheer, Bradley Brown, Herbert Pillars, Frank Hinckley, E A. Eakin, Hubert Sandner, Ansel Hall, Anna Law, Harold Nachtrieb and Archer Taylor

On request of Mr Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Duncan McCulloch of Compton

On request of Mr. Gallagher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. P. J. O'Hara and Miss Marie Newman

On request of Mr. Peek, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to his mother, Mrs. Mary E. Peek, Long Beach; his aunt, Mrs Nell B. Spencer, Orange County, and George L. Craig II of Long Beach.

On request of Mr. Scudder, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following members of the League of Women Voters: Mrs Wallace Andrews, president, Mill Valley; Mrs. George Engels, Mrs. C Walker, Mrs. R. Schultz, of Mill Valley; Mrs C. C. Yeazel, Mrs Paul Ludolph and Mrs. R. Bichel, Sausalito; Mrs. Laurence McNear of San Rafael, and Mrs. Wayne Tharpe of Novato.

Adjournment.

At four o'clock and thirty minutes p m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a m., Friday, February 9, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY
TWELFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, February 9, 1940

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

Hon Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76.

Quorum present.

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Crowley, the further reading of the Journal of Thursday, February 8, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day

Mr Kilpatrick, on motion of Mr Crowley

Mr Bennett, on motion of Mr. Knight.

Mr. Evans, on motion of Mr. Allen

Communication.

By the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1940.

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

Ellsworth M. Martin—*The Humane News*
Steve Merrill—*National Ham and Eggs.*
Maxwell Pollard—*CBS-KNX News.*
Jack Cartwright—*San Mateo Times.*
Larry B. Gross—*Alameda Times-Star.*
George W. Whitesell—*Clovis Tribune and Friant Projector.*
Walter B. Fawcett—*Government Research Bureau.*

Second Reading of Assembly Bills.

Assembly Bill No. 81—An act to amend section 6 4 of the Alcoholic Beverage Control Act and to add section 54 1 thereto, relating to alcoholic beverages.

Bill read second time, and ordered on third reading calendar.

Motion to Withdraw and Strike Assembly Constitutional Amendment No. 1 from the File.

On motion of Mr. Lore Assembly Constitutional Amendment No. 1 was ordered withdrawn and stricken from the file.

Reports of Standing Committees.

On Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940

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

Senate Bill No. 5.

Respectfully reports the same back with the recommendation: Do pass.

KUCHEL, Chairman.

The above reported bill ordered on second reading calendar.

On Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940.

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

Senate Bill No. 4.
Senate Bill No. 6.
Senate Bill No. 8.

Respectfully reports the same back with the recommendation: Do pass.

FULCHER, Chairman.

The above reported bills ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940.

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

Senate Bill No. 7.

Respectfully reports the same back with the recommendation Do pass as amended.

FULCHER, Chairman.

The above reported bill ordered on second reading calendar.

On Governmental Efficiency and Economy.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Senate Bill No. 15.

Respectfully reports the same back with the recommendation: Do pass.

FIELD, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940.

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 53.

Respectfully reports the same back with the recommendation: Do pass

FIELD, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940.

MR SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 70.

Requests the same be amended, and re-referred back to committee.

FIELD, Chairman.

The above reported bill ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940.

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

Assembly Bill No. 69.
Assembly Bill No. 80.
Assembly Bill No. 11.
Assembly Bill No. 81.
Assembly Bill No. 66.
Assembly Bill No. 6.
Assembly Bill No. 58.

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO February 9, 1940.

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

Assembly Concurrent Resolution No. 5.
Assembly Joint Resolution No. 8.
Assembly Bill No. 64.

And reports the same correctly enrolled, and presented to the Governor on this ninth day of February, 1940, at eleven o'clock a m

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940

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

Assembly Concurrent Resolution No. 3.
Assembly Joint Resolution No. 9.

And reports the same correctly enrolled, and presented to the Governor on this eighth day of February, 1940, at ten o'clock a m.

CASSIDY, Chairman.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 8, 1940.

To the Honorable Members of the Senate and the Assembly:

GREETINGS: You are hereby advised that I have today signed Assembly Bill No 79 appropriating $1,600,000 toward meeting requirements for disbursements for unemployment relief under the California Unemployment Relief Act of 1935, during the next few days, with the following explanation regarding section 4 of this bill:

It is doubtful whether section 4 is legislation which the Legislature has power to enact at this special session under the wording of the proclamation calling the special session. However, I would favor the intent of some of the provisions of that section as administrative regulations if the intent were defined with sufficient clarity to be effectively enforced. But I am opposed to any provisions which would interfere with the free exercise of the franchise rights and civil liberties of SRA or any other employees of the State No discrimination should be made against State employees in SRA. They should have the same political rights as are enjoyed by more than twenty-two thousand civil service employees of the State Government

Subdivision "b" is inconsistent with subdivision "f." The latter provision (f) would make it unlawful for any person employed in connection with the administration of the appropriation to be politically "active," while subdivision "b" would make it unlawful to deprive such person of employment, relief or other benefit made possible in whole or in part by the appropriation.

In other words, section 4 would make it unlawful for any employee of SRA to be politically "active," and at the same time would make it unlawful to deprive any person of employment in the SRA because of such unlawful political activity.

I hope such legally doubtful and ill-considered legislation will not be included in any other appropriation measure

Respectfully yours,

CULBERT L. OLSON,
Governor of California.

CLO:M.

Recess.

The Speaker declared the Assembly at recess to hear from Mr. L. W. Hill, member of the assembly from the State of Minnesota.

Third Reading of Assembly Bills.

Assembly Bill No. 62—An act to submit to the people at the general election in November, 1940 amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 80—An act to add section 651e to the Civil Code, relating to corporations furnishing courses of instruction in connection with the operation of a hospital owned or operated by the corporation.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 69—An act to amend sections 1, 5 and 6 of and to add sections 1.5 and 6.5 to an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Hawkins,

Heisinger, Johnson, Kellems, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meeham, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Waters, Watson, Weybret, Wollenberg, and Yorty—57

NOES—Field, Robertson, and Mr. Speaker—3

Title read and approved. Bill ordered transmitted to the Senate.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau.

Assembly Bill No. 97: By Mr. Cassidy—An act relating to taxation, providing for the licensing of slot machines, providing for the enforcement of this act, and making an appropriation of the funds collected hereunder, to take effect immediately.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 53—An act to add section 2 to "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions" approved April 28, 1925, relating to the use of the revenues derived from such lands.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 70—An act to amend sections 1700, 1705 and 1990 of, to repeal sections 1701 and 1743 of, and to add sections 1701, 1701.2, 1701.4, 1701.6, 1701.8 and 1730.5 to, and to add Chapter 12, comprising sections 3250 to 3423, inclusive, to Part 1 of Division VI of the Harbors and Navigation Code, relating to the Harbor of San Francisco, enlarging the membership of the Board of State Harbor Commissioners for San Francisco Harbor, and enlarging the powers and duties of the board by including therein the right to mediate, conciliate and arbitrate labor disputes.

Committee Amendments to Assembly Bill No. 70.

The following amendments were submitted by the committee:

Amendment No. 1.

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following: "An act to add section 1730.5 and"

Amendment No. 2.

In the title of the printed bill, strike out lines 6 to 10, inclusive, and insert in lieu thereof the following: "Code relating to the Harbor of San Francisco, enlarging the powers and duties of the Board of State Harbor Commissioners for San Francisco Harbor by including therein the right to mediate, conciliate and arbitrate labor disputes, and preventing strikes or lockouts on property subject to the jurisdiction of the board."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 19, inclusive; strike out all of page 2, and on page 3, strike out lines 1 to 31, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1730.5 is hereby added to the Harbors and".

Amendment No. 4.

On page 3 of the printed bill, strike out lines 36 to 52, inclusive; on page 4, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"SEC. 2. Chapter 12 is hereby added to Part 1 of Division".

Amendment No. 5.

On page 7 of the printed bill, strike out line 27, and insert in lieu thereof the following: "tuted until forty-five days after the end of the sixty-day period, and in the event that the sixty-day period is extended by mutual consent of the parties, no strike or lockout shall be instituted until forty-five days after the end of the extended period agreed upon"

Amendment No. 6.

On page 7 of the printed bill, strike out lines 31 and 32, and insert in lieu thereof the following: "a lockout of his employees prior to the expiration of forty-five days after the end of the sixty-day period, and in the event the sixty-day period is extended by mutual consent of the parties prior to the expiration of forty-five days after the end of the extended period agreed upon"

Amendment No. 7.

On page 8 of the printed bill, strike out lines 32 to 34, inclusive, and insert in lieu thereof the following:

"3360. If no settlement of the dispute is arrived at by the parties in the course of the sixty-day period or within any extension of the period agreed to by mutual consent, on the termination of the period the board shall immediately advise the Governor of all the facts it has been able to obtain concerning the dispute and shall furnish the Governor with a complete copy of all evidence it has obtained and the names and addresses of all the representatives of the parties to the dispute

3360.2. Within three days the Governor shall notify by registered mail the representatives of all parties to the dispute to confer with him at a place and time designated in the notice The Governor shall endeavor to bring about a settlement between the parties and to assist in negotiating and drafting a settlement agreement.

3360.4. If at any time after the date fixed for the first or subsequent conferences between the Governor and the representatives of the parties to the dispute, the Governor is satisfied that a settlement of the dispute will not thereby be arrived at, he shall notify the board to that effect.

3360.6. Within five days after the board is notified by the Governor that the parties will not arrive at a settlement of their dispute, the Governor and the board shall release".

Amendment No. 8.

On page 8, line 39, of the printed bill, strike out "board", and insert in lieu thereof the following. "Governor and the board"

Amendment No. 9.

On page 8, line 43, of the printed bill, strike out "and if", and insert in lieu thereof the following: "or by the board for itself and not jointly with the Governor. However, if the Governor refuses to issue such joint press release, the board may issue the release provided for in this section.

If".

Amendment No. 10.

On page 8 of the printed bill, strike out lines 47 to 49, inclusive, and insert in lieu thereof the following: "ommendations and expression of opinion to the board, before the board and the Governor jointly, or the board for itself when the Governor refuses to act, issues the press release The board and Governor are not bound, nor is the board bound, to issue a press release incorporating the".

Amendment No. 11.

On page 9, line 1, of the printed bill, strike out "recommendation of the board", and insert in lieu thereof the following: "joint recommendation of the Governor and of the board, or of the board when the Governor refuses to act,".

Amendment No. 12.

On page 10 of the printed bill, strike out lines 16 and 17, and insert in lieu thereof the following.

"3304. At the time the Governor and the board issue their joint press release, or the board issues its individual press release, pursuant to the provisions of section 3360.6, the board shall also".

Amendment No. 13.

On page 10 of the printed bill, strike out line 47, and insert in lieu thereof the following. "at least three persons, two of whom are commissioners, and".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Second Reading of Senate Bills.

Senate Bill No. 5—An act to add section 862c to an act entitled 'An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to water systems of sixth-class cities and the sale and distribution of water therefrom

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 4—An act to add section 374.5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act.

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 6—An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors.

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 8—An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 15—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner," approved July 1, 1937, relating to powers and duties of the board and commissioner.

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 7—An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles

Committee Amendment to Senate Bill No. 7.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 1, line 16, of the printed bill, as amended, after "charge", insert a comma and the following: "or upon request shall mail such notice to the legal owner at the latter's expense".

Amendment adopted.

Bill read second time, ordered to reprint, and third reading.

Motion to Print Resolution in Journal.

Mr. Desmond moved that a resolution from the Board of Governors, SRA, Los Angeles Chapter No 65, C S. E. A, be printed in the Journal.

Substitute Motion.

Mr. Dills moved as a substitute motion that a communication from the Los Angeles Chapter, American Association of Social Workers, be printed in conjunction with the above resolution.

Substitute motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M. Burns, Michael J. Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Poulson, Reaves, Robertson, Rosenthal, Sawallisch, Sheridan, Stream Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—61.

NOES—Desmond, Dilworth, Gannon, and Knight—4.

Resolution of Board of Governors SRA Los Angeles Chapter No. 65 C. S. E. A.

WHEREAS, On Friday, February 2, 1940, this Board of Governors approved a "Report and recommendations" prepared by the Legislative Committee of this chapter and authorized this committee to send copies of said "report" to our employers, the people of the State of California—through their representatives in the Legislature assembled in Sacramento; and

WHEREAS, Today, February 7, 1940, two of the signers of said document, namely, Mr. George R Lane and Miss Ellen Martin, were called by the office of Mrs. Katherine Kilbourne, Assistant Director of Los Angeles County, to report there at 11 a.m.; and

WHEREAS, The signers did appear at said office at the time stated to be confronted with not only Mrs Kilbourne but also by her assistant, Mrs. Alice Orans, and by Mrs. Orans' assistant (Assistant County Supervisor), Mrs Juanita Ellsworth, and a secretary taking notes, and

WHEREAS, They were questioned solely on the contents of said "report" and their signatures thereto and solely as a consequence thereof were told that their services were terminated at once; and

WHEREAS, Mr. Lane and Miss Martin immediately reported said action to the officers of this association, and said officers of this association in turn arranged an appointment with Mr. James Reese, the Administrative Assistant of Mr Walter Chambers, State Administrator of the SRA; and

WHEREAS, These officers were treated with every courtesy and fairness on the part of Mr Reese and in their presence he called Mrs Kilbourne and instructed her that it was the request of Mr Chambers that the action taken by her in dismissing Mr. Lane and Miss Martin be rescinded immediately on the ground that in the opinion of Mr. Chambers and himself the signers of that report were well within their rights as American citizens even though some might disagree with said report; and

WHEREAS, Mr. Lane and Miss Martin have been reinstated for the present, but it is the opinion of this board that similar action against these or other signers of said report or members of this chapter may be taken again by Mrs. Kilbourne or others in various executive capacities on more or less flimsy or unscrupulous excuses; and

WHEREAS, Although this chapter has full faith and confidence in both the integrity and ability of Mr. Walter Chambers, our State Administrator, there are forces at work in the SRA who openly dispute his authority and consistently try to thwart all corrective measures he initiates; now, therefore, be it

Resolved by the Board of Governors of this chapter, That the same individuals who were sent the original "report" and "recommendations" be sent a copy of this resolution informing them that the best evidence of proof of the charges leveled at certain individuals in the SRA has been fully substantiated by the actions of some of them in the above instance; and be it further

Resolved, That nothing said in the previous report or this resolution be construed as criticism directed at Mr. Walter Chambers, Mr. James Reese, or other innocent members of his staff; and be it further

Resolved, That nothing said herein be construed as retracting any statements made in said original report

SIGNED BY THE BOARD OF GOVERNORS,
MURRAY CLEMES, President.
ELLEN MARTIN, Secretary.

LOS ANGELES COUNTY CHAPTER,
AMERICAN ASSOCIATION OF SOCIAL WORKERS,
206 SOUTH SPRING STREET, LOS ANGELES, February 6, 1940

Mr. Ralph C. Dills,
California Legislature,
Sacramento, California.

DEAR MR DILLS: The attached statements give the position of the Los Angeles County Chapter of the American Association of Social Workers with respect to the plan allegedly released by the Finance Director, and also with regard to the reorganization plan for Los Angeles County State Relief Administration offices.

We would greatly appreciate your giving these statements your careful consideration.

Sincerely yours,

GEORGE D. NICKEL, Chairman,
Los Angeles County Chapter American Association of Social Workers

GDN BHM
Enc.

Criticism of the Proposed SRA "Economy" Plan.

LOS ANGELES COUNTY CHAPTER AMERICAN ASSOCIATION OF SOCIAL WORKERS,
February 1, 1940.

We who are familiar with and feel concerned for the needs of California's unemployed and the development of a progressive State welfare program, offer the following criticism of the proposed "economy" plan

Point One—"FIX a maximum of $60 to $75 for the monthly family budget."

1. Children in large families need as much food and living space as children in small families. To single out for discrimination children in large families is uncivilized.

2. Setting a maximum budget for any group of clients is the first step toward lowering budgets of all clients. It has been demonstrated frequently that even at their present level SRA budgets are not adequate to provide a decent standard of living. The effects of the present budget have been graphically demonstrated by the recent SRA health survey of its case load.

3 Such a budgetary limitation would be slow starvation for large families as there are no other agencies in a position to supplement their budgets.

4. To use the WPA wage scale of $55 to $94 as justification for setting a maximum SRA actual need budget of approximately $60 is not fair since large families on WPA may receive supplemental aid from SRA

Point Two—"Increase the residential requirements for eligibility for relief from one year as at present, to three years."

1. Increasing the residential requirements to three years is tantamount to sentencing many thousands of our unemployed to malnourishment and health problems, for there are no other resources available to assist those who would thus be rendered ineligible. Thousands of families have lost their residence in other States, though they have not been in California for three years, and have no place to which to return.

2. The social and financial cost to the State resulting from the lack of aid to the thousands thus rendered ineligible would be appalling. The inevitable increase of sickness in this group would bring an increase in the illness rates of the rest of the population. (Disease germs are no respecters of economic status.) There would be a rise in the delinquency rates and further strains upon family life. Additional police and fire protection would be necessary. All these would bring a rise in the tax rates far more costly than financing SRA assistance for this group.

3. To thus throw thousands of unemployed off relief, to force them to become scavengers, would lead to social unrest far more threatening than the cost of SRA assistance for this group.

4. Such a step would play directly into the hands of those who wish to return the unemployed relief program to the counties.

5. Such a measure would be contrary to the progressive opinion throughout the country in public welfare administration, which is towards decreasing the period of residence required for eligibility for public assistance.

6. This policy will strike fatally at the migratory workers.

Point Three—"Reduce the relief rolls an estimated 10 per cent by a checkup on eligibility on every person on relief."

1. We favor careful interpretation of eligibility to be obtained through the employment of adequate trained personnel with case loads small enough to make competent eligibility work possible. We are opposed to the dangers of checks because of hardship to the client through exposure to repeated questionings and investigations and because of unnecessary expense. In a Cleveland study a similar double check was found to cost more.

Motion to Print Communication in Journal.

On motion of Mr. Lyon the following communication was ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, February 7, 1940.

State Assembly, Sacramento, California.

The Wholesale Wine Distributors' Association of Northern California, San Francisco, representing the northern section of California, urge very strongly that you oppose the Governor's Proclamation Number 3 in his agenda, as we believe that an elective body by the people, and not an appointive body of men or women, should handle such great matters as a privileged business must have; and, we further respectfully oppose the Governor's program of increasing excise taxes on California wines, as proposed in Number 2 of the Governor's agenda, since we feel that such proposed increased taxes would be against the public interests, and would work a considerable hardship on an already over-taxed and chaotic home industry.

WHOLESALE WINE DISTRIBUTORS' ASSOCIATION
OF NORTHERN CALIFORNIA
LEON E. MUNIER, Manager

M/m

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 9, 1940

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

Assembly Joint Resolution No. 10—Relative to the use of white canes or walking sticks by blind persons

J. A. BEEK, Secretary of Senate

The above reported bill ordered to enrollment.

Re-reference of Bills.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 66 re-referred to Committee on Revenue and Taxation.

Adjournment.

At twelve o'clock and thirty-five minutes p m, on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock a m, Saturday, February 10, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY
THIRTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Saturday, February 10, 1940

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call

Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Colwin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Poulson, Reaves, Riche, Robertson, Rosenthal, Salsman, Sawyer, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Williamson, Yorty, and Mr. Speaker—63

Quorum present.

Prayer.

On invitation of the Speaker, prayer was offered by Miss Eleanor Miller, Assemblywoman from the Forty-seventh District

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Friday, February 9, 1940, was dispensed with

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Bennett, on motion of Mr. Knight

Mr. Kellems, on motion of Mr. Knight.

Mr. Phillips, on motion of Mr. Johnson.

Mr. Carlson, on motion of Mr. Johnson

Mr. Weybret, on motion of Mr. Leonard.

Mr. Crowley, on motion of Mr. Cassidy.

Mr. Evans, on motion of Mr. King

Mr. Maloney, on motion of Mr. Gilmore.
Mr. Cronin, on motion of Mr. Gilmore.
Mr. Wollenberg, on motion of Mr. Gilmore.
Mr. Green, on motion of Mr. Gilmore.
Mr. O'Day, on motion of Mr. Gilmore.
Mr. Collins, on motion of Mr Gilmore.
Mr. Gallagher, on motion of Mr. Gilmore.
Mr. Thorp, on motion of Mr. Scudder.
Mr. Voigt, on motion of Mr. Desmond.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 98: By Messrs. King and Waters—An act to amend the Improvement Act of 1911 by adding section 28b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder

Assembly Bill No. 99: By Messrs. King and Waters—An act to amend the Street Opening Act of 1903 by adding section 18b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder.

Assembly Bill No. 100: By Mr. Fulcher—An act to add section 135.4 to the Vehicle Code, relating to the taking of bail upon service of warrants.

Assembly Bill No. 101: By Messrs. Atkinson and Peek—An act to add a new article to Chapter III of Title I of Part III of the Political Code to be numbered IIc, embracing sections 362 to 362f, both inclusive, relating to the Department of Alcoholic Beverage Control and the licensing, regulation and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages

Assembly Bill No. 102: By Mr. King—An act relating to relief of hardship and destitution due to and caused by unemployment, through the assistance of self-help cooperative organizations or associations.

Assembly Constitutional Amendment No. 7: By Messrs. Atkinson and Peek—Proposed amendment to Article XX of the Constitution, relative to a Department of Alcoholic Beverage Control, and the licensing, regulating and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages.

Third Reading of Senate Bills.

Senate Bill No. 6—An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Desmond, Dills, Dilworth, Doyle, Field, Fulcher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Yorty, and Mr. Speaker—48.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Senate Bill No. 15—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner," approved July 1, 1937, relating to powers and duties of the board and commissioner.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Yorty, and Mr. Speaker—50.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Bill No. 8—An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles.

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gannon, Gilbert, Gilmore, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Yorty, and Mr. Speaker—51.

NOES—Desmond—1.

Title read and approved. Bill ordered transmitted to the Senate.

Resolution.

By Mr. Tenney:

House Resolution No. 25.

WHEREAS, Tides and immense ground swells are ruining the shore line at Redondo Beach; and

WHEREAS, Many homes there are about to be washed into the ocean; and

WHEREAS, The city has exhausted its available funds in attempting to combat the forces of nature and protect its shore line and is, through its mayor, the Honorable Colfax Bell, appealing to the Governor and the Legislature for financial assistance in this emergency; and

WHEREAS, The Director of Public Works is authorized by Chapter 389 of the Statutes of 1939 to declare the existence of an emergency in times of extraordinary stress and of disaster resulting from storms and floods, and the Director of Finance is authorized to determine whether or not an emergency does exist and whether or not there is available any appropriation or emergency fund for remedial measures in connection therewith; now, therefore, be it

Resolved by the Assembly of the State of California, That the Director of Public Works is hereby requested to undertake immediately an investigation of the emergency confronting the city of Redondo Beach and to report thereon to the Director of Finance in accordance with the provisions of Chapter 389 of the Statutes of 1939; and be it further

Resolved, That if the Director of Public Works determines that an emergency does exist at Redondo Beach that he so inform the Governor, that the Governor may take appropriate and necessary action.

Request for Unanimous Consent.

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 25, at this time, without reference to committee.

House Resolution No 25 read, and adopted.

By Mr. Yorty:

House Resolution No. 26.

WHEREAS, The Assembly did, on February 1, 1940, adopt Assembly House Resolution No 9 creating the Assembly Relief Investigating Committee; and

WHEREAS, In preparation for its first meeting the chairman of the committee called upon the Honorable Eugene W. Biscailuz, sheriff of Los Angeles County for assistance in serving subpenas upon numerous prospective witnesses, and

WHEREAS, The efficient and cheerful service rendered by Mr. Biscailuz and his men was of inestimable value to the committee; now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable Eugene W. Biscailuz, sheriff of Los Angeles County, and those of his assistants who cooperated with the Assembly Relief Investigating Committee be, and they hereby are, highly and earnestly commended for the very efficient service which they rendered to that committee, and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit copies of this resolution to the said Eugene W. Biscailuz with the request to him that he communicate the contents thereof to all of the employees under his supervision who participated in the work of the Assembly Relief Investigating Committee.

Request for Unanimous Consent.

Mr Yorty asked for, and was granted, unanimous consent to take up House Resolution No. 26, at this time, without reference to committee.

House Resolution No. 26 read, and adopted.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time.

Assembly Bill No. 97: By Mr. Cassidy—An act relating to taxation, providing for the licensing of slot machines, providing for the enforcement of this act, and making an appropriation of the funds collected hereunder, to take effect immediately.

Assembly Bill No. 98: By Messrs. King and Waters—An act to amend the Improvement Act of 1911 by adding section 28b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder.

Referred to Committee on Municipal Corporations.

Assembly Bill No. 99: By Messrs. King and Waters—An act to amend the Street Opening Act of 1903 by adding section 18b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder

Referred to Committee on Municipal Corporations.

Assembly Bill No. 100: By Mr. Fulcher—An act to add section 1354 to the Vehicle Code, relating to the taking of bail upon service of warrants

Referred to Committee on Motor Vehicles

Assembly Joint Resolution No. 14: By Mr. Clarke—Relative to the continuance of Japanese beetle suppression under Federal auspices

Request for Unanimous Consent.

Mr. Clarke asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 14, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 14.

Assembly Joint Resolution No 14 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Masston, Meehan, Miller, Eleanor; O Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Watson, Weber, Yorty, and Mr. Speaker—50

NOES—None

Title read and approved. Bill ordered to print and transmitted to the Senate.

Reports of Standing Committees.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940

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

Assembly Joint Resolution No. 11.

Respectfully reports the same back with the recommendation. Be adopted.

DESMOND, Chairman

The above reported measure ordered to engrossment.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1940

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

Assembly Bill No. 17.
Assembly Bill No. 52.
Assembly Bill No. 53.
Assembly Bill No. 57.
Assembly Bill No. 70.

And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bills ordered on third reading calendar

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1940

MR SPEAKER: Your Committee on Revenue and Taxation, to which was referred,
Assembly Bill No. 82.
Assembly Bill No. 83.
Respectfully reports the same back with the recommendation: Do pass

TURNER, Chairman

The above reported bills ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1940.

MR SPEAKER: Your Committee on Revenue and Taxation, to which was referred,
Assembly Bill No. 67.
Requests the same be amended, and re-referred back to committee

TURNER, Chairman.

The above reported bill ordered on second reading calendar

Re-reference of Bills.

By order of the Speaker, the following bills were withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 17 re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 70 re-referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 52 re-referred to Committee on Ways and Means

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 82—An act to amend section 27 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, and to provide that this act shall take effect immediately

Bill read second time, and ordered to engrossment

Assembly Bill No. 83—An act to amend section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to engrossment

Assembly Bill No. 67—An act to amend sections 3834.11, 3834.14, 3834.16 and 3834.17 of, and to add section 3834.18 to the Political Code, and to amend sections 3696, 3699, 3705, 3706 and 3707 of the Revenue and Taxation Code, relating to sales at public auction of tax deeded property

Committee Amendments to Assembly Bill No. 67.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 19, of the printed bill, after "sold,", add the following "which price shall not be less than the fair market value of the property if the last assessee is the applicant,".

Amendment No. 2.

On page 2, line 49, of the printed bill, after "sold,", add the following, "which price shall not be less than the fair market value of the property if the last assessee is the applicant,".

Amendments adopted.

Bill read second time, ordered to reprint, and to engrossment

Guests Extended Privilege of Assembly Floor.

On request of Mr Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Timothy J Canty and daughters, Barbara, Patricia and Joan, also Mrs. Frank Furgerson of Oakland

On request of Mr. Burns, Michael J., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Michael Desmond, son of Assemblyman Desmond

On request of Mr Allen, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Don. A. Allen, Jr.

On request of Mr. Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. James T. Drew and Mrs F Martin of Oakland.

On request of Mr. Fulcher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Verda Roberts, county recorder of Plumas County.

On request of Mr Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John Favilla of Colfax.

On request of Messrs Salsman and Call, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Gladys Harrington.

Adjournment.

At eleven o'clock and twenty minutes a.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m , Monday, February 12, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWELFTH LEGISLATIVE DAY
FIFTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, February 12, 1940.

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

Hon Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Yorty, and Mr. Speaker—64.

Quorum present.

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr Doyle, the further reading of the Journal of Saturday, February 10, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Phillips, on motion of Mr. Johnson

Mr. Sheridan, on motion of Mr. Johnson.

Mr. Dills, on motion of Mr. Waters.

Mr Rosenthal, on motion of Mr. Massion.

Mr. Kellems, on motion of Mr Lyon.

Mr Scudder, on motion of Mr. Turner.

Mr Atkinson, on motion of Mr. Leonard

Mr. Knight, on motion of Mr. Leonard

Mr. Weber, on motion of Mr Desmond
Mr. Maloney, on motion of Mr. Burns, Michael J
Mr Kuchel, on motion of Mr. Watson
Mr Wollenberg, on motion of Mr. Green.
Mr. Williamson, on motion of Mr. Green.
Mr. Cronin, on motion of Mr Green.
Mr. Thorp, on motion of Mr. Desmond.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1940.

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 67.
Assembly Bill No. 82.
Assembly Joint Resolution No. 11.
And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:
Assembly Bill No. 88.
Respectfully reports the same back with the recommendation. Do pass as amended.

TURNER, Chairman.

The above reported bill ordered on second reading calendar.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time

Assembly Bill No. 101: By Messrs. Atkinson and Peek—An act to add a new article to Chapter III of Title I of Part III of the Political Code to be numbered IIc, embracing sections 362 to 362*l*, both inclusive, relating to the Department of Alcoholic Beverage Control and the licensing, regulation and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 102: By Mr. King—An act relating to relief of hardship and destitution due to and caused by unemployment, through the assistance of self-help cooperative organizations or associations.

Referred to Committee on Social Service and Welfare.

Assembly Constitutional Amendment No. 7: By Messrs. Atkinson and Peek—Proposed amendment to Article XX of the Constitution, relative to a Department of Alcoholic Beverage Control, and the licensing, regulating and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages.

Referred to Committee on Constitutional Amendments.

Assembly Concurrent Resolution No. 7: By Mr. Lyon—Relative to requesting cities of every class to enact a "stop-cane" law.

Request for Unanimous Consent.

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

Consideration of Assembly Concurrent Resolution No. 7.

Assembly Concurrent Resolution No 7 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Daley, Desmond, Dilworth, Donnelly, Doyle,

Evans, Gallagher, Gilmore, Green, Heisinger, Johnson, Kepple, King, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Poulson, Reaves, Richie, Robertson, Sawallisch, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weybret, Yorty, and Mr. Speaker—49

NOES—None.

Title read and approved Bill ordered to print, and transmitted to the Senate

Resolutions.

By Mr Evans:

House Resolution No. 27.

WHEREAS, On February 8, 1940, our illustrious colleague, Ray Bennett, succumbed to the current parent epidemic in becoming the father of six pounds and ten ounces of bouncing baby girl; and

WHEREAS, We are acutely aware of the thrill and happiness that accompanies parenthood and desire to extend our felicitations to the proud parents; now, therefore, be it

Resolved by the Assembly of the State of California, That we, the members of the Assembly, hereby extend our best wishes and heartiest congratulations to Mr. and Mrs Ray Bennett, and be it further

Resolved, That a copy of this resolution be prepared, engrossed and presented to Mr and Mrs. Bennett

Request for Unanimous Consent.

Mr Evans asked for, and was granted, unanimous consent to take up House Resolution No 27, at this time, without reference to committee.

House Resolution No 27 read, and adopted unanimously.

By Mr. Lyon:

House Resolution No. 28.

Relative to birthday of Abraham Lincoln

WHEREAS, On February 12, 1809, in a Hardin County, Kentucky, log cabin was born Abraham Lincoln, sixteenth president of the United States, and

WHEREAS, His career embracing a rise from humble birth to the highest honors that his fellow men can confer illustrates the opportunities which a free country may offer; and

WHEREAS, The statesmanship of this most famous American has given his countrymen much of the heritage of which they are proud; and

WHEREAS, The love and respect won by his broad vision, his human understanding and his willingness to fight for the right as he saw it, will linger with his memory and enrich the lives of those who remember him; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly honors the name of Abraham Lincoln; and be it further

Resolved, That when the Assembly does adjourn this day it adjourns out of respect to his memory.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No 28, at this time, without reference to committee.

House Resolution No. 28 read, and adopted unanimously

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 11—Relative to memorializing the Congress of the United States to enact legislation authorizing deportation proceedings in the Federal courts against undesirable aliens

Bill read third time, and passed by the following vote

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Corwin, Crowley, Daley Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, King, Leonard, Lyon, Miller, Eleanor; Miller, George P., Millington, Poulson, Robertson, Stream, Tenney, Thurman, Walker, Waters, Watson, Weybret, Yorty, and Mr Speaker—43

NOES—Gilbert, Hawkins, Massion, Pelletier, Reaves, and Richie—6

Title read and approved Bill ordered transmitted to the Senate

Explanation of Vote

The author of Assembly Joint Resolution No 11 was concluding his remarks when I returned to the Assembly Chamber and I was unable to read the measure

before voting. I wish to go on record as desirous of abiding by Commissioner Landis' able decision, and as not intending to engage in personalities

CECIL R KING

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments, to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately; and making an appropriation.

Bill read third time.

Motion to Amend Assembly Bill No. 57.

Mr. Hawkins moved to amend Assembly Bill No. 57 as follows:

Amendment No. 1.

On page 4, line 10, of the printed bill, as amended, preceding the period, insert the following: ", subject to confirmation by the Senate".

Amendment No. 2.

On page 4, line 15, of the printed bill, as amended, preceding the period, insert the following: ", subject to confirmation by the Senate".

Amendment No. 3.

On page 8 of the printed bill, as amended, strike out lines 25 and 26, and insert in lieu thereof the following: "for its purposes. No real prop-".

Amendment No. 4.

On page 8, line 27, of the printed bill, as amended, after "city and county," insert the following: "district, municipal or public corporation,"

Amendments adopted.

Assembly Bill No. 57 ordered to reprint, and re-engrossment.

Re-reference of Bills.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 67 re-referred to Committee on Revenue and Taxation.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 88—An act to add section 33.5 to the Retail Sales Tax Act of 1933, and section 27.5 to the Use Tax Act of 1935, relating to proceedings thereunder, and to provide that this act shall take effect immediately

Committee Amendments to Assembly Bill No. 88.

The following amendments were submitted by the committee:

Amendment No. 1.

In the title of the printed bill, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "An act to amend section 21 of the Retail Sales Tax Act of 1933, and section 17 of the Use Tax Act of 1935, relating to assessments and refunds, and to provide that this act shall take effect immediately."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 16, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 21 of the Retail Sales Tax Act of 1933 is hereby amended to read as follows:

Sec. 21. Except in case of a fraudulent return or neglect or refusal to make a return or claim for additional tax pursuant to section 20 hereof and except in case of additional tax proposed to be assessed with respect to sales of property for the storage, use or other consumption of which notice of a determination of an additional amount has heretofore been given, or is hereafter given, pursuant to sections 9, 10, 11 and 15 of the Use Tax Act of 1935, every notice of additional tax proposed to be assessed hereunder shall be mailed to the retailer within three years after the fifteenth day of the calendar month following the quarterly period for which the tax is proposed to be assessed or within three years after the return is filed, whichever period expires the later.

SEC. 2. Section 17 of the Use Tax Act of 1935 is hereby amended to read as follows:

Sec. 17. If the board determines that any amount, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid to the board, and if approved by the State Board of Control the same shall be credited on any amounts then due from such person under this act or the California Retail Sales Tax Act of 1933, and the balance shall be refunded to such person, or his successors, administrators, or executors, but no such credit or refund shall be allowed unless a claim therefor is filed with the State Board of Equalization within three years from the fifteenth day after the close of the quarterly period for which the overpayment was made, or, with respect to determinations made under the provisions of sections 9 and 10 hereof within six months after such determinations become final, whichever period expires the later and no such credit or refund shall be allowed on the ground that the storage, use or other consumption of the property is exempted under the provisions of subdivision (a) of section 4 of this act unless in addition to the overpayment for which the claim is filed the claimant has also reimbursed his vendor for the amount of tax imposed upon his vendor under the Retail Sales Tax Act of 1933 with respect to the sale of such property and the vendor has paid such amount to the State. Every such claim must be in writing and must state the specific grounds upon which the claim is founded.

Any overpayment made by a purchaser to a retailer required to collect the tax, and who gives the purchaser a receipt therefor pursuant to section 3 of this act, shall be credited or refunded to the purchaser

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this State on account of overpayment hereunder. Within thirty days after disallowing any such claim in whole or in part the board shall serve notice of such action on the claimant, such service to be made as provided by section 9 hereof.

Interest shall be computed, allowed and paid upon any overpayment of any amount of tax, at the rate of one-half of one per centum per month as follows:

(1) From the fifteenth day of the calendar month following the quarterly period for which the overpayment was made but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

(2) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant is notified by the board that a claim might be filed or that the claim has been certified to the State Board of Control, whichever date is the earlier.

(3) In the case of a credit, to the same date that interest is computed on the tax or amount against which the credit is applied

Any refund or any portion thereof which is erroneously made and any credit or any portion thereof which is erroneously allowed, may be recovered in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California and such action shall be tried in the county of Sacramento unless the court with the consent of the Attorney General, orders a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for

In the event that any amount has been illegally determined, the board shall certify such fact to the State Board of Control and said board shall authorize the cancellation of such amount upon the records of the board

If the board determines that any overpayment has been intentionally made or made by reason of carelessness, it shall not allow any interest thereon."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Presentation of Bills for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 103: By Messrs. Lyon, Waters, Pelletier, Reaves, Evans, Bennett, Doyle, Massion, Allen, Voigt, Poulson, Tenney, Gilbert, Lore, Yorty, King and Miss Miller—An act making an appropriation for the establishing, maintaining, and operating, in cities of the first and one-half class, of buildings, grounds, facilities, and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural and recreational purposes, and authorizing the California Pacific Exposition Commission to expend such appropriation.

Guests Extended Privilege of Assembly Floor.

On request of Mr Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to William Sullivan, insurance commissioner, State of Washington

On request of Mr. Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs Henry P. Meehan and granddaughter, Patsy Meehan

On request of Mr Gallagher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to O. J. Gaynor of San Francisco

On request of Mr Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. George P Miller and daughter, Ann.

Adjournment.

At eleven o'clock and thirty-five minutes a m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of Abraham Lincoln until eleven o'clock a m., Tuesday, February 13, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY
SIXTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, February 13, 1940

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

Hon. Gordon H Garland, Speaker of the Assembly, in the chair
Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore Bennett, Burns, Hugh M., Burson, Call Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney Masston, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves Richie Robertson, Rosenthal Salsman, Sawallisch Scudder, Sheridan, Stream, Tenney, Thorp Thurman Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—75

Quorum present.

Prayer.

Upon invitation of the Speaker, prayer was offered by Rev A Raymond Grant, Chaplain of the Senate.

Reading of the Journal Dispensed With.

On motion of Mr. Cronin, the further reading of the Journal of Monday, February 12, 1940, was dispensed with

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day

Mr. Voigt, on motion of Mr. Robertson

Mr. Burns, Michael J., on motion of Mr. Scudder.

Mr. Fulcher, on motion of Mr Scudder.

Mr. Williamson, on motion of Mr. Green.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 88.
Assembly Bill No. 83.
And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 57.
And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 12, 1940.

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

Assembly Bill No. 45—An act to add sections 2 1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds

J. A. BEEK, Secretary of Senate

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 12, 1940.

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

Senate Bill No. 44—An act making an appropriation for the support of the Department of Social Welfare, transferring money from the Social Welfare Fund to the General Fund, and declaring the urgency thereof, to take effect immediately,

Senate Bill No. 55—An act to add section 580d to the Code of Civil Procedure, and to repeal section 580c of the Code of Civil Procedure as added by Chapter 586 of the Statutes of 1939, relating to the abolishing of deficiency judgments in all cases where a power of sale is exercised under any mortgage or deed of trust upon real property;

Senate Bill No. 64—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of public utilities and of works and improvements mentioned in the Improvement Act of 1911 by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately;

Senate Bill No. 68—An act to amend sections 11000, 11001, 11003, 11009, 11010, 11035, 11160, 11166 05, 11166 06, 11166 07, 11166.08, 11166.1, 11166 11 11166 12, 11167, 11200, 11250, 11391, 11392, 11393, 11425, 11477, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720 and 11780, and the article heading of Article 2, Chapter 5, Division 10, and to repeal sections 11036, 11178, 11332, 11396, 11710 and 11711 of, and to add sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession, or transportation thereof;

Senate Bill No. 69—An act to add section 443 2 to the Political Code, relating to the payment of warrants of the State of California in legal tender.

J. A. BEEK, Secretary of Senate

Senate Bill No 44 read first time, and referred to Committee on Social Service and Welfare.

Senate Bill No. 55 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 64 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 68 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 69 read first time, and referred to Committee on Financial Institutions.

Motion to Print Report of Assembly Relief Investigating Committee.

On motion of Mr. Yorty, the following report of the Assembly Relief Investigating Committee was ordered printed in the Journal.

Report of Assembly Relief Investigating Committee.

February 12, 1940.

MR. SPEAKER: Your committee for the investigation of the State Relief Administration appointed pursuant to House Resolution No. 9 respectfully reports as follows:

In the short time during which the committee has functioned it has been impossible to make a complete and comprehensive survey of inefficiency and subversive activity in the State Relief Administration. But enough evidence has been submitted to the committee to enable it to form some definite conclusions relative to the conduct of the State Relief Administration.

The Communist party is now, and has for the past two years, at least, successfully followed a plan of infiltration into the State Relief Administration with a view toward domination of same.

The first part of this plan was carried out when the Communists developed their so-called "united front strategy," and instructed members to move into and work within the Democratic party in this State. Through their activity within the Democratic party the Communists gained sufficient influence with the present State administration to enable them to place many of their members in high official positions in the Los Angeles County State Relief Administration. They also have been able to force the present State administration to delay commencement of decisive action to stop their activity and to influence relief policies of the administration.

It is well known that members of the Communist party, except those few who openly register as Communists to keep the party name on the ballot, conceal their affiliation with the Communist International by registering to vote in parties other than the Communist party; by maintaining the utmost secrecy in their party affairs; and by assuming fictitious names which are used within the party. That Communists are all members of the same international party regardless of what nation they may be in was frankly admitted to the committee by Dr. V. A. K. Tashjian, alias Parker, head of the control commission of the Communist party in Los Angeles County. Communists obligate themselves to live up to the Communist constitution when joining that party. When they violate same they are called in and disciplined by the control commission. The Communists do not hesitate to disparage, vilify and attempt to discredit any member who, for any reason opposes its policies or discloses party secrets, including the identity of party members. Therefore, it is obvious that Communists within the State Relief Administration are directed in their activities not by the best interests of the State of California, but by the control commission of the Communist party.

It is not hard to understand why a party member or former party member is reluctant to divulge Communist machinations when one considers that the Communists remain always in a position to disgrace such former member by simply exposing his past Communist activity in the "People's World," or any other of the party organs. The Communists have spent years devising other means for keeping party membership and machinations secret in addition to the intimidation method described above. For example, members who become exceptionally important in labor groups, or Communist "Front" organizations are permitted to withdraw from the party in order to lessen the chances of exposure. Such Communists then work with the party but not as a member thereof. This arrangement makes it possible for them to make a technically truthful denial of present party membership while nevertheless carrying out the aims of the Communist party. After denying membership in the party they are automatically reinstated. This convenient rule also makes it possible for Communists to deliberately lie under oath. In fact, Communists are taught to have no respect for an oath and to disrespect the American Government and all its branches, including the courts and legislative bodies. They are directed to lie to official bodies when this is necessary to protect the Communist party from exposure. Ethical standards maintained in America are completely disregarded. Party members are

instructed to take advantage of trials or other public proceedings to propagandize for the Communist party

Members of the Communist party follow the "party line." This so-called "line" is the course of procedure laid down by the international heads of the party, it is binding upon all members, they adhere to it without the right to question its correctness It is well known now that the Communist party's activities in America are directed from Russia. The members of the party are lured into a fanatical faith in its ultimate aims Some of them are, no doubt, carrying out part of a vicious plot to destroy Democracy in America without realizing the effects of their particular actions The recruiting of such persons into foreign controlled organizations and the use of them for propaganda purposes is part of the new foreign spy technic developed during the last decade This technic is aptly described by Joseph Gollomb in his book, "Armies of Spies," material for which was obtained from the police files in the various countries where such spy systems have been in operation. These persons, who in international police work are designated as "termites," are merely the first line invaders The foreign propaganda which they disseminate and the course of procedure followed by them is the first part of a carefully calculated plan to "bore from within" in order to weaken the governments in the nations where they work No person can appreciate the danger of the army of Communist "termites" in America and their activities in the State Relief Administration without first studying the effectiveness of this new spy technic in other nations.

Working in the open the Communists could not hope to enlist as much support in America as they can by working under cover Many persons, not actual members of the party help the Communists execute their plans by following Communist leaders, whose identity as such, is concealed. Communist "front" organizations are used to enlist the support of such unsuspecting followers While ordinarily, the great majority of the membership in Communist "front" organizations is not Communistic, the organizers and principal officers who control such groups are either members of the Communist party or dependable allies Such so-called "front" organizations do not openly espouse Communism and the destruction of Democracy. They usually espouse some currently popular cause which attracts non-Communists into these organizations The contact thus gained by the Communists is then used to dupe the nonmembers into following the line laid down by the Communist party to subject them to disguised poison propaganda, and to recruit as many party members as possible

An example of a Communist "front" organization is the "League for Peace and Democracy" which the Communists are now liquidating because of the fact that this organization has been completely exposed as a Communist "front." One of the purposes of this league, which was known at first as the "American League Against War and Fascism," was to keep the United States disarmed and pacifist minded In this way the Communist Internationals hoped to weaken our national defense and international prestige as much as possible A report made by the Communist party in June, 1936, said "The American League Against War and Fascism is one of the outstanding examples of a broad people's front. Its third congress held in Cleveland, Ohio, last January, registering a representation of mass organizations of the most varied kind with a membership of over three million." The members of this league were pledged to resist military training of all kinds and to demand 'total and universal disarmament as proposed by the Soviet Union." It is interesting to note that while using such 'front" organizations to work for disarmament in America, the Soviet Union was rapidly expanding its own armaments

Another Communist 'front" organization is the "Workers' Alliance". This organization is used to propagandize and recruit the unemployed. Its identity is disclosed, among other places, in a book entitled "The People's Front," written by Earl Browder Mr. Browder says, 'We Communists were the pioneers in this and many other fields It was the Communists who raised the slogan of National unification, fought for it consistently and finally brought about the merger of all into the Workers' Alliance." In California the "Workers' Alliance" poses as a friend of the unemployed The real purpose of this Communist "front" is to use the political power of the unemployed to break down the administration of relief, to bankrupt the State, and thereby weaken one of the 48 pillars of the government of the United States The Communist leaders of the "Workers' Alliance" will certainly continue to demand more and greater relief appropriations, loose standards of eligibility, lax administration and unrestricted use of relief organizations for political purposes In order to carry out its phase of a diabolical program, the Communist-controlled "Workers' Alliance" constantly makes unreasonable demands upon the State and insists that relief be given to ineligible persons.

The ability of the "Workers' Alliance' under the present administration to keep ineligible persons on the relief rolls makes membership in that organization attractive to chiselers, and also, makes it possible for that organization to pose as an effective protector of the unemployed So disguised, the "Workers' Alliance" is a fertile propaganda field and recruiting ground for the Communist Party. Captain Donald A Gooch, an administrative assistant in the Los Angeles County State

Relief Administration appointed by Dewey Anderson, frankly told the committee that the 'Workers' Alliance' had been able, by exerting pressure on the relief administration, to keep people on relief who were not legally eligible

The "Workers' Alliance" is in reality the worst enemy of California's destitute unemployed. Its activity is calculated to, and does engender public resentment against arrogant demands made in order to jeopardize the continuance of proper relief. Breakdown of California's relief agencies would cause the condition of distress and hardships which is so desirable to Communist organizers and "termites."

The committee finds that membership in the "Workers' Alliance" is directly and indirectly advocated by Communist officials in the State Relief Administration. No effort by the administration has been made up to this time to curb the activities of such officials.

Another effective Communist controlled "front" organization used to control relief policies is the C. I. O. union called the "State, County and Municipal Workers of America." This union is usually designated by its initials SCMWA. The SCMWA directs its attention to administrative employees of the State Relief Administration. By enrolling the administrative personnel in this Communist "front" organization, the Communist Party is able to bore from within the State Relief Administration and carry out its destructive policies. Through its members it is in a position to encourage chiseling, to sabotage or influence administrative policy, and to show favoritism to members of the Communist "front" organizations on the outside, thereby doing its part to build these "front" organizations, and through them the political influence of the Communist movement. Much pressure from within has been put upon the administrative personnel in Los Angeles County to join the SCMWA. The personnel is informed in a subtle way that no one except union members can get anywhere in the State Relief Administration, and that jobs of members can be protected by the organization, through its influence with friendly State Relief Administration officials.

Another group controlled largely by Communists in Los Angeles County is "Labor's Non-Partisan League" the secretary of which, Mr. Don Healy, was formerly openly registered in the Communist political party. The name is misleading since most of the organizations of which the league is composed are not even required to be labor organizations. Labor groups in the league are simply used as a "front" by the Communist control organizations which dominate the league. This so-called "Labor's Non-Partisan League" poses as a friend of laboring men and women. It carries out the usual Communist strategy of making such unreasonable demands on behalf of labor that public opinion becomes adverse and progress of labor is retarded. The purposely contemptuous demands made by league's masked Communists discredits the entire labor movement in the minds of the people who do not realize that this organization is controlled by Communists instead of American working men. The retarding of reasonable reforms for the benefit of labor is desired by the Communists because it results in discontent and the national disunity desired by the Communist Party and the organizations which they control. The great mass of workers who contribute to the support of 'Labor's Non-Partisan League" do not realize that they are financing the Communist activities of Mr. Don Healy in his disguise as a representative of American labor. Neither do they realize that the foreign-directed activities of such Communist agents as Mr. Healy are calculated to eventually destroy the effectiveness of labor organizations by turning them into Communist "front" groups. It should be remembered that Communists make no secret of their intention to gain control of labor organizations.

Another labor organization in which Communist members are particularly active in Los Angeles County is the 'Newspaper Guild." Communists are very desirous of controlling the sources of information available to the American people. A free press available for the exposure of Communists is a bitter enemy to them. An example of their work was brought to the attention of the committee by reporters who covered the committee hearings in Los Angeles County. Some reporters frankly informed the committee that it would be difficult for them to get accurate stories into their papers because of higher-ups on their papers known to be either Communists, members of, or Communist sympathizers in, the "Newspaper Guild." Some of the articles purporting to describe hearings of your committee in Los Angeles County plainly showed the effect which Communist censorship can have on part of the American press at the present time. These actually rivaled the "People's World" in rank distortion. It is easy to see that where the guild has a closed shop contract with a newspaper, it can cause a reporter to lose his job by expelling him from the guild. Where the guild is controlled by the Communist Party, the Communists can effectively carry on their campaign to destroy the freedom of the press. Your committee feels that newspaper publishers are making a mistake in not more frankly exposing their difficulties with Communist guildsmen to public scrutiny. Freedom of the press and the dissemination of accurate news is vital to our democracy and must be energetically protected.

"Labor's Non-Partisan League," with which the "Newspaper Guild" is affiliated, has been very active in bringing pressure to bear upon the present State administration to influence the relief policies thereof, and to resist administrative changes

necessary to public welfare. 'Labor's Non-Partisan League" was one of those groups which came into the Democratic Party of California as part of the Communist "United front" policy. It now uses the contact established therein to threaten a revolt within the party when the administration refuses to heed its demands. This is merely another example of the Communist "rule or ruin" tactic. "Labor's Non-Partisan League" and its allies have worked hard and effectively to *prevent the administration from taking a forthright stand on the question of Communism* in the State Relief Administration The secretary of the league, when appearing before the committee, indulged in the usual Communist tactic of attempting to use the committee hearing as a soap box from which to shout Communist propaganda in the hope that his allies, in the "Newspaper Guild" would be able to so use his statements in their news stories as to cover up the shocking disclosures of Communist activity in the State Relief Administration. This typical Communist labor misleader showed the usual Communist disrespect for the tribunals of a democracy. He left the hearing in an orderly manner only after the chairman was forced to threaten to have him ejected by committee attendants.

Among the SRA officials and employees called before the committee were Alice Orans, chief aide to the Assistant Director of Relief in Los Angeles County; Samuel Ayeroff, District Director in Los Angeles County; Jules Kievits, District Director in Los Angeles County; Allen Metcalf, former head of the Surplus Commodities Division of the State Relief Administration in Southern California; Leonard Jones, Director of Works Projects; Lawrence Buchanan, Zone Supervisor in the Surplus Commodities Division, and Claudia Williams of the Planning Research Division. These employees came before the committee with their counsel and at the suggestion of said counsel repeatedly refused to answer questions relative to their opinions of Communism. The attorney who represented them is a member of the firm of Wiren, Gallagher, and Johnston This firm, it is significant to note, represents Communists in Los Angeles County on many occasions. One of its members, Mr Leo Gallagher, was the official Communist candidate for Secretary of State at the last general election It is significant also, that these employees all engaged the same attorney who is, of course, recognized as an authority on the legal technicalities involved in aiding accused Communists to keep their Communist affiliation concealed The very fact that these employees felt the need for such counsel, and refused to frankly explain their views on the subject of Communism, is a matter not overlooked by the committee Mr. Joe Ayeroff, another witness questioned by the committee, was also represented by Mr. Wiren. Mr. Wiren informed the committee that he was scheduled to represent three other witnesses which the committee did not have time to hear in Los Angeles: namely; Ned Healy, District Supervisor; William Harper, District Supervisor; and Katherine Kilbourne, Assistant Director of Los Angeles County.

Dr. Tashjian, who is known as Dr. Parker in the Communist Party and who frankly admitted his position in the Communist Party, was represented by Leo Gallagher, mentioned above. Among the other SRA officials questioned were the County Director, Sam Houston Allen, who also felt the need for counsel, although he is himself an attorney; and Lona Claypoole, Social Service Interviewer. These witnesses were without exception hesitant, nervous, and unwilling to give forthright or frank answers to questions put by members of the committee The conduct of these employees was something entirely new in the annals of legislative hearings in California. It is inconceivable that employees with nothing to hide would so conduct themselves

Alice Orans is one of the ring leaders in the Communist group in the Los Angeles County State Relief Administration and is one of the chief advisers to the director, Sam Houston Allen. She was transferred from a district office to the main office *by Mr. Allen at the suggestion of Katherine Kilbourne, a close political friend* of the State Administration. Mrs Orans was formerly active in the "League for Peace and Democracy". She admitted organizing one of the typical Communist 'front" organizations, the "Women's Committee to Aid Agricultural Workers." *As is the usual practice, unsuspecting non-communists were induced to join this* committee, among them being the wife of screen star Melvyn Douglas, Helen Gahagan Mrs Orans admitted to the committee that Mr. Douglas had complained to her about the relation of this committee to Communist activity The committee *also has other information linking Mrs. Orans with the Communist Party.* She is a powerful figure in the Los Angeles SRA office, feared by the non-Communist members of the staff. She and Katherine Kilbourne are reported to have called in and summarily fired two SRA employees who signed a report made by the State *Employees Association to the Legislature In this report* Communist activity in the State Relief Administration was condemned. Mrs Kilbourne works very closely with Mrs Orans. Both of them constantly display their friendship with Communist "front" organizations and exercise undesirable influence in the State Administration

Joe Ayeroff, brother of District Director Sam Ayeroff, is former head of the Young Democrats in Los Angeles County. The Young Democratic Clubs of which he was county chairman have fallen under the control of the Communist party as a result of Communist efforts exerted as part of their "united front strategy"

Joe Ayeroff has used his influence as a leader of the Young Democrats to execute orders of the Communist party and to influence the Administration in its conduct of the State Relief Administration. Joe Ayeroff was identified by Rena Vale, a former Communist, as a former member of the Political Commission of the Communist party in Los Angeles. He was identified by George Bertholon, former member of the Young Communist League, as having been an active member of the League.

Sam Ayeroff was identified by Mr. Bertholon as a member of the Political Branch of the Young Communist League He admitted knowing many of the members of said political branch, as well as having met with them, but told the committee that he thought the group was a discussion club. The committee also is informed that Sam Ayeroff was president of the Thomas Jefferson Branch of the Young Communist League and as such met in the special president's branch of the Young Communist League. According to evidence given to your committee, the Young Communist League is a training ground for the Communist party and is directed by the party in the same manner as other party organizations

Mr Jules Kievits, another District Director, became a citizen of the United States in 1938 He was an active ally of the Communist Party until obtaining citizenship due to difficulties *the Communist Party has experienced with non-citizen* members. He was identified by Miss Vale as alternate delegate for Don Healy of Labor's Non-Partisan League to the meetings of the political commission of the Communist Party in Los Angeles. This presents the strange case of a relief director who was applying for citizenship in the United States while working with an organization which has for its purpose the destruction of American democracy.

Allen Metcalf, former Surplus Commodities Director and now successor to Joe Ayeroff as County head of the Young Democratic Clubs recognized as official by the State Administration, admitted that he was former secretary of the "League for Peace and Democracy." Ezra Chase, another former secretary of this League, told the committee that he was placed in said position by the Communist Party and that in his opinion the Communists would not allow a non-member to hold said position in this organization which they controlled. Metcalf is, in the opinion of your committee, one of the Communists who led the infiltration into the Young Democratic Clubs for the purpose of gaining control of same It is significant that under his leadership the Young Democrats have passed a resolution demanding the discontinuance of the investigation of Communists by your committee Allen Metcalf, along with the Ayeroffs was among those concerning whom David Gill, former president of the Young Democrats, testified as having, in his opinion, carried on Communist activity within the Young Democratic Clubs Mr Metcalf is now using his position in the Young Democratic Clubs to dissuade the Administration from taking a clear cut stand against Communism and other abuses in the State Relief Administration.

Leonard Jones, Director of Works Projects, was identified by Mr Bertholon as a member of the political branch of the Young Communist League, and as having been host to this branch of the League at his home on several occasions. Jones also admitted knowing and meeting with many members of the branch, but he also made the absurd explanation that he thought the meetings were simply get-togethers of a study club. Two employees formerly under Mr. Jones, testified that he encouraged them to join the Communist Party. An artist, formerly employed by the WPA, testified that Mr. Jones, in speaking before a group of WPA artists, subtly advised them to join the "Workers Alliance" if they desired SRA favors

Lona Claypoole, who wrote under the pen name Lona Wells, denied any connection with the "Workers Alliance," but when confronted by Mr. Bertholon admitted she was active in the "Public Works and Unemployed League" which was simply a forerunner of the "Workers Alliance." Mr Bertholon identified her as a member of the Communist fraction in that group and also as one who had been assigned by the Communist Party to act as secretary of another typical Communist "front" organization, "The American Standards of Living Committee." Miss Claypoole qualifies social workers None can now be employed in the Los Angeles SRA office without her approval

Lawrence Buchanan, Zone Supervisor of Surplus Commodities, who was identified as a member of the political branch of the Young Communist League also admitted knowing the members thereof and also said he thought it was a study club

Don R Healy was identified by Ezra Chase, a former Communist, as having been a member of the Communist Party's Enlarged Trade Union Commission. Mr. Healy admitted knowing all of the members thereof; remembered attending meetings in the room where the group held its meetings; but testified he didn't know they were Communist meetings As stated above, he admitted being a former legally registered Communist when confronted with a photostatic copy of his former registration certificate.

Donald A. Gooch, mentioned above, in addition to frankly deploring the influence of the "Worker's Alliance" in the State Relief Administration also testified that the morale in the State Relief Administration is at a very low ebb because of the

activities of these Communist pressure groups and their friends on the inside, as well as the investigation which said activities have made necessary Mr. Gooch testified that these pressure groups were so strong that on one occasion they were able to keep a man employed in the State Relief Administration for six months after it was known to the Administration that he had been guilty of theft in his work

Mr Fred Foster testified that he was assigned by Sam Houston Allen, County Director, to investigate Communists in the Relief Administration. He admitted calling on John D. Home, of the American Legion and exhibiting to said Mr. Home a list of persons whom Foster thought were Communists. Foster testified that he obtained information from the sheriff's office, a United States Intelligence office, the Police Department, and from Susie Clifton, a close friend of the State Administration He said he read the names of those whom he suspected to Mr Allen but that he could not prove they were Communists and that Mr Allen did not ask him for a written report The findings of Mr. Foster were entitled to some credence on the basis of testimony given before your committee

Sam Houston Allen, Los Angeles County Director of the State Relief Administration, admitted being a former member of the Ku Klux Klan, but testified that he was expelled from said group when he discovered its purpose He steadfastly denied knowledge of Communism in the State Relief Administration and was completely satisfied to stop investigating after the Foster report Your committee is convinced that Mr Allen has permitted Communists to have a free reign in the Los Angeles County State Relief Administration and to successfully carry out their policy of infiltration In order to protect himself from exposure as an ally of the Communists, or a tool in their hands, he refuses to admit the existence of Communism in the Los Angeles County State Relief Administration; refuses to believe any testimony that runs counter to his preconceptions, and has joined with the Communists in their attack on the committee members and the witnesses summoned by the committee to identify Communists in the State Relief Administration Mr Allen has since deliberately distorted a statement by the committee to make it appear that the committee had asked for an investigation of the witnesses who identified Communists in the State Relief Administration when, in fact, the committee felt that his SRA employees were guilty of perjury, and that action should be started against them The Communists and their allies, including Director Allen, The SCMWA (State, County and Municipal Workers of America), Labor's Non Partisan League, Workers Alliance, and the People's World are making a determined effort to discredit the former Communist Party members who came before the committee to identify the Communists in the State Relief Administration

According to their self-confessed head of the Communist control commission, Dr. Tashjian, alias Parker, former members who discuss the Communist party on the outside are called "Trotskyites," "stool pigeons" and similar names In spite of the scurrilous attacks on those said witnesses the Communists have not attempted to deny that they were in fact former members of the party, and therefore, in a position to identify their former comrades This identification of Communists in the State Relief Administration is the fact in which the committee and the public has an interest. No campaign of personal vilification against these witnesses can be anything more than a smoke screen since the Communists find it impossible to deny, what they have already admitted that these Communists were former members of the party The claim by the Communists that they expelled those members and their alleged reasons for expelling them is simply an admission that they were members, and as such, able to obtain information relative to Communist activity.

The committee found these witnesses able to answer readily, to quickly identify the Communists in the State Relief Administration, to call them by their names, and to make the SRA Communists squirm unpleasantly when in their presence. Your committee feels that the Communists in the State Relief Administration deliberately perjured themselves in testifying before the committee and recommends that the transcript of the testimony be printed and a copy thereof delivered to the Attorney General with the request that he make a complete investigation and bring charges against any witnesses found to have perjured themselves before your committee Communist Leo Gallagher shouted to the committee that Communists dared not admit their membership in the party for fear of losing their jobs His attempt to justify the lies of Communists who deny their affiliation with the party offered one official Communist explanation for the answers given to your committee by the accused SRA officials No such reason existed on the part of the witnesses who identified these officials as Communists.

Your committee finds that the Los Angeles County State Relief Administration is completely demoralized, split up into opposing camps, and that it has become a fertile recruiting ground for the Communist party both directly, and indirectly through the above described Communist "front" organizations Your committee has received much information from employees in the State Relief Administration who have requested that their names be kept confidential because of fear of reprisals by the Communists who control the Los Angeles State Relief Administration Members of the staff are repeatedly questioned concerning their opinions of State

relief policies, by the Communist commissars in the State Relief Administration, and their satellites, who endeavor in this way to determine the attitude of these workers toward the relief policies of the Communist party The same Communists who protest vehemently that restrictions on their political activities constitute a violation of their rights, are the same ones who intimidate and unhesitatingly deny the right of non-Communist members of the SRA staff to criticize the activities of the Communists in the State Relief Administration

Your committee finds that the State Relief Administration of Los Angeles County is guilty of lax administration; favoritism toward the Communist party and members of Communist "front" organizations that it has yielded continuously to the pressure of these Communist groups exerted from both inside and outside the State Relief Administration; that members of these organizations inside and outside the State Relief Administration condone chiseling and corrupt practices. Such groups encouraged persons to stay on relief rather than seek employment with a view toward bringing about constantly increasing relief costs and taxes in the State of California. By this method they hope to bring about a breakdown of the machinery of government and to weaken the government so as to hasten the day on which these "termites" for a foreign aggressor nation hope to see the destruction of Democracy, and with it, the liberties of free Americans

Your committee finds that the vacillating policy of the administration in dealing with this problem, its hesitance to take any action in spite of repeated statements of intention to do so, and its failure, even up to this time, to issue an order calling for the dismissal of Communists from the State Relief Administration, have encouraged the Communists in their activities. Inaction has given apparent proof to Communist boasts that the administration does not dare to fire them or to take effective action against their members in the State Relief Administration This encouragement by inaction, is doing much to add to the membership rolls, and influence of, the Communist party and its controlled organizations

Until this inquiry by your committee no decisive action against the Communists in the State Relief Administration had been taken by the government of the State of California. In view of this fact it seems indeed fortunate that the Legislature in its wisdom saw fit to appropriate relief funds at the regular session of the Legislature sufficient to last only until the convening of this special session It appears that the State Relief Administration would otherwise now be snowballing into one of the greatest and most dangerous Communist controlled monstrosities in the United States.

It is apparent to your committee that the Los Angeles County State Relief Administration is a disunited and inharmonious organization in which petty commissars and political puppets run wild under the benevolent encouragement of incompetent officials and Communist Party "termites" The committee finds that the apparent attempt of the State administration to build a political machine in the Los Angeles County State Relief Administration, has played into the hands of the Communists, who moved into the Democratic Party, and who, working from the bases established therein, have moved on to the control of the Los Angeles County State Relief Administration They are now engaged in a campaign to frighten relief recipients into supporting the indefensible relief policies they would impose upon the State of California They are threatening with insecurity and starvation, the thousands of deserving destitute citizens of California, for whom the State government has every intention of making proper provision These Communist commissars do not hesitate to use intimidation to obtain the political support of persons on relief in order to maintain themselves in fat political jobs where they can dissipate the funds intended for the relief of destitution in California They constitute a dangerous and malignant growth that must be dealt with quickly and decisively by the government of the State of California

Your committee finds that it is necessary that the Legislature take immediate steps to bring the State Relief Administration under control, and to completely divorce same from politics

Your committee feels that with the time and funds allotted to it, it has been possible to uncover only a few of the most glaring abuses existing in the State Relief Administration and that the ramifications of Communist infiltration and progress in California is such that a further inquiry of a broader nature should be undertaken at once. Said inquiry should be financed in a manner permitting the hiring of competent investigators and the necessary personnel to conduct a complete and thorough investigation in the entire State of California

The committee has not yet completed its work and will therefore render a supplemental report at a later date

Respectfully submitted.

SAMUEL WILLIAM YORTY, Chairman
HARRISON W CALL.
SETH MILLINGTON.
LEE T BASHORE
JACK B TENNEY.

Communications.

The following communications were received and ordered printed in the Journal:

TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE,
410 FEDERAL OFFICE BUILDING,
SAN FRANCISCO, CALIFORNIA, February 8, 1940.

Honorable Gordon Garland, Speaker of the Assembly,
Sacramento, California.

DEAR MR GARLAND: This morning's San Francisco Examiner states that Senate Bill No. 4, providing for the issuance of privately recorded license plates to exempt vehicles operated by regularly employed law enforcement officers whose duty it is to investigate actual or suspected violators of the law, has passed the Senate and is now before the Assembly for consideration.

As coordinator of the United States treasury enforcement agencies in the State of California, I would appreciate it greatly if consideration be given to the needs of those agencies when this bill comes up for action in the Assembly.

The United States Secret Service is continuously engaged in the detection and apprehension of makers and passers of counterfeit money. The Customs Agency Service and Customs Border Patrol are similarly engaged in the prevention of smuggling and the apprehension of smugglers, whether such operations be from ships entering our harbors or across the Mexico-California border. The Federal Narcotic Service carries on a constant warfare against distributors, dealers and peddlers of contraband narcotics. The alcohol tax unit of the Internal Revenue Service has many investigators who search for unlicensed distilleries and distributors of illegal alcoholic products throughout the State.

In their operations against criminals, all of these agencies must perform a great deal of travel, and they are provided with necessary automobiles by the Federal Government. It is vital to them that these vehicles be not readily recognized by the criminals against whom they are working. If they are required to place regular, distinctive "exempt" plates upon these cars, the effectiveness of their work would be seriously impaired.

It is respectfully urged that the above facts be brought to the attention of the Assembly, and that a copy of this communication be referred to the committee in charge of this bill.

Sincerely yours,

RALPH R. READ,
District Coordinator, Treasury District No. 14

WESTERN UNION.

ARCADIA, CALIFORNIA, February 10, 1940.

Hon. Gordon H. Garland, Speaker of Assembly,
State Capitol

Photostatic copy of publicity release on tax information on Monterey County with Los Angeles Turf Club envelope was a deliberate forgery perpetrated to injure and discredit the Los Angeles Turf Club. The Los Angeles Turf Club did not mail the submitted information at any time. In view of the fact that this matter has been falsely submitted to the Legislature may we respectfully request that we be granted the courtesy of having this explanatory telegram read to your members in regular session.

LOS ANGELES TURF CLUB,
CHARLES H. STRUB, General Manager.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 104: By Mr. Voigt—An act to amend section 10 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the apportionment of racing days to licensees under the act.

Assembly Bill No. 105: By Mrs. Daley and Messrs. Houser, Kepple, Millington, Weybret and Johnson—(At the request of the Committee on Social Service and Welfare)—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the

purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

Assembly Bill No. 106: By Mrs. Daley and Messrs. Houser, Johnson, Kepple, Millington, Green and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations.

Assembly Bill No. 107: By Mrs. Daley and Messrs. Johnson, Green, Watson, Millington and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof.

Assembly Bill No. 108: By Mrs. Daley and Messrs. Houser, Johnson, Kepple, Watson, Green, Millington and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation to the Relief Administrator and the Relief Commission for the administration of the relief of hardship and destitution due to and caused by unemployment and for the administration of the expenditures therefor.

Assembly Bill No. 109: By Mr. Lore—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof upon production for use projects.

Assembly Bill No. 110: By Mr. Hawkins—An act to provide dwelling accommodations for persons of low income, including the creation of the State Loan Value and Mortgage Housing Authority, defining its powers and duties, and providing methods and means for the exercise thereof, authorizing the State Loan Value and Mortgage Authority to issue revenue bonds and give security therefor and authorizing the authority to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurance companies.

Motion to Print Resolution in Journal.

On motion of Mr. Rosenthal, the following resolution was ordered printed in the Journal:

Resolution from the SRA Staff Members in the Boyle District, Los Angeles County, Regarding the Report Submitted by the Legislative Committee of the CSEA, Chapter 65.

WHEREAS, There has been presented to members of the Legislature of the State of California a certain document entitled "Report and Recommendations of the Legislative Committee of SRA Los Angeles Chapter No. 65, of the California State Employees' Association"; and

WHEREAS, This alleged report purports to be a "personal analysis" made by employees of the State Relief Administration, based upon "years of daily contact" with the recipients of unemployment relief, and

WHEREAS, Even a cursory examination of the said alleged report indicates that it is based not upon sound analysis, but upon personal opinion, prejudice, and misstatements of fact; and

WHEREAS, The said alleged report contains recommendations detrimental to the interests and welfare of recipients of unemployment relief, and

WHEREAS, The interests and welfare of the entire population of the State of California are identical with the interests and welfare of the said recipients of unemployment relief; now, therefore, be it

Resolved, That we, the undersigned employees of the State Relief Administration in the county of Los Angeles, working in the Boyle District office of that county, all interested in sound legislation for the welfare of relief clients and the people of the State as a whole, do hereby protest against any such expression of opinions and ideas as are contained in the said alleged report, and do hereby deny that said report is an expression emanating from any large number of the employees of the State Relief Administration; and be it further

Resolved, That we, as employees of the State Relief Administration, do hereby condemn the said alleged report as a vicious attack upon civil liberties, and be it further

Resolved, That we, the said employees of the State Relief Administration, do hereby affirm our belief in the principle that humane treatment of fellow beings and the practice of common justice under the Constitution of this State and the United States is, in the final analysis, the best and most efficient means of conserving human resources; and be it further

Resolved, That a copy of this resolution, together with a copy of a statement of our considered criticism of the above-mentioned alleged report, be sent to each of the members of the Legislature of the State of California now convened in a special session thereof, and that similar copies be sent to the Governor of the State.

We, the undersigned employees of Boyle District SRA, Los Angeles County, subscribe to the foregoing resolution concerning report submitted by the Legislative Committee of CSEA Chapter No. 65

Phyllis Abrams	Katherine Hoffmeyer.	D. D. Dickstein.
Elsie R. Poska	Virginia Williams.	Bertha Beckman.
Mae Reynolds.	Julia Mauro	Dolores Villarreal.
Irene Thornton	Gladys Wengren	Ruth Epstein.
Ethel Pratt	Rema Flateau.	Floy Hanson.
Leah Armstrong.	Catherine Corser	Alice Pohlman.
Delia Sagar	Ruth Grey.	Phyllis McKenney.
Florence Lyman	Ina Louise Poore.	Kathleen Walsh.
Mary Maldonado	Marie R. Barnes	Kathryn B. Flinn.
Dorothy Jackson.	Catherine Novits.	Sylvia Holtzman.
George Martin	Rosalyn Sieger.	Albina Marot.
Harriet Menker.	Kenneth Greenlaw.	Joseph Palma.
Joseph Reep.	Elsiebell Portlock.	Betty Paulsen.
Margaret Miller	Alan M. Carson.	Margaret Parker.
Evelyn R. Noe.	Blanche M. Ross.	Elsie Muslin.
Archie J Conliffe	Jean A. Gasser.	Joseph Esquith.
Frances Richardson	Anna Cohen.	Dorothy Ninberg.
Leonora M Sherwood	Irma Sapiro	Esther Butler.
Sue M. Kurtz.	Paul Penney.	Fred Eisman.
Edward M. Villarreal	J Covington Coleman.	Alice Parsons.
Phyllis H Sauers	Lillian Lichtenfeld.	Esther Nasatir.
Rebecca Hildebrand.	Mildred Tieffer.	Catherine Bolton.
Virginia Bundren	Goldie Romm.	Norma Backus.
Barbara Myerson.	Genevieve Sanders.	Helen Murray.
Christine Todhunter	Eleanor Shur.	Sofia Munoz.
Mildred Polon.	Phyllis Morse.	Ella Henshaw.
Margaret Ostermeyer.	Helen Lessard.	Sophie Shandler.
J A Manwaring.	H Keehnel.	Sadie Rice.
Nathan Aaron.	Eva Mae Razeto.	Loretta Nasseem.
Claire Heller.	H. B. Willis.	B. P. Yorba.

The original of this resolution with the actual ninety signatures appended is in the possession of the staff of the SRA Boyle District office, 126 North Soto Street, Los Angeles

Comment on the Report of California State Employees Association

February 9, 1940

Analysis of Committee Report.

Statement.	*Analysis.*
"The SRA * * * from its inception, was dominated and controlled by a group whose policies were based on the false premise that unemployment relief was a charity for paupers."	The SRA was set up according to the State Welfare Act in which the words "charity" and "pauper" do not appear The social service staff has always combatted the idea of unemployment relief as "charity."
"Under the present setup, when finance * * * protests expenditures * * * social service ruthlessly overrules them"	The feeling of the staff has always been that the "ruthless overruling" was usually on the part of the Finance Division.
"It has been stated so often * * * that no deserving citizen should go hungry, unclothed or shelterless, regardless of whether his need be due to age, infirmities or unemployment."	We hold these truths to be self-evident, that all men are created equal, that they are possessed of certain inalienable rights * * * that among these are the right to life, liberty, and the pursuit of happiness
"All are supposedly treated alike" (Relief recipients)	Clients not in need, in accordance with the policies as outlined in the State Manual, are considered ineligible for relief. Everyone in need, in accordance with these policies, is given relief
"We, as employees of the SRA, have made * * * personal analysis of the clients"	No available figures are given to document such an "analysis" Apparently mere personal opinions and observations are used as the basis for an "*analysis*" of the whole picture.

The Relief Recipients.

Statement	*Analysis.*
"They (the relief recipients) fall into three nearly numerically equal groups."	No figures are given to substantiate this statement of "numerically equal groups."
"Those undoubtedly deserving * * * Most of them fall into the white American small family group formerly of adequate means."	Does this mean American born? Of American tradition for one, two, or three generations? There should be a definition of this term "American family."
"Those doubtfully deserving * * * (clients) many ignorant, semi-skilled or laborer families who have always lived more or less precariously and their resources are extremely difficult to check."	Are these persons "doubtedly deserving" because they are ignorant or semi-skilled, or because they have had only seasonal or hourly work, which is difficult to check? If they have "lived precariously" how would they have resources now? The implication of this paragraph in suggesting discrimination against this group, is directly contrary to the fundamentals of American democracy. The American people have always resented any discrimination based on race, color, creed or occupation
"Those undoubtedly not deserving to be supported by the American taxpayer. This group is composed of alien (or part alien) families * * * bums * * * *habitual drunkards, dope users, and just* plain chiselers * * *"	Again the terms need defining What is a bum? What is a habitual drunkard, and what a chiseler? The implication that there is a large proportion of aliens on relief is refuted by the Dewey Anderson report of February, 1939, which shows that the SRA relief load contains over 90 per cent citizens and less than 10 per cent aliens
"Every real 'bum' in California is on relief."	What type of "personal analysis" did the committee make in order to determine that "every real bum in California is on relief?"
"Transients"	It is a matter of common knowledge that many of the people who have come to California have been attracted by commercial advertisements, partially financed by public tax monies Aid to transients comes from specially earmarked Federal funds. *not* State funds.

The Fundamental Budget.

"Previous standards of living were disregarded entirely, so we have the anomaly of a real American family of *two having to pay rent, utilities, food* and clothing out of approximately $31 a month * * * while many alien families who probably never earned over $75 per month in their lives, are receiving as a 'dole' in cash, sums in excess of $125 per month from our taxpayers"	Are we to deduce from this that the "real American family" has no children? We agree that the present allowances, particularly for single persons and for a family of two is inadequate, and are in accord with the recommendation that a more liberal allowance be made. The extravagance of allowing families to live on grossly inadequate incomes is shown by the large number of institutional cases for which the County Welfare is paying as high as $45 a month per case to support until the day they die. Many of these chronic invalids, *San Quentin inmates, and children in* foster homes, who will be cared for for twenty years, are the products of early county relief cases (whose budgets had a ceiling on them) or families whose grossly inadequate income came from private employment
"Obviously minimum and maximum figures must be set by law"	Minimum and maximum figures *have* been set under the authority of the Relief Commission based on the scientific Okey-Huntington budget.

Statement.	*Analysis.*
"Eighty-five dollars ceiling on budgets."	No use repeating the comment on penny-wise and pound-foolish.
"These figures are easily justified on the basis of the average 'security wage' of $57.20 per month paid in Los Angeles County by the WPA to the average family (3.3 members)."	These figures, far from being "easily justified," can never be justified under the American standard of living and the principles of American democracy. Furthermore, the "security wage" of $57.20 per month has been supplemented by other agencies throughout the United States.
"The maximum figure likewise is taken from the WPA's 'foreman scale' —deemed adequate for the intelligent head of a needy family."	Shall we have an I. Q. test for the basis of need?

Organization of the SRA.

1. "Failure to recognize the basic aspect of its (the SRA's) problem to be unemployment, rather than social service."	The confusing and ambiguous use of the terms "unemployment" and "social service" is another indication of the lack of any scientific approach in this report.
2. "Lack of proper coordination and cooperation between various departments having to do with unemployment proper, including the California State Employment Service, the Unemployment Reserves Commission, the Works Progress Administration, the Civilian Conservation Corps, and the National Youth Administration."	None of the agencies enumerated form a part of the State Relief Administration, and the State Relief Administration has no control over them. Further coordination would be highly desirable if it could be accomplished
3. "Too much politics in the setup."	The solution is civil service.
4. "Inefficiency in department heads."	We defy any relief administration whether administered by county, city, private group or Federal Government to be entirely free of inefficiency
5. "Personnel hired and paid * * * without proper study of 'need' and 'qualifications' before appointment.	Social service qualifications have been set up and followed to the letter. In the interests of efficiency, persons are not hired on the basis of their need
6. "General deplorable conditions of morale due to uncertainty of employment as well as lack of reward or recognition for merit * * * Stability of employment, as well as a proper training school *in the field* would mean a big saving to the taxpayer."	Social service division has never had sufficient funds for training in the field. The need has long been recognized because there are not enough trained people in the community. However, the education of social workers is primarily the duty of the educational system. A lawyer does not get his education from a law firm, but from the university.
7. "The present philosophy of the administration in the SRA is: 'We have no interest in saving the taxpayers' money; our job is to take care of the client.'"	The approved schools of social work in the United States and their outstanding leaders among whom are Grace Abbott, Edward Linderman, Wayne McMillan, have always held that a social worker's first responsibility is to the client, just as the doctor's first responsibility is to the patient. Thus, this is *not* a "new philosophy" developed by the SRA. Intelligent and humane administration of relief *does* save the taxpayers money.
8. "Administrative employees have been openly intimidated to join one of these groups (new philosophy groups), and some administrative employees have urged and even insisted that 'clients' join a similar group."	Where is the proof of intimidation? Our constitutional rights include the right to organize.

Statement.	*Analysis.*
9 "Either through organizational inefficiency or chiseling, it has been found necessary to set up over 31,000 cases of restitution claims in southern California alone."	An expensive and cumbersome bookkeeping system has been set up under which every overpayment of fifty cents or more semimonthly is recorded on an elaborate form In many instances the administrative time involved in filing these forms amounts to more than the value of the overpayment recorded. These overpayments arise in several ways. For example—if a family member is taken to the hospital or leaves the home to look for work, there is an overpayment as the family has been paid in advance. The actual proportion of cases on which restitution is possible is small. It has long been questioned by many members of the staff whether the purpose of this expensive system was to provide material for such an undocumented attack as this
10. "Documentary proof of residence and other evidence of eligibility are not properly required in many cases, particularly when pressure groups intervene on behalf of the applicant"	Failure to document the giving of relief with proof of eligibility is basis for dismissal. A few such dismissals have actually been necessary.
11. "Under the present system, case workers who make investigations, as a result of which millions of dollars of taxpayers' money are paid out, *are not bonded.* * * * We recommend that one-third of the SRA personnel be over forty years of age, one-third over thirty, and one-third under thirty."	Every person *actually* responsible for authorization of relief *is* bonded. Again the mystic three!

The Attitude of the Relief Recipients Toward the Taxpayer and the SRA.

Red propaganda.	Stuart Chase says that Mr Dies is a Communist and that Westbrook Pegler is also a Communist, and offers proof in the New Republic of January 29, 1940!

Proper Inferences that May Be Drawn from the Foregoing Facts.

"We recommend * * * a State Welfare and Relief Commission composed of three members, consisting of the Director of Finance, the State Controller and the Attorney General."	Does training in accounting and the law adequately prepare an individual for public welfare administration? California taxes support a School of Public Administration at the State University at Berkeley.
"A law should be passed denying California citizenship to any person who has not been a continuous resident of this State three years without being on any form of relief"	Very well—have a three-year residence rule. What goes with it? If these people are left without resources, we will face an increase in the cost of law enforcement due to social unrest, and an increase in the cost of public health due to the serious menace created by the presence of scores of sick, uncared for human beings. Which is cheaper? We believe adequate care for these people is the soundest economy
"Relief to aliens should be discontinued at once."	This is a direct blow at citizens! The Dewey Anderson report of February 1939, states, "The complications in attempting to remove aliens from relief rolls are found in this fact, that only 6.3 per cent of all dependents on heads of cases who are receiving SRA aid are aliens, while 93.7 per cent of such dependents are citizens"

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time

Assembly Bill No. 103: By Messrs. Lyon, Waters, Pelletier, Reaves, Evans, Bennett, Doyle, Massion, Allen, Voigt, Poulson, Tenney, Gilbert, Lore, Yorty, King and Miss Miller—An act making an appropriation for the establishing, maintaining, and operating, in cities of the first and one-half class, of buildings, grounds, facilities, and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural and recreational purposes, and authorizing the California Pacific Exposition Commission to expend such appropriation

Referred to Committee on Ways and Means.

Assembly Bill No. 104: By Mr. Voigt—An act to amend section 10 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the apportionment of racing days to licensees under the act

Referred to Committee on Revenue and Taxation

Assembly Bill No. 105: By Mrs. Daley and Messrs. Houser, Kepple, Millington, Weybret and Johnson—(At the request of the Committee on Social Service and Welfare)—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

Referred to Committee on Social Service and Welfare

Assembly Bill No. 106: By Mrs. Daley and Messrs. Houser, Johnson, Kepple, Millington, Green and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 107: By Mrs. Daley and Messrs. Johnson, Green, Watson, Millington and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 108: By Mrs. Daley and Messrs. Houser, Johnson, Kepple, Watson, Green, Millington and Weybret—(At the request of the Committee on Social Service and Welfare)—An act making an appropriation to the Relief Administrator and the Relief Commission for the administration of the relief of hardship and destitution due to and caused by unemployment and for the administration of the expenditures therefor.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 109: By Mr. Lore—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof upon production for use projects.

Referred to Committee on Social Service and Welfare.

Resolutions.

By Mr. Yorty.

House Resolution No. 29.

WHEREAS, The Assembly did, on February 1, 1940, adopt House Resolution No 9 creating the Assembly Relief Investigating Committee; and

WHEREAS, The first meeting of that committee was held in Los Angeles on February 5, 1940, and the results of that meeting definitely indicated the need for a continuation of the committee's work, and

WHEREAS, The committee was not authorized to act through subcommittees, and

WHEREAS, This special session is rapidly drawing to a close and much needed information could be rapidly obtained at small cost if the committee were authorized to act through subcommittees; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Relief Investigating Committee is hereby authorized to create subcommittees of one or more members and to delegate to such subcommittees all of the powers, purposes, responsibilities, duties and jurisdiction conferred upon such committee, and that such subcommittees are hereby expressly authorized to administer oaths and to issue subpenas requiring the attendance of witnesses and the production of books, papers and documents, and to do all other acts and things that may be done by the committee as a whole, or that may be delegated to it by the full committee; and be it further

Resolved, That the sum of $500, or so much thereof as may be necessary, in addition to any other funds heretofore made available to the committee, is hereby made available from the contingent fund of the Assembly for the expenses of the committee, its subcommittees and its members, and for any charges, expenses or claims that the committee may incur under this resolution or under House Resolution No. 9, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the Treasurer

Referred to Committee on Rules.

Third Reading of Assembly Bills.

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State, to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately; and making an appropriation.

Bill read third time

Motion for Withdrawal and Re-reference of Assembly Bill No. 57.

Mr. Field moved Assembly Bill No. 57 be withdrawn from the calendar and re-referred to the Committee on Ways and Means.

Substitute Motion to Set Assembly Bill No. 57 as Special Order.

Mr. Maloney moved as a substitute motion that the consideration of Assembly Bill No. 57 be made a special order of business for Wednesday, February 14, 1940, at two o'clock and thirty minutes p.m.

Substitute motion carried

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 53—An act to add section 2 to "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of the revenues derived from such lands

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Carlson, Cassidy, Clarke, Collins, Cotwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—70.

NOES—Call, Field, and Mr. Speaker—3.

Title read and approved. Bill ordered transmitted to the Senate

Assembly Bill No. 88—An act to add section 33.5 to the Retail Sales Tax Act of 1933, and section 27.5 to the Use Tax Act of 1935, relating to proceedings thereunder, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—73.

NOES—None.

Assembly Bill No. 88 read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—73.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 83—An act to amend section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read third time.

Motion to Amend Assembly Bill No. 83.

Mr. Waters moved to amend Assembly Bill No. 83 as follows:

Amendment No. 1.

On page 1 of the printed bill, strike out line 15, and insert in lieu thereof the following: "enter a judgment for the people of the State of California".

Amendment adopted

Assembly Bill No. 83 ordered to reprint, and re-engrossment.

Assembly Bill No. 6—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal

Bill read third time.

Motion to Amend Assembly Bill No. 6.

Mr. Heisinger moved to amend Assembly Bill No. 6 as follows:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "five".

Amendment adopted.

Assembly Bill No. 6 ordered to reprint, and re-engrossment.

Third Reading of Senate Bills.

Senate Bill No. 5—An act to add section 862c to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to water systems of sixth class cities and the sale and distribution of water therefrom.

Bill read third time.

Motion to Amend Senate Bill No. 5.

Mr. Call moved to amend Senate Bill No. 5 as follows:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after "the", insert the following: "acquisition,".

Amendment adopted

Senate Bill No. 5 ordered to reprint, and third reading calendar.

Introduction and Reference of Bills (Resumed).

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

Assembly Joint Resolution No. 15. By Messrs. Garland, Lyon, Burns, Hugh M., Yorty and Heisinger—Relative to the commemoration of the fiftieth anniversary of the establishment of Sequoia National Park.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 15, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 15.

Assembly Joint Resolution No. 15 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty and Mr. Speaker—68.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Joint Resolution No. 16. By Mr. Crowley—Relative to memorializing the President and Congress against the passage of legislation to prohibit the filing of separate income tax returns by spouses in reference to community income.

Request for Unanimous Consent.

Mr. Crowley asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 16 at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 16.

Assembly Joint Resolution No. 16 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—70.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Motion to Print Report of the Committee on Social Service and Welfare in Journal.

On motion of Mrs. Daley, the report of the committee on Social Service and Welfare was ordered printed in the Journal:

Report of the Committee on Social Service and Welfare.

When the California Legislature convened in regular session in January, 1939, it had before it a past record proving California to have been the most generous State in the Union in appropriating State funds for unemployment relief.

At that regular session the Legislature first met the problem of unemployment relief by appropriating $23,475,000 in the form of two appropriation bills to meet the need for the remaining months of the biennium 1937-1939.

On January 23, 1939, Governor Olson presented to the Legislature his budget message in which he requested the sum of $73,660,000 for unemployment relief during the biennium July 1, 1939, to June 30, 1941.

The regular session of the fifty-third session adjourned sine die on June 20, 1939, within a few minutes after the final passage of Senate Bill No. 1287. That bill in its final form made an outright appropriation of $35,525,000 for unemployment relief, instead of the entire amount of $73,660,000 requested by the Governor. Except for limitations as to the percentages of the fund which could be expended quarterly the bill in no way restricted the manner in which the appropriation was to be spent by the relief administration.

Prior to the passage of the $35,525,000 appropriation bill it was stated on the floor of the Assembly and of the Senate on June 20, 1939, that the legislative intent and purpose was that this fund would carry the unemployment relief load at least through the month of February, 1940. The plan was that before that time the Legislature would be convened in special session for the purpose of enacting a complete unemployment relief program for the remainder of the biennium. This plan was made clear, not only to the members of the Legislature, but also to the Governor and the Relief Administrator.

It will be recalled that early during the 1939 session of the Legislature serious charges were made against certain personnel and administrative practices of the State Relief Administration. Few will need to be reminded that as early as January 23, 1939, the date of his budget message, the Governor expressed himself in favor of a program of production-for-use.

Recurrently during that session there were insistent demands by members of the Legislature that statutes be enacted which would restrict rigidly both the personnel and administrative practices of the State Relief Administration, and which would prohibit or curtail its production-for-use activities.

After thorough consideration a substantial majority of the members of the Assembly agreed that Governor Olson and his administration should be given at least a year after his inauguration within which to take over the machinery of the relief administration, and to prepare, absolutely free of legislative restriction or interference, its complete program for dealing with the problem of unemployment relief. Consequently, in spite of the criticism of the relief administration's practices and inefficiency, and notwithstanding the opinion of many of the members of the Assembly that the amount was too great, the $35,525,000 relief appropriation bill was adopted on the closing day of the session. The Governor and his relief administrator had been given until at least February, 1940, to submit their relief program, and the members of the Legislature had agreed to convene in special session before that time, then to take up the question of unemployment relief in all of its phases: appropriations, personnel, administration, integration with a general assistance program, production-for-use and all of its other aspects.

The proclamation of the Governor issued on January 26, 1940, convening the Legislature in extraordinary session on January 29th referred to the question of unemployment relief, but the attempt was made to so narrowly state the subject as to restrict the Legislature to a consideration of the amount to be appropriated for the balance of the biennium.

This narrow statement of the subject was not in accord with the agreement of the members of the Legislature when they adjourned their regular session on June 20, 1939. It did not conform to the statements made on the floor of the Assembly and the Senate prior to the passage of Senate Bill No. 1287. It was not consistent with the plan which had been clearly stated to both the Governor and the Relief Administrator before that bill was passed by the Legislature.

A proclamation so restricted on the subject of unemployment relief does not fairly present to this Legislature all phases of that subject so that they may be considered entirely free of any legal doubt as to their inclusion within the call. Even a liberal interpretation of the scope of the proclamation on this subject leaves some doubt as to the inclusion of some of the more important phases of the entire unemployment relief question.

In conformity with the restricted form of the proclamation, the administration spokesmen within this body have limited themselves, on the subject of unemployment relief, to the introduction of bills which do nothing more than make additional appropriations up to an amount of $95,500,000. Typical are Assembly Bills Nos. 40 and 41.

On September 30, 1939, the Governor's Commission on Reemployment (John R. Richards, chairman) submitted its report discussing many of the more important phases of the unemployment question. That report sets forth a detailed plan for a works program, or what has been termed "production-for-use." To this date this Assembly has not even been officially notified of the existence of that report, nor has it been transmitted to us for our consideration. The administration has not caused to be introduced in either house of the Legislature up to this time a single bill considering any one phase of the works program elaborated upon in the commission's report.

On the subjects of administrative reform and the elimination of the personnel problems frequently the subject of complaint in the Legislature, the administration has not caused any legislation to be introduced.

Your Committee on Social Service and Welfare, in its consideration of relief bills, has been seriously hampered in its efforts by the narrow restrictions of the proclamation. Nonetheless, we have held extended public hearings and have heard from every person who presented himself.

Before considering the recommendation of any measure which would bring about a transfer of the administration of unemployment relief from the State Relief Administration, we requested the spokesmen of the administration to present for our consideration any legislation which would eliminate any of the administrative and personnel practices complained of. No such legislation was presented. No suggestions were offered.

Your committee then considered alternative methods of administering unemployment relief. The only alternative method presented to us was a transfer of administration to county agencies.

One of the bills drafted at our request provides for such a transfer (Assembly Bill No. 105).

Legislation transferring administration of unemployment relief to county agencies is not a new suggestion in California At the session of the Legislature in 1937 there was introduced Assembly Bill No. 1177, the principal purpose of which was to effect a transfer to the counties of the administration of unemployment relief.

That bill had as its authors eighteen members of the Assembly, of whom fourteen are now members of this honorable body. The bill was passed by a majority vote in each house of the Legislature, being supported in the Senate by the then Senator from Los Angeles County, and now Governor of California, the Honorable Culbert L Olson. (California: Senate Journal: 1937, page 2182)

Your Committee on Social Service and Welfare submits this report to you in recommending for your favorable action the following bills:

Senate Bill No. 48, as amended.

Senate Bill No. 50, as amended.

We have also had Assembly Bills Nos. 105, 106, 107 and 108 drafted, and will recommend them to you for favorable passage as soon as they are referred to us.

Dated: February 13, 1940.

Respectfully submitted.

JEANETTE E. DALEY.
SETH MILLINGTON.
NORRIS POULSON.
GERALD C. KEPPLE.
FREDERICK F. HOUSER.
GARDINER JOHNSON.
CLYDE WATSON.
LEE T. BASHORE.
FRED WEYBRET.

Motion to Print Statement in Journal.

On motion of Mr. Lore, the following statement was ordered printed in the Journal:

We, the following minority members of the Committee on Social Service and Welfare, wish to go on record as dissenting from the findings of the above report by the majority members of the committee.

ELMER E. LORE.
DAN GALLAGHER.
EDWARD F. O'DAY.
S. L. HEISINGER.
SAMUEL WILLIAM YORTY

Introduction and Reference of Bills (Resumed).

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

Assembly Concurrent Resolution No. 8: By Messrs. Burns, Hugh M., and Heisinger—Relative to the construction of a secondary highway between Clovis and Friant, California.

Request for Unanimous Consent.

Mr. Burns, Hugh M., asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 8, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 8.

Assembly Concurrent Resolution No. 8 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly,

Field, Gallagher, Gannon, Gilmore, Green, Heisinger, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawyer, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—60

NOES—Bashore, Dilworth, Doyle, and Houser—4

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Resolution.

By Messrs. Atkinson and Peek:

Assembly Resolution No. 30.

Relative to the death of former Assemblyman Ira S. Hatch

WHEREAS, On February 12, 1940, the Supreme Ruler removed from our midst the Honorable Ira S. Hatch, a member of this Assembly from the Seventieth District during the fiftieth session, and a former mayor of the city of Long Beach in the years 1912 and 1913; and

WHEREAS, Ira S. Hatch devoted his every effort to the best interests of the people of California and, by his actions, typified one of the finest examples of devoted public service, and

WHEREAS, Ira S. Hatch, through his fairness to both friend and foe, and through his ceaseless desire to be sure of the justice of his cause, earned the respect and devotion of all who were associated with him; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body sincerely regret the passing of Ira S. Hatch, and that when they adjourn this day they do so out of respect to his memory; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and present to Mrs. Ira S. Hatch a suitably inscribed copy of this resolution

Request for Unanimous Consent.

Mr. Atkinson asked for, and was granted, unanimous consent to take up House Resolution No. 30, at this time, without reference to committee.

House Resolution No. 30 read, and adopted unanimously.

Motion to Print 2,000 Extra Copies of Assembly Joint Resolution No. 10.

Mr. Del Mutolo moved that 2,000 extra copies of Assembly Joint Resolution No. 10 be printed

Motion carried

Motion to Print 2,500 Copies of the Assembly Relief Investigating Committee Report.

On motion of Mr. Bashore 2,500 extra copies of the Assembly Relief Investigating Committee Report were ordered printed.

Reports of Standing Committees (Resumed).

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940

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

Assembly Joint Resolution No. 10.

And reports the same correctly enrolled, and presented to the Governor on this thirteenth day of February, 1940, at twelve o'clock m.

CASSIDY, Chairman

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1940

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred

Assembly Bill No. 50.

Requests the same be amended, and re-referred back to committee

TURNER, Chairman.

The above reported bill ordered on second reading calendar.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940

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

Assembly Bill No. 72.

Respectfully reports the same back with the recommendation: Do pass as amended.

DESMOND, Chairman

The above reported bill ordered on second reading calendar

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940.

MR SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Senate Bill No. 48.

Senate Bill No. 50.

Respectfully reports the same back with the recommendation: Do pass as amended

DALEY, Chairman.

The above reported bills ordered on second reading calendar

Withdrawal and Re-reference of Assembly Bill No. 101.

On motion of MR. TURNER, Assembly Bill No. 101 was withdrawn from the Committee on Revenue and Taxation, and re-referred to the Committee on Constitutional Amendments.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 50—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2.3, 2.4, 6.5, 10.5, 12.5, 29.5, 39.5, 42.5, 43.3, 43.5, 44.5, 48.5, 53.5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.

Committee Amendments to Assembly Bill No. 50.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 21, of the printed bill, strike out the following: "In the case of such a transfer only one-half of", and all of lines 22 and 23

Amendment No. 2.

On page 4, line 43, of the printed bill, strike out "and except where the transfer is", and insert in lieu thereof the following: ":", and strike out all of lines 44 to 46, inclusive

Amendment No. 3.

On page 5 of the printed bill, strike out all of lines 41 to 52, inclusive, and on page 6, strike out all of lines 1 and 2, and insert in lieu thereof the following: "and in the event the donor has in any year paid the tax imposed by this act with respect to a gift or gifts to any donee subject to such inheritance tax, then the amount of the tax which shall be deemed to have been paid upon the gift or gifts subject to such inheritance or succession tax shall be that proportion of the entire tax paid on account of all gifts to such donee which the amount of the gift or gifts required to be so included bears to the total amount of gifts to such donee in that year."

Amendments adopted.

Bill read second time, ordered to reprint and engrossment.

Assembly Bill No. 72—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately

Committee Amendments to Assembly Bill No. 72.

The following amendments were submitted by the committee.

Amendment No. 1.

On page 2, lines 26 and 27, of the printed bill, strike out "or out of any other moneys available by law therefor"

Amendment No. 2.

On page 2, line 46 of the printed bill strike out "two" and insert in lieu thereof the following: "one"

Amendment No. 3.

On page 2, line 47, of the printed bill, strike out "($2,500)", and insert in lieu thereof the following: "($1,500)".

Amendment No. 4.

On page 2 of the printed bill, strike out lines 48 and 49, and insert in lieu thereof the following: "appropriated out of the Assembly Contingent Fund in the State treasury to carry out the".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Committee Amendments to Senate Bill No. 48.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "thirteen million, four hundred thousand dollars ($13,400,000)", and insert in lieu thereof the following: "ten million, five hundred thousand dollars ($10,500,000)".

Amendment No. 2.

On page 1, line 7, of the printed bill, as amended, after "thereof," insert the following: "until June 1, 1940,".

Amendment No. 3.

On page 1, line 8, of the printed bill, as amended, strike out ", for", and strike out all of lines 9 and 10, and insert in lieu thereof a period.

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 21 to 24, inclusive; and on page 2, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following:

"SEC. 3. The money appropriated by this act and the money remaining avail-"

Amendment No. 5.

On page 2 of the printed bill, as amended, strike out lines 12, 13 and 14, and insert in lieu thereof the following: "Chapter 668 of the Statutes of 1939 and Chapter 5 of the Statutes of 1940 shall be subject to the provisions of this section so that the amounts available".

Amendment No. 6.

On page 2 of the printed bill, as amended, strike out lines 17 to 20, inclusive, and insert in lieu thereof the following

"(a) For March, 1940, not more than $4,000,000

(b) For April, 1940, not more than $3,500,000.

(c) For May, 1940, not more than $3,000,000

Any administrative expenses or other expenses, except direct cash payments to relief clients, incurred prior to March 1, 1940, shall not be subject to the limitations of this section and shall not be a part of the apportionment it provides, irrespective of the time when the expense is paid."

Amendment No. 7.

On page 2, line 21, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "SEC. 4."

Amendment No. 8.

On page 2, line 22, of the printed bill, as amended, strike out "subdivision (c) of this section", and insert in lieu thereof the following: "this act".

Amendment No. 9.

On page 2, line 26, of the printed bill, as amended, strike out "these amounts", and insert in lieu thereof the following: "the appropriation".

Amendment No. 10.

On page 2, line 27, of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "act".

Amendment No. 11.

On page 2 of the printed bill, as amended, strike out lines 30 to 50, inclusive; and on page 3, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following

"SEC 5. Not less than 82 per cent of the money appropriated by this act shall consist, when expended, of payments in cash, personal property and services directly

to persons eligible for relief, and not more than 3 per cent, in addition to money otherwise available, may be used, when expended, for works projects.

If any money is not expended in the month for which it is available under the provisions of section 3, the unexpended amount may be expended in any subsequent month without regard to the apportionment provided for that subsequent month."

Amendment No. 12.

On page 3, line 9, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "6".

Amendment No. 13.

On page 3, line 13, of the printed bill, as amended, strike out "may certify to the Relief", and strike out all of lines 14 to 20, inclusive, and in line 21, strike out "of 1935".

Amendment No. 14.

On page 3 of the printed bill, as amended, between lines 25 and 26, insert the following:

"SEC. 7. The appropriation made by section 1 of this act shall be expended to and for the relief of all persons who are not totally incapacitated for gainful employment and to and for the relief of all dependents of such persons provided such persons and their dependents are, as to need, otherwise eligible for relief under rules and regulations established by the Relief Commission under section 8 of the California Unemployment Relief Act of 1935.

SEC. 8. It is hereby declared to be the policy of the Legislature that wherever possible all grants of relief from this appropriation shall be made in kind and that the total relief from the appropriation made by this act whether in the form of cash or kind or both, shall not be more than fifty-seven dollars and twenty cents per month per family.

From the appropriation made by this act, the cash allowance to any one family shall not exceed fifty-seven dollars and twenty cents per month. In determining the total cash allowance, the cash income from employment, from the Works Projects Administration or from any other source, of any member of the family shall be deducted from the total cash allowance the family is permitted to receive from the appropriation made by this act. Relief, in addition to the fifty-seven dollars and twenty cents per month cash allowance, may, however, be granted, but (i) only in the form of commodities, services or other forms of relief in kind and (ii) only in emergencies.

No part of the appropriation made by this act shall be expended for the relief of any person who is, or any member of whose family is, receiving relief from the Works Projects Administration.

SEC. 9. (a) None of the appropriation made by this act shall be expended for the relief of any person who:

(1) Has not resided continuously in this State for a period of at least three years with intent to make it his home, or

(2) Has, within the period provided in subpart (1), received any relief from a tax-supported agency, or

(3) Has lost his residence by remaining away from this State for an uninterrupted period of one year.

Within the meaning of this subdivision (a), time spent in a public institution or on parole therefrom is to be disregarded in determining the period of residence in this State. Absence from the State for labor or other special or temporary purposes does not occasion loss of residence.

(b) Notwithstanding the provisions of subdivision (a), the appropriation made by this act may be expended for the relief of any person who:

(1) On February 1, 1940 (i) is receiving or has received relief from the Relief Administrator and Relief Commission or (ii) is certified or has been certified to the Works Projects Administration or its predecessor by the Relief Administrator and the Relief Commission, and

(2) Has not left the State with intent to reside elsewhere, and

(3) Has not remained away from the State for a period of one year.

(c) Notwithstanding the provisions of subdivision (a), the appropriation shall be available for the costs of transportation of a nonresident to any State in which he resides. Every nonresident, who has once received relief under this subdivision (c) shall not again be granted relief from the appropriation made by this act.

SEC. 10. None of the appropriation shall be expended for the relief of any alien who entered the United States illegally. In order to be eligible for relief from the appropriation, every alien shall prove his entry into the United States was legal.

If relief from the appropriation is denied to any alien under this section, the members of his family shall not be affected thereby and the family, exclusive of the alien, shall remain entitled to relief from the appropriation made by this act notwithstanding this section and shall receive the same relief it would have received if the alien were not a member thereof.

The presence of the alien shall be reported immediately to the United States immigration authorities and a demand shall be made for his deportation.

SEC. 11. To secure relief from the appropriation made by this act, an applicant for such relief shall prove, to the satisfaction of the State Relief Administration, his eligibility therefor, including his eligibility as to need, residence and citizenship

All statements made by an applicant for such relief shall be verified by the oath of the applicant Every employee of the Relief Administrator receiving an application for such relief in the course of his official duties may administer an oath to the applicant for such relief

If the applicant for such relief makes any false statement in his application for such relief from the appropriation made by this act, he shall be guilty of a misdemeanor

SEC. 12 None of the appropriation made by this act shall be expended for the relief of any person who is, or any member of whose family is, making payments upon any chattel mortgage or conditional sales contract for personal property, other than payments for essential food and essential clothing, in excess of five dollars per month, when the debt, secured by the chattel mortgage or conditional sales contract, was incurred subsequent to his application for relief from the appropriation made by this act

SEC. 13 In determining the amount to be expended from the appropriation for the relief of any person and his family consideration shall be given (i) to the amounts of public assistance, if any, such person and his family are receiving under any other provision of law and (ii) to the standards of living, wage rates and living conditions in the locality in which such person and his family reside

SEC. 14 None of the appropriation made by this act may be expended for the relief of any person who possesses, or whose family possesses, more than one automobile.

In order to be eligible for relief from the appropriation made by this act, such person shall deliver the license plates of all but one of the automobiles to the State Relief Administration

SEC. 15 (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any relief or other public assistance provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose whatever from any person receiving compensation employment, relief or other benefit made available from the appropriation

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election

(f) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation or employment provided for or made possible in whole or in part by the appropriation

(i) As used in this section "Appropriation" refers to the sum appropriated in section 1 of this act

SEC. 16 The Legislature hereby declares that the use of the money appropriated by this act for the support of a publicity department and the making of expenditures for press releases, publicity statements, propaganda and other forms of appeals to the public is contrary to its policy in providing this appropriation for the relief of hardship and destitution due to and caused by unemployment"

Amendment No. 15.

On page 3, line 26, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following, "17".

Amendments adopted

Bill read second time, ordered to reprint and third reading

Senate Bill No. 50—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and providing for the disbursement thereof

Committee Amendments to Senate Bill No. 50.

The following amendments were submitted by the committee.

Amendment No. 1.

In line 3 of the title of the printed bill, as amended, strike out "disbursement", and insert in lieu thereof the following: "expenditure"

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 4 and 5, and insert in lieu thereof the following: "law, the sum of thirty-eight million two hundred fifty thousand dollars ($38,250,000) or"

Amendment No. 3.

On page 1, lines 9 and 10, of the printed bill, as amended, strike out "and the expenditure thereof under", and insert in lieu thereof the following "due to and caused by unemployment to be expended in accordance with and subject to this act and"

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out line 11, and insert in lieu thereof the following "period extending from June 1, 1940, to July 1, 1941, including not to exceed two hundred fifty thousand dollars ($250,000) for the administrative expenses of the State Controller in connection therewith"

Amendment No. 5.

On page 1, line 12, of the printed bill as amended, strike out "sum appropriated by this act", and insert in lieu thereof the following "money appropriated by this act, except the money available for the administrative expenses of the State Controller"

Amendment No. 6.

On page 1 of the printed bill, as amended, strike out lines 20 to 23, inclusive, and on page 2 strike out line 1, and insert in lieu thereof the following

"SEC. 3. Out of the money appropriated by this act, thirty-five million dollars ($35,000,000) shall be available for expenditure".

Amendment No. 7.

On page 2, line 2, of the printed bill, as amended, strike out "monthly in advance"

Amendment No. 8.

On page 2 of the printed bill, as amended, strike out lines 6 to 21, inclusive, and insert in lieu thereof the following:

"For June 1940	$2,500,000 00
For the first quarter of the 92nd fiscal year	7,500,000 00
For the second quarter of the 92nd fiscal year	6,500,000 00
For the third quarter of the 92nd fiscal year	10,500,000 00
For the fourth quarter of the 92nd fiscal year	8,000,000 00"

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out line 23, and insert in lieu thereof the following:

"Of the money available for June, 1940, and for each quarter thereafter under this section,"

Amendment No. 10.

On page 2 of the printed bill as amended, strike out line 39, and in line 40, strike out "sum of", and insert in lieu thereof the following:

"The money apportioned to the counties for each quarter under this section may be made available in monthly installments but each installment shall be made available in advance of the time in which it is expendable

If any money is not expended in the month or quarter in which it is expendable, the unexpended amount may be expended in any subsequent quarter without regard to the limitation

SEC. 4. Out of the money appropriated by this act".

Amendment No. 11.

On page 2, line 41, of the printed bill, as amended, strike out "disbursement", and insert in lieu thereof the following: "expenditure".

Amendment No. 12.

On page 2, lines 49 and 50, of the printed bill, as amended, strike out ", resident and nonresident,".

Amendment No. 13.

On page 2 of the printed bill, as amended, strike out lines 51 and 52; and on page 3, strike out lines 1, 2 and 3, and insert in lieu thereof the following:

"SEC. 5. Of the money available under this act for expenditure by the Relief Administrator and the Relief Commission under the Relief Expenditure Act of 1940:

(a) Not less than eighty-two per cent shall consist, when expended, of relief grants in cash, personal property and services directly to persons eligible for relief.

(b) Not less than three per cent in addition to money otherwise available, may be expended for work relief projects."

Amendment No. 14.

On page 3 of the printed bill, as amended, strike out lines 4 to 14, inclusive, and insert in lieu thereof the following.

"SEC. 6. This act does not affect or prevent the expenditure of any other money appropriated by law for the relief of hardship and destitution due to and caused by unemployment.

SEC. 7. This act shall be known and may be cited as the Relief Appropriation Act of 1940.

SEC. 8. This act shall not take effect and shall not be operative unless both an act known as the Relief Expenditure Act of 1940 and an act known as the Camp Expenditure Act of 1940 are enacted by the Fifty-third Legislature in extraordinary session, and go into effect and become operative concurrently therewith.

SEC. 9. The Legislature hereby declares that the use of the money appropriated by this act for the support of a publicity department and the making of expenditures for press releases, publicity statements, propaganda and other forms of appeals to the public is contrary to its policy in providing this appropriation for the relief of hardship and destitution due to and caused by unemployment."

Amendments adopted

Bill read second time, ordered to reprint, and third reading.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 13, 1940.

To the Senate and the Assembly

GREETINGS. Both Senate Bill No. 57 and Assembly Bill No. 96 provide for the repeal of sections 2226 and 2229 of the Welfare and Institutions Code. By the repeal of these two sections, the authority to take the property agreements provided for will be rescinded, and provision is made for removing any cloud which may have been placed upon the title to property of aged persons because of the signing of such agreements. With this result the two proposed bills are in accord. They will effect the purpose of my placing in the call consideration of these two objectives; and these provisions receive my full approval.

However, my attention has been called to the fact that there has been inserted in Senate Bill No. 57 an amendment to section 2140 of the Welfare and Institutions Code, which reads as follows:

> "SEC. 13. Section 2140 of the Welfare and Institutions Code is hereby amended to read as follows:
>
> 2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter, and not inconsistent therewith. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. However, neither the State Department of Social Welfare nor the State Social Welfare Board shall have authority, by rule, regulation, or otherwise, to withhold or to order to be withheld any money subject to payment to any county under this chapter because of any rule or regulation of the State Department of Social Welfare. The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports."

This legislation was not contemplated or included in the proclamation calling this special session.

This proposed amendment to section 2140 of the Welfare and Institutions Code would cause the removal of all provisions of the Old Age Security Law for the enforcement of the law and the rules and regulations of the State Social Welfare Board.

I can not believe that it is the intention of the Legislature to enact a law in conflict with the provisions of the Federal Social Security Act or the California State plan to comply with such act, under which Federal grants to California for aid to the aged are made. This amendment does so conflict.

In response to my request of the State Social Welfare Board as to the effect of this amendment upon the continuation of grants for such aid from the Federal Government, the State Social Welfare Board has furnished me with a reply from Richard M. Neustadt, regional director under the Federal Social Security Act, quoting a telegram received by him from the Director of the Department of Public Assistance, Federal Social Security Board, Washington, D. C., as follows

> "The power of the State department to enforce its regulations and make its supervisory authority effective throughout the State has been a matter of concern to the Social Security Board since the approval of the plans. While the various assistance acts state in general terms the power of the State department to make rules and regulations binding upon the counties and determine the amount of aid in specific cases, the only remedy mentioned in the code provisions which became effective August, 1937, and set forth the general powers of the State department is the withholding power. Thus there is *doubt as to the availability to the department of other usual remedies*. When the Attorney General was appealed to on this very matter he was able to state only that the local authorities would have to comply with State requirements in order to secure funds from the State. We would suggest that the over-all powers of the department in bringing about local action in conformity with its regulations in any case should be clarified by express provision to the effect that the remedy by mandamus shall be available to the department as well as other usual remedies appropriate under the circumstances. If the withholding power is denied or substantially limited a question of conformity would arise unless the law is otherwise clarified or the availability of adequate remedies to the State agency is otherwise assured for the enforcement of its regulations in every case. As a matter of fact the withholding power itself even as it exists in California is not regarded as a satisfactory basis for the supervisory authority of the State and has not been so regarded by the Social Security Board.

I hope with these facts before it, the Legislature will not include this amendment in either of the bills mentioned and thus jeopardize the aid which aged people are now receiving from the Federal Government through our compliance with the Federal act and the rules and regulations of the Federal Social Security Act.

The withdrawal of this Federal aid would result in the removal from the rolls of recipients of aged aid of some 35,000 old people who are in dire need of this assistance and would charge the State and counties with the full care of approximately 100,000 aged people at a monthly cost to the State and the counties of $3,250,000.

Respectfully yours,

CULBERT L. OLSON,
Governor of California.

CLO:M.

Re-reference of Bills.

By order of the Speaker, the following bills were withdrawn from the calendar and re-referred as follows:

Senate Bill No. 48 re-referred to Committee on Ways and Means.

Senate Bill No. 50 re-referred to Committee on Ways and Means.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Millington, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Arthur L. Rosen, instructor, and the government students of Sutter Union High School: Gladys Briggs, Ivadell Burtis, Peter Brutti, Ione Campbell, Paolo Chesini, Bartley Cox, Glen Echols, Eugene Engstrom, Jordon Epperson, June Harris, Robert Helzer, Charles Hill, Bill Huntington, Virginia McKeehan, Darwin McPherrin, Donal Meyers, Willas Morris, Shirley Neep, James Neilson, Yukimi Nishida, Mary Okidoi, Dale Patterson, Elizabeth Shields, Gladys Umfress, Emogene Watson, Gertrude Welter, Richard Welter and Edna Ziegenmeyer.

On request of Mr. Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John G. Rooks, secretary, Livermore Chamber of Commerce.

On request of Mr Sawallisch, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the eighth grade Constitution class, Carquinez Grammar School, Crockett: Alfred Avalos, Dorothy Bates, Charles Bon, Angiolina Borean, La Fae Bromley, Patsy Brown, Harl Byrd, Lewis Cook, Rose Costa, Zetta Mae Crowell, Virginia Curd, Aldo Da Re, Edward Drummond, Lorraine Ddys, Carmela Fennone, Grace Galway, Bernard Ghirardo, Jack Griffin, Martina Higuera, Ralph Jungjohann, Violet Kates, Bill Knapton, Mary Matta, Laura McDole, Andrew Murphy, Lucian Ruiz, Katrina Schneiders, Dolores Sherwood; Miss Hazel Zappettini, social studies teacher, Miss Evelyn Hanson, English teacher; Mrs. Mae Jacobs, domestic science teacher; Mesdames Priscilla Stillson, Ruth Knapton, Mary Ann McDole, Esther Bowers, Viola Whyte, Della Mengel, Margaret McCluskey and Gertrude Hutchinson.

On request of Mr. Kepple, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Frank Stiefel of Whittier.

On request of Messrs Miller, Meehan and Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Agnes Collins, Mr and Mrs. Lou Bittner, Mrs Elizabeth Graham and E. C. Vauek, Alameda County

On request of Mr Doyle, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Chief of Police Drew and Mrs Drew of Oakland.

On request of Mr Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Fred Carson, real estate broker of Turlock

Adjournment.

At one o'clock and forty minutes p m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of Ira S Hatch, former member of the Assembly, until ten o'clock and thirty minutes a.m., Wednesday, February 14, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY
SEVENTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, February 14, 1940.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Safsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Tuesday, February 13, 1940, was dispensed with.

Communication.

The following communication was received and read:

SOUTHERN CALIFORNIA HEADQUARTERS, FINNISH RELIEF FUND,
10202 WASHINGTON BOULEVARD,
CULVER CITY, CALIFORNIA, February 10, 1940

Hon. Gordon H. Garland, Assembly Speaker,
California Legislature,
Sacramento, California

DEAR SIR: May I add my thanks to those of Mr. Hoover, on behalf of the Finnish Relief Fund, for your gracious action in passing Assembly Joint Resolution No. 6.

To those of us who are trying to help a gallant people in their fight for life, the action of your honorable body in putting a seal of approval on our efforts is not only gratifying but of great moral importance.

Sincerely yours,
ROBERT M. W. VOGEL.

RMWV:L

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau.

Assembly Bill No. 111: By Mr. Voigt—An act imposing an annual license tee for the privilege of installing or using cigarette or cigar vending machines in public places.

Assembly Bill No. 112: By Mr. Fulcher—An act relating to taxation, providing for the licensing of cigarette vending machines, providing for the enforcement of this act, and making an appropriation of the funds collected hereunder, to take effect immediately.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

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

Assembly Bill No. 50.

Assembly Bill No. 72.

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

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

Assembly Bill No. 6.

Assembly Bill No. 83.

And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 93.

Respectfully reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means

TURNER, Chairman

On Medical and Dental Laws.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to which was referred:

Senate Bill No. 68.

Respectfully reports the same back with the recommendation: Do pass as amended.

CRONIN, Chairman

The above reported bill ordered on second reading calendar.

On Financial Institutions.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1940.

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

Senate Bill No. 69.

Respectfully reports the same back with the recommendation: Do pass

LYON, Chairman.

The above reported bill ordered on second reading calendar.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Assembly Bill No. 106.

Assembly Bill No. 107.

Assembly Bill No. 108.

Respectfully reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means

DALEY, Chairman

The above reported bills re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR SPEAKER. Your Committee on Social Service and Welfare, to which was referred·

Assembly Bill No. 105.

Respectfully reports the same back with the recommendation Do pass.

DALEY, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940

MR SPEAKER. Your Committee on Social Service and Welfare, to which was referred:

Assembly Bill No. 109.

Respectfully reports the same back with the recommendation: Be re-referred to Committee on Ways and Means.

DALEY, Chairman

The above reported bill re-referred to Committee on Ways and Means.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO February 14, 1940.

MR SPEAKER· Your Committee on Ways and Means, to which was referred

Assembly Bill No. 52.

Respectfully reports the same back with the recommendation· Do pass

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 47.

Respectfully reports the same back with the recommendation Do pass as amended

MILLINGTON, Chairman

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR SPEAKER· Your Committee on Ways and Means, to which was referred·

Senate Bill No. 48.

Respectfully reports the same back without recommendation

MILLINGTON, Chairman

The above reported bill ordered on second reading calendar.

Resolution.

By Mr. Johnson:

House Resolution No. 32.

WHEREAS, This Assembly has learned with pleasure that the household of Mr. and Mrs. Francis J. Carr was, on January 21, 1940, blessed with the birth of a daughter, Kathleen Ann; and

WHEREAS, This Assembly joins with the proud parents in their happiness and desires to extend them its felicitations and best wishes; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby congratulates Mr. and Mrs. Francis J. Carr on their good fortune, and hopes that in the years to come their little colleen will exceed their fondest expectations and continue to carry on the fine traditions and traits of the several generations of Carrs that have figured so prominently in the history of this State; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to deliver a suitably engrossed copy of this resolution to Mr. and Mrs. Carr.

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 32, at this time, without reference to committee.

House Resolution No. 32 read, and adopted unanimously.

The Speaker Pro Tempore in the Chair.

At ten o'clock and fifty-five minutes a.m. Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair

Third Reading of Assembly Bills.

Assembly Bill No. 81—An act to amend section 6.4 of the Alcoholic Beverage Control Act and to add section 54.1 thereto, relating to alcoholic beverages.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weybret, Williamson, and Wollenberg—67

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 82—An act to amend section 27 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, and to provide that this act shall take effect immediately

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burson, Call, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—63

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burson, Call, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—63.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 83—An act to amend section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote.

AYES—Andreas, Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—65.

NOES—None.

Bill read third time, and passed by the following vote

AYES—Andreas, Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Salsman, Scudder,

Sheridan, Stream, Thorp, Thurman, Turner, Voigt Walker, Waters, Watson, Weybret, Williamson and Wollenberg—67

NOES—None

Title read and approved Bill ordered transmitted to the Senate

Third Reading of Senate Bills.

Senate Bill No. 47—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies, to take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote.

AYES—Andreas, Atkinson, Bashore, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—67.

NOES—None

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan Miller, Eleanor, Miller George P Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—67.

NOES—None

Title read and approved Bill ordered transmitted to the Senate

Senate Bill No. 5—An act to add section 862c to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to water systems of sixth-class cities and the sale and distribution of water therefrom.

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett Burson, Call, Carlson Cassidy Clarke Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field Fulcher, Gallagher, Gannon Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson and Wollenberg—67

NOES—None.

Bill read third time and passed by the following vote

AYES—Allen, Andreas, Atkinson, Bashore, Bennett Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—67

NOES—None

Title read and approved Bill ordered transmitted to the Senate

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 72—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and

making an appropriation to carry out the provisions of this act, to take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Kellems, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Williamson, Wollenberg, and Yorty—60

NOES—Allen, Atkinson, Dills, Heisinger, Houser, Johnson, Kilpatrick, Knight, and Massion—9

Bill read third time, and passed by the following vote:

AYES—Andreas, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Kellems, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Williamson, Wollenberg, and Yorty—60

NOES—Allen, Atkinson, Dills, Heisinger, Houser, Johnson, Kilpatrick, Knight, and Massion—9.

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Print a Copy of a Radio Address by Mr. Yorty in the Journal.

Mr. Kepple moved that a radio address by Mr Yorty be printed in the Journal.

Substitute Motion.

Mr. Williamson moved as a substitute motion that the radio address by Mr. Yorty be referred to the Committee on Rules.

Substitute motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Cassidy, Collins, Cronin, Del Mutolo, Donnelly, Gallagher, Gilmore, Green, Heisinger, Kilpatrick, Knight, Lore, Maloney, Massion, Meehan, O'Day, Peek, Reaves, Richie, Robertson, Williamson, and Wollenberg—25

NOES—Allen, Burson, Call, Carlson, Clarke, Corwin, Crowley, Daley, Desmond, Dills, Dilworth, Evans, Field, Fulcher, Gannon, Gilbert, Hawkins, Houser, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Pelletier, Phillips, Poulson, Salsman, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, and Weybret—42.

The question being on the original motion by Mr. Kepple.

Substitute Motion.

Mr Gilmore moved as a substitute motion that any and all radio speeches made by any member of this Legislature and by the Governor on all matters pertaining to this special session of the Legislature be printed in the Journal.

Substitute motion lost by the following vote:

AYES—Allen, Collins, Del Mutolo, Dills, Donnelly, Evans, Gallagher, Gilmore, Hawkins, Knight, O'Day, Peek, and Reaves—13

NOES—Andreas, Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—55.

The question being on the original motion by Mr. Kepple.

Motion carried by the following vote:

AYES—Allen, Andreas, Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Dills, Dilworth, Evans, Field, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney,

Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Phillips, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—52.

NOES—Atkinson, Bennett, Cassidy, Del Mutolo, Donnelly, Gilmore, Kilpatrick King, Massion, Meehan, O'Donnell, Reaves, and Richie—13.

The following address of Assemblyman Yorty was delivered under the auspices of the Young Democratic Clubs of California. Mr. Yorty was introduced by Mrs. Cecilia Bittner, national committeewoman of the Young Democratic Clubs of California:

Radio Address by Assemblyman Sam Yorty.

DON LEE NETWORK 7 P.M. FEBRUARY 13TH.

Yesterday we celebrated the birthday of a great American, Abraham Lincoln My situation this evening reminds me of one of Lincoln's famous sayings, something to the effect that one should stay with a man as long as he is right and part with him when he goes wrong. Reluctantly I find myself compelled to part from Governor Olson on the subject of relief administration. My decision is not a hasty one; it has been made only after a year-long wait during which time I repeatedly beseeched the Governor to take action to stop the infiltration of Communists into the State Relief Administration, and other departments of our State Government which are not the subject of this talk. Only my deep affection for the Governor kept me silent for so long in the face of his inaction and vacillation—when enemies of American Government were gaining a dangerous foothold in our relief administration.

Communists today hold strategic positions in the State Relief Administration. And when I say Communists, I mean members of that secret and destructive organization directed from the Kremlin in Russia. I mean members of that organization who, masquerading as Democrats and Americans, inject poisonous propaganda into the blood stream of American life. I mean those cowardly conspirators who use the liberties guaranteed by our Constitution in a manner calculated to eventually destroy the liberties of our people I mean those power-crazed, would-be commissars, who seek constantly to disrupt that which they hope to eventually destroy—namely, our American system of government.

Certainly, I do not mean real American liberals, nor even American radicals—so long as they are American! I resent deeply seeing any American unjustly called a Communist simply because he advocates economic adjustments which seem radical to some people. I, myself, feel that fundamental changes in our economic order must be made to eliminate enforced idleness and substandard living conditions. Those who use the word Communist loosely by applying it to everyone with whom they disagree have often called me a Communist. Such name-callers are the best friends the Communists have. They are the ones who create the confusion in the public mind which plays directly into the hands of the Communist Party. They make it easy for the actual Communist conspirators to fool the public by saying, "Oh, well, Roosevelt was called a Communist, too." The time has come when we Americans must intelligently distinguish between American liberals of all shades of opinion and the foreign-directed members of the Communist Party, who are plotting the overthrow of American democracy.

Forces of destruction are at work in the world, guided by madmen who lack even the outward signs of civilized tolerance or respect for the inalienable rights of other people. During the past few years, a new technic in the science of internal destruction has swept like a scourge across the world, leaving prostrate in its path one nation after another. This new technic makes use of armies of spies. Not the kind of spies with which we are familiar in fiction, however—but spies of a new order who spread poisonous propaganda in the nations where they work. Spies who sometimes do not even know the ultimate effect of that which they do, or the ultimate aims of the unseen masters who direct them. These spies work, not alone, but rather in groups that together make up a veritable army of foreign-inspired propagandists. In international police work these modern spies have become known as termites They bore from within, weaken the nation wherein they work, and attempt to leave it vulnerable to the attacks of those whose methods are more violent.

Communist termites are at work in America. They are at work in California! Under the present administration they have made such dangerous headway in the State Relief Administration that as an American I can no longer hesitate to condemn the administration for its failure to live up to its oath to defend the Constitution of the United States. As a Democrat, I find it impossible to refrain from condemning an administration that disregards the platform of the Democratic Party, wherein both Fascism and Communism were denounced. No administration that I can remember ever talked so loud about living up to the platform upon which it was elected. No administration ever failed so utterly to carry out the most important plank in its platform. No administration ever refused so stubbornly to take decisive action to oust those who have sought and gained power for the purpose of destroying American democracy.

You may wonder how the Communists obtained the positions they now hold The answer to that question is the history of a well executed and cleverly devised strategy A few years ago, the Communists decided to register in, and work within, the Democratic Party in California Disguised as Democrats, they worked in campaigns, sat in party counsels, and captured leading offices in some of our party organizations Some whose Communist affiliations were known pretended to give whole-hearted allegiance to the program of the Democratic Party. They claimed to be liberals who simply wished to join with all other liberal groups in what they called a "united front" against reaction and extreme conservatism. They were strange allies for the real Democrats, but they professed sincerity, were outwardly cooperative, and willing to forego their own program in order to help the Democratic Party go forward with its program By use of this strategy, they established bases in the Democratic Party, from which to carry out their concealed ambition to control the Democratic Party, and through such control, the government of the State of California

It is evident now that their principal aim was to capture the relief administration I sensed this over a year ago when I first began to understand the real purpose of the "united front" strategy of these Communist termites They made a determined effort to get one of their group appointed director of the State Relief Administration. They made this effort, not as Communists, but under the disguise of Democrats! But Mr. Dewey Anderson was appointed relief director and the Communists had to be content to have their man appointed assistant director of State relief When his connections and Communistic activities within the State Relief Administration were brought to my attention, I made my first trip to the Governor's office to complain against the appointment of Communists to positions in the State Relief Administration.

The Governor took no action until some time later when exposure of this termite brought such a public protest that the Governor was forced to discharge him That discharge brought loud protests from Labor's Non-Partisan League, the Workers' Alliance and other Communist-controlled groups that had worked within the Democratic Party. They immediately threatened to bolt the party and to turn against the Governor. Their intention to "rule or ruin" became obvious

In order to retaliate, they began a campaign to discredit and sabotage the relief policy of Dr. Dewey Anderson. With their usual cunning they played upon emotions of disappointed Democrats who had been implyably promised employment in return for campaign services. Urged on by Communists, always expert agitators, these disillusioned Democrats began to blame Dewey Anderson for their failure to obtain political jobs But Dr Anderson was an expert relief administrator. He steadfastly refused to appoint Democrats who lacked qualifications for the jobs which they sought. When the Governor began to yield to the Communist-inspired campaign against Dewey Anderson, Anderson stood his ground, preferring to be ousted rather than to turn the State Relief Administration into a political machine

Oh, the Governor must know now that Dewey Anderson was right in the stand he took, but knowing the Governor as I do, I don't expect him to admit that he could ever be wrong about anything After Dewey Anderson went out, it was the Communist termites, and not the real Democrats, who moved in Everyone fully expected that Democrats would be placed in policy-making positions, but no one expected that relief officials would take their orders in secret from a Russian murderer.

In my county of Los Angeles, months ago, a new district relief director was appointed. Among his first appointments were two members of the Communist gang The day they were appointed I called the Governor at his Los Angeles home and protested but nothing happened From that day on one official position after another in my home county was taken over by Communist termites Over and over again I protested. But the administration only replied by shouting against Communism while at the same time shutting its eyes to their inroads in the State Relief Administration

The Los Angeles County Relief Administration is now run in the high-handed Communist manner. Employees are herded into Communist-controlled union. Relief recipients are openly urged to join the Communist-controlled Workers' Alliance. The Communist-controlled Laborers' Non-Partisan League holds a club over the relief administration and it succumbs under the pressure. The power-hungry secretary of this league, which is composed mainly of non-labor organizations, was openly registered in the Communist political party before the Communists devised the strategy of moving into the Democratic Party Two of the Los Angeles County commissars recently called in employees of the Relief Administration who had dared to speak out against Communism and fired them on the spot. These two commissars defiantly refused to appear before my investigating committee in Sacramento when instructed to do so by the State Relief Administrator

The whole State Relief Administration is in a turmoil Members of the Communist-controlled organizations who are on relief boast about the favoritism shown them by Communist relief officials Ineligible persons are allowed to receive relief Chiseling and corrupt practices are condoned in fact, encouraged All this, while the Communists on the inside and on the outside scream for greater relief appro-

priations and more taxes. These Communist termites want to do just one thing, and that is to cause a break-down of the machinery of government in the State of California. If, by arrogant unreasonable demands, they can engender public reaction against the giving of relief, and bring distress to the deserving destitute of California, they will then have created a condition favorable to their agitation for destruction of democracy. While posing as friends of the unemployed, they are deliberately trying to sabotage all fair and impartial relief policies.

During all this Communist activity, the State Administration has cowardly stood by, refraining from taking any action to halt this Communist orgy. And even today, with all of the exposures that have been made, the administration has not seen fit to issue an order dismissing Communists from their positions in the State Relief Administration. I regard this as a betrayal of the Democratic Party. The Governor excuses his failure to act by saying he has no proof. But you can't expect Communists to admit that they are members of an army of termites. It is their actions that betray them, and no one sincerely interested in discovering who they are, need have much trouble in ferreting them out.

I feel that the Governor of California is playing a dangerous game in failing to rid his administration of Communist termites. As an American and as a Democrat, I can not support his policy of inaction. The Governor is not the Democratic Party. His dictatorial demands that his orders be carried out do not make those orders either right or consistent with the platform of the Democratic Party. Today, only a fearless State Legislature which refuses to be brow-beaten is protecting California against the establishment of a veritable dictatorship!

I intend to go on working for the progressive principles of the Democratic Party. I won't be driven out of my party by Communists or by a leader with a "dictator complex." The last time I spoke to the Governor, he said, "I believe in a dictatorship of democracy," and I replied, "Governor, I don't believe in any kind of dictatorship!"

Dictatorship and democracy can never be combined. I am against all dictatorship, whether it be Nazi, Fascist, Communist or Olsonist. When the Governor decides to really throw out the Communists, and return to the American principles of the Democratic party, I shall stand ready to put my shoulder to the wheel and help him make a success of his administration, on which the Communists are bestowing the kiss of death!

Third Reading of Senate Bills (Resumed).

Senate Bill No. 7—An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles.

Bill read third time.

Motion to Amend Senate Bill No. 7.

Mr. Dilworth moved to amend Senate Bill No. 7 as follows:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 7 to 16, inclusive, and insert in lieu thereof the following:

"(b) The department shall, within a reasonable time following the renewal of the registration of such vehicle, if there is a legal owner thereof, mail a copy of such registration card to the legal owner."

Amendment refused adoption by the following vote:

AYES—Desmond, Dilworth, Evans, Knight, O'Day, Poulson, and Williamson—7.

NOES—Allen, Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—62.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—64.

NOES—Bennett, Desmond, Dilworth, Evans, Knight, Leonard, Miller, Eleanor; O'Day, Salsman, and Williamson—10.

Title read and approved. Bill ordered transmitted to the Senate.

Explanation of Vote on Senate Bill No. 7.

On the roll call on final passage of Senate Bill No. 7 my vote was recorded "No" by mistake. My intention was to vote "Aye" on this measure.

BYRL R. SALSMAN.

Special Order Set for Senate Bill No. 48.

On motion of Mr. Kepple, the consideration of Senate Bill No. 48 was made a special order of business for Wednesday, February 14, 1940, at three o'clock p.m.

Recess.

At twelve o'clock and thirty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and fifteen minutes p.m.

Reassembled.

At two o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 4—An act to add section 374.5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act.

Bill read third time.

Motion to Amend Senate Bill No. 4.

Mr. Desmond moved to amend Senate Bill No. 4 as follows:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out ", in its discretion, may issue for", and strike out all of line 5, and in line 6, strike out "ment officers who are", and insert in lieu thereof the following: "shall issue for any exempt vehicles used by a sheriff of a county, policeman of a city or town, chief or inspector of the State Division of Narcotic Enforcement, any Federal law enforcement officer, Inspector State Division of Mines, liquor enforcement officers of the Board of Equalization, district attorneys, and the Attorney General, who are"

Amendment adopted.

Senate Bill No. 4 ordered to reprint, and third reading calendar.

Recess.

By order of the Speaker, the Assembly was declared at recess for a period of five minutes to hear from Assemblyman A. E. Lynch of Montana.

Special Order.

The hour of two o'clock and thirty minutes p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Assembly Bill No. 57.

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately, and making an appropriation.

Bill read third time.

Motion for Committee of the Whole.

On motion of Mr. Hawkins, the Assembly resolved itself into a Committee of the Whole for the consideration of Assembly Bill No. 57.

IN COMMITTEE OF THE WHOLE.

Speaker Garland in the chair.

Assembly Bill No. 57 considered.

On motion of Mr Hawkins, the committee did arise and report back to the Assembly

IN ASSEMBLY.

Speaker Garland in the chair.

Report of Committee of the Whole.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

GENTLEMEN Your Committee of the Whole has considered.

Assembly Bill No. 57.

And respectfully reports the same back

JOHNSON, Chairman.

Consideration of Assembly Bill No. 57.

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments

Bill read third time

Motion to Amend Assembly Bill No. 57.

Mr. Dilworth moved to amend Assembly Bill No. 57 as follows:

Amendment No. 1.

On page 5, line 29, of the printed bill, as amended, after the semicolon, insert the following: "*and provided, further, that the authority shall not undertake any* project located wholly within a city until such project is approved by the legislative body of such city, and if such project is only partly within a city or wholly outside of a city, until such housing project is approved by the legislative body of the county, or city and county, within which it is to be located;".

Amendment adopted.

Further Amendments to Assembly Bill No. 57 by Unanimous Consent.

Mr. Williamson moved to amend Assembly Bill No 57 as follows:

Amendment No. 1.

On page 2, line 42, of the printed bill, after the word "said", insert the following: "local".

Amendment No. 2.

On page 2, line 46, after the word "exists", add the following "but said California Housing Authority shall be without authority to enter said local area without the legislative approval of the local legislative body".

Amendments adopted.

Special Order.

The hour of three o'clock p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

Motion to Continue Special Order of Senate Bill No. 48.

On motion of Mr. Desmond, Senate Bill No 48 was continued as a special order until two o'clock p.m., Thursday, February 15

Special Order Set for Assembly Bill No. 57.

On motion of Mr. Hawkins, the consideration of Assembly Bill No 57 was made a special order of business for Thursday, February 15, 1940, at two o'clock and thirty minutes p.m.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 105—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 52—An act to add section 5014 to the Public Resources Code, relating to parks and appropriating the money deposited in the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system

Bill read second time, and ordered on third reading calendar.

Assembly Bill No. 47—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3823.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 38591.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation.

Committee Amendments to Assembly Bill No. 47.

The following amendments were submitted by the committee

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 23 to 27, inclusive

Amendment No. 2.

On page 7, line 21, of the printed bill, as amended, after the period, insert the following: "Any unencumbered balance in excess of $5,000 remaining in the tax deeded land rental fund on June 30th of each fiscal year shall be transferred to the general fund"

Amendment No. 3.

On page 11 of the printed bill, as amended, strike out lines 34 to 38, inclusive.

Amendment No. 4.

On page 14, line 18, of the printed bill, as amended, after the period, insert the following: "Any unencumbered balance in excess of $5,000 remaining in the tax deeded land rental fund on June 30th of each fiscal year shall be transferred to the general fund"

Amendments adopted.

Bill read second time, ordered to reprint, and re-engrossment

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read second time, and ordered on third reading calendar

Senate Bill No. 69—An act to add section 443.2 to the Political Code, relating to the payment of warrants of the State of California in legal tender.

Bill read second time, and ordered on third reading calendar

Senate Bill No. 68—An act to amend sections 11000, 11001, 11003, 11009, 11010, 11035, 11160, 11166.05, 11166.06, 11166.07, 11166.08, 11166.1, 11166.11, 11166.12, 11167, 11200, 11250, 11391, 11392, 11393, 11425, 11477, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720 and 11780, and the article heading of Article 2, Chapter 5, Division 10, and to repeal sections 11036, 11178, 11332, 11392, 11710 and 11711 of, and to add sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession or transportation thereof

Committee Amendments to Senate Bill No. 68.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 4, line 6, of the printed bill, after "11200", insert the following "nor to preparations containing codeine without additional narcotics when compounded with other medicinal ingredients prescribed in writing in good faith for medicinal purposes only".

Amendment No. 2.

On page 9, line 7, of the printed bill, strike out 'cannibis', and insert in lieu thereof the following "cannabis".

Amendment No. 3.

On page 7 of the printed bill, strike out all of lines 18 to 30, inclusive, and insert in lieu thereof the following:

"1. To the Department of Finance for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article."

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Reports of Standing Committees (Resumed).

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined **Assembly Bill No. 105.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

On Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR. SPEAKER: Your Committee on Federal Relations, to which was referred. **Senate Joint Resolution No. 1.**

Respectfully reports the same back with the recommendation: Be adopted as amended.

PHILLIPS, Chairman.

The above reported measure ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined. **Assembly Bill No. 45.**

And reports the same correctly enrolled, and presented to the Governor on this fourteenth day of February, 1940, at eleven o'clock a.m.

CASSIDY, Chairman.

Senate Joint Resolution No. 1—Relative to memorializing Congress to enact a plan for old age assistance wholly supported by Federal funds.

Committee Amendments to Senate Joint Resolution No. 1.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 2 of the title of the printed measure, as amended, strike out 'assistance", and insert in lieu thereof the following: "security'.

Amendment No. 2.

On page 1 of the printed measure, as amended, strike out line 21, and insert in lieu thereof the following "old age security to be financed wholly from Federal funds, such, for example, as that contemplated in the proposed "General Welfare Act" now pending before the Congress of the United States as H. R.-8264 and S. 3255."

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Re-reference of Bill.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows.

Assembly Bill No. 50 re-referred to Committee on Revenue and Taxation.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 14, 1940.

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

Assembly Bill No. 10.

J. A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 14, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 5.
Senate Bill No. 47.

J. A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, February 14, 1940.

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

Senate Bill No. 43—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system.

J. A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary.

Senate Bill No. 43 read first time, and referred to Committee on Ways and Means.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 110: By Mr. Hawkins—An act to provide dwelling accommodations for persons of low income, including the creation of the State Loan Value and Mortgage Housing Authority, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Loan Value and Mortgage Authority to issue revenue bonds and give security therefor and authorizing the authority to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurance companies.

Referred to Committee on Ways and Means.

Assembly Bill No. 111: By Mr. Voigt—An act imposing an annual license fee for the privilege of installing or using cigarette or cigar vending machines in public places.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 112: By Mr. Fulcher—An act relating to taxation, providing for the licensing of cigarette vending machines, providing for the enforcement of this act, and making an appropriation of the funds collected hereunder, to take effect immediately

Referred to Committee on Revenue and Taxation.

Resolution.

By Messrs. Houser and Johnson:

House Resolution No. 33.

WHEREAS, Forty-one years ago today the population of Aledo, Texas, received a Valentine gift in the form of a man-child C. Don Field, and

WHEREAS, During the years that have followed, C. Don Field has, through his public and civic activities, far exceeded the fondest hopes and greatest expectations of his parents; and

WHEREAS, We, the members of this Assembly, are fortunate in having with us as handsome a figure and as wise a counsellor as C. Don Field; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly hereby extends congratulations and best wishes to C. Don Field on this, his natal day; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and deliver to Mr. Field a suitably inscribed copy of this resolution.

Request for Unanimous Consent.

Mr. Houser asked for, and was granted, unanimous consent to take up House Resolution No. 33, at this time, without reference to committee.

House Resolution No. 33 read, and adopted unanimously.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Scudder, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Robert Duke and Lester Whittaker of San Rafael.

On request of Mr. Reaves, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Helen Musso of San Pedro.

On request of Mr Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to F. F. Grant of San Diego.

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Louise Stacker of Loomis.

On request of Mr. Clarke, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to F. F. Showers of Madera.

On request of Mr. Salsman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to part of the senior class of the Fremont Union High School at Sunnyvale, in charge of Mr. Verne Hall, Superintendent of Schools; Mrs. Elizabeth Hall, Albert Hall, Miss Dorothy Stelling and Miss Victorine Firpo. Class, Daneel Anderson, Prudence Anello, Al Ariza, Pauline Brown, Elizabeth Coykendall, Eleanor Davis, Richard Elias, Manuel Flores, Joe Gonzales, Lee Hansen, Hal Haruta, Fenton Hill, Ichiro Inouye, Robbins King, George Koshiyama, Gladys Markusen, Cuyler Martin, Margaret Meyerholz, Peggy Munos, Winnigred Pathael, Ann Petric, Irene Picchetti, Frank Piumarta, Rose Ruso, Fumi Sato, Marjorie Scott, Stanley Terry, Bernice Tucker, June Weissburg and Goichi Yonemoto.

On request of Mr. Gannon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Western School of Business: Frances Grepe, Abner Bitler, Alberta Snook, Bernie Bentz, Jack Horner, Francis Wewnhold, Ralph Hoyt, Don Bard, Charlotte Boulding, Norma Hanson, Bruce Bowen, Leland Berk, Doris Sommers, Jean Candee, Earl Smith, Mary M Cardinal, Max Giles, Bud Miller, Jack Stanfield, Zona Pettigrew, Grace Carlson, Donna Kaffka, Warren Flournoy, Lois Scott, Walter Callison, Florence Achwestka, Horace Klingman, Joe Petrotta, Benito Lusar, Donald Duke, Carl Howell, John Uhart, Pat Casstevens, Alene Smith, Bill Heizer, Virgil Lee, Jack Leverone, Kenneth Brown, Bob Austin, Gilbert Cadden, Katherine Poulson, Kyle Brady, Ruth Sanptad, Muriel Anderson, Idella Baker, Robert Boley, Evelyn Nelson, Bill Derheim, Margaret Bates, Art Schmidt,

Charlotte Miles, Helyn Faure, George Reta, Ermina Roberts, Shirley Valley, Rae Torgerson and Helen Cordis

On request of Mr. Sawallisch, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Albert Hutchinson, teacher, Marion Hopkins, custodian, and the following pupils of the Walnut Creek Grammar School: Curtis Ott, Robert Frey, Kenneth Peters, Carl Boswell, Marvin Pilkenton, Bob Cook, Robert Parsons, Alice Jardine, Harriet Harding, Jack Warneke, Travis Wagner, Dick Reinke, Shirley Brooks, Lorna Dugan, Robert Flanders, Bob Hinkson, Clarence Esley, Patsy Fourmet, Ruth Fritts, Betty Rose Clark, Edd Watkins, Fred Buck, Paul Hubble, Juanita Adams, Lois Reid, Louis Borghino, Franklyn Pennock, James Von Tellrop, Frances Brandt, Lois Welch, James Wedsted, Cleve Reams, Elmond Murley, Lorraine Dovik, Jack Hoye, John Lihto, David Symmons, Norman "Stub" Van Brocklin, Barbara Becky, Betty Leal, Gretchen Trobase and Marian Williams.

On request of Mr. Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Louis Jardine, Joseph Pitta, Tony Pattes, Mary Simmi, Michael Santa, Miss Horton, Mrs. Hall and Mr. Meuweather, all of Oakland.

On request of Mr Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Norman Ogilvie of Alameda.

Adjournment.

At six o'clock and five minutes p m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock and thirty minutes a m., Thursday, February 15, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY
EIGHTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, February 15, 1940.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Allen, the further reading of the Journal of Wednesday, February 14, 1940, was dispensed with.

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Concurrent Resolution No. 9: By Mr. Johnson—Approving amendments to the charter of the City of Albany, County of Alameda, State of California, voted upon and ratified by the electors of said city at an election held therein on November 7, 1939.

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 9.

Assembly Concurrent Resolution No. 9 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gilbert, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—53.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Assembly Joint Resolution No. 17: By Mr. Gilbert—Relative to memorializing the President and the Congress of the United States in relation to legislation providing aid for disabled persons.

Request for Unanimous Consent.

Mr. Gilbert asked for unanimous consent to take up Assembly Joint Resolution No. 17, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Houser withheld his consent.

Assembly Joint Resolution No. 17 referred to Committee on Federal Relations.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 57.
Assembly Bill No. 47.
And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Assembly Bill No. 61.
Assembly Bill No. 93.
Senate Bill No. 43.
Respectfully reports the same back with the recommendation: Do pass

MILLINGTON, Chairman.

The above reported bills ordered on second reading calendar.

On Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940.

MR. SPEAKER: Your Committee on Motor Vehicles, to which was referred:
Assembly Bill No. 100.
Respectfully reports the same back with the recommendation: Do pass

FULCHER, Chairman

The above reported bill ordered on second reading calendar.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940.

MR. SPEAKER: Your Committee on Social Service and Welfare, to which was referred:
Senate Bill No. 44.
Respectfully reports the same back with the recommendation: Do pass.

DALEY, Chairman.

The above reported bill ordered on second reading calendar.

Third Reading of Senate Bills.

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Motion to Amend Senate Bill No. 48.

Mr Kepple moved to amend Senate Bill No 48 as follows:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 12 to 20, inclusive, and insert in lieu thereof the following

"SEC. 3. The money appropriated by this act shall be available for all the expenditures authorized in accordance with the amounts pro-".

Amendment No. 2.

On page 2, line 26, of the printed bill, as amended, after "For", insert the following. "February and".

Amendment No. 3.

On page 3, line 49, of the printed bill, as amended, strike out "The", and insert in lieu thereof the following: "On and after April 1, 1940, the".

Amendment No. 4.

On page 4 of the printed bill, as amended, between lines 25 and 26, insert the following:

"The restrictions contained in this section apply to all expenditures for relief made from this appropriation on and after April 1, 1940"

Amendment No. 5.

On page 4, line 27, of the printed bill, as amended, after "expended", insert the following: ", on and after April 1, 1940,".

Amendment No. 6.

On page 5, line 5, of the printed bill, as amended, strike out "None", and insert in lieu thereof the following "On and after April 1, 1940, none"

Amendment No. 7.

On page 5, line 20, of the printed bill, as amended, after "applicant", insert the following: ", on and after April 1, 1940,".

Amendment No. 8.

On page 5, line 48, of the printed bill, as amended, strike out "None", and insert in lieu thereof the following: "On and after April 1, 1940, none".

Amendments adopted.

Further Consideration of Senate Bill No. 48, as Amended, by Unanimous Consent.

Mr. Kepple asked for, and was granted, unanimous consent to allow consideration of further amendments to Senate Bill No. 48, as amended, without reference to printer.

Mr. Poulson moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "seven".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out "($10,500,000)", and insert in lieu thereof the following: "($10,700,000)"

Amendment No. 3.

On page 1, line 9, of the printed bill, as amended, after "1935", insert the following: "including not to exceed two hundred thousand dollars ($200,000) for the administrative expenses of the State Controller in connection therewith".

Amendment No. 4.

On page 1, line 14, of the printed bill, as amended, after "act", insert the following: ", except the money available for the administrative expenses of the controller.".

Amendments adopted.

Senate Bill No. 48 ordered to reprint, and third reading.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 113: By Mr. Lyon—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing

for the expenditure thereof in conjunction with the National Youth Administration program

Assembly Bill No. 114: By Mr. Atkinson—An act to add Article 7.5, comprising sections 122 to 125, inclusive, to the State Lands Act of 1938, and to add section 135 to said act, relating to lands owned by the State, and to the powers and duties of the State Lands Commission in connection therewith, including the production and sale of oil and gas from State lands by the commission, and the scope of the powers vested in the commission.

Assembly Bill No. 115: By Messrs. Gilmore, Cronin, Wollenberg, Green, Call, Williamson, Collins, Gallagher, O'Day and Maloney—An act to amend section 13 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of the money in the Fair and Exposition Fund

Third Reading of Assembly Bills.

Assembly Bill No. 11—An act to add section 1190.5 to the Labor Code, validating orders and proceedings of the Industrial Welfare Commission

Bill read third time, and passed by the following vote.

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Clarke, Collins, Corwin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Poulson, Reaves, Riche, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—64.

NOES—Call, Gannon, Green, O'Day, and Mr. Speaker—5

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 6—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Motion to Amend Assembly Bill No. 6.

Mr. Call moved to amend Assembly Bill No. 6, as follows.

Amendment No. 1.

On page 1, lines 3 and 4, of the printed bill, as amended February 13, 1940, strike out "and hold office at the pleasure of the Governor", and insert in lieu thereof the following: "the Governor with the advice and consent of the Senate."

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Call moved a call of the Assembly.

Motion carried. Time, twelve o'clock and five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Announcement of Birthday.

On request of Mr. King, the Assembly extended birthday greetings to Mrs. Amelia Correa, mother of Assembly Page Domingo Correa, on her fiftieth birthday.

Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock and twenty-five minutes p.m., on motion of Mr. Call, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Mr Call's amendment to Assembly Bill No 6 adopted by the following vote

AYES—Allen, Bashore, Burson Call, Carlson, Clarke, Corwin, Daley, Dilworth, Field, Fulcher Gannon, Green, Houser, Johnson Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, Phillips, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr Speaker—39

NOES—Andreas, Atkinson Bennett, Burns, Hugh M, Burns, Michael J, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King Lore Maloney, Massion, Meehan, Miller, George P, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson Rosenthal, Sawallisch, Tenney, and Yorty—36

Notice of Motion to Reconsider Amendment to Assembly Bill No. 6.

Mr King gave notice that on the next legislative day he would move to reconsider the vote whereby the amendment to Assembly Bill No 6 was this day adopted

Recess.

At twelve o'clock and thirty-five minutes p m, on motion of Mr Desmond, the Assembly was declared at recess until the hour of two o'clock p m

Reassembled.

At two o'clock p m, the Assembly reconvened

Hon Gordon H Garland, Speaker of the Assembly, in the chair

Special Order.

The hour of two o'clock p m, having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Senate Bill No. 48.

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read third time

Motion to Consider All Amendments to Senate Bill No. 48.

Mr Johnson moved that all amendments to Senate Bill No. 48 be considered in regular order of their presentation, and that all amendments be considered before the bill is sent to reprint.

Motion carried

Motion to Amend Senate Bill No. 48.

Mr Atkinson moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 5 of the printed bill, as amended, strike out lines 22 to 27, inclusive

Amendment No. 2.

On page 5 of the printed bill, as amended strike out lines 40 to 46 inclusive

Amendments refused adoption by the following vote

AYES—Atkinson, Bennett, Cassidy Collins, Dills Gilbert Hawkins Kilpatrick, King, Lore, Massion, Meehan, Miller, George P, Peek Pelletier, Reaves Richie, and Rosenthal—18

NOES—Allen Andreas, Bashore, Burns, Hugh M Burns, Michael J, Burson Call, Carlson, Clarke, Corwin, Crowley, Daley, Del Mutolo, Dilworth, Donnelly, Field, Fulcher, Gallagher Gannon Gilmore, Houser, Johnson, Kellems Kepple Knight, Kuchel Leonard Lyon Maloney, Miller, Eleanor Millington, O'Day O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan Stream, Tenney Thorp, Thurman, Turner, Voigt, Walker, Waters Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—56

Bill read third time

Division of the Question.

On motion of Mr. Houser, the Speaker ordered the amendments voted on separately.

Motion to Amend Senate Bill No. 48.

Mr. Miller, George P., moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 11, 12 and 13, and insert in lieu thereof the following: "illegally within 5 years immediately prior to his application for relief."

Demand for Previous Question.

Messrs. Robertson, Gannon, Stream, Lyon and Field demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the Amendment No. 1 by Mr. Miller.

Amendment No. 1 lost by the following vote:

AYES—Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Cronin, Del Mutolo, Dills, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheridan, and Tenney—32

NOES—Allen, Andreas, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Dilworth, Donnelly, Evans, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—44.

Amendment No. 2.

On page 4 of the printed bill, as amended, strike out lines 21 and 22, and insert in lieu thereof the following: "the United States Immigration Authorities."

Amendment adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Carlson, Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Tenney, Thurman, Turner, Waters, Weber, Williamson, and Yorty—55.

NOES—Allen, Bashore, Burson, Call, Clarke, Corwin, Dilworth, Field, Fulcher, Gannon, Lyon, Miller, Eleanor; Millington, Scudder, Stream, Thorp, Voigt, Walker, Watson, Weybret, Wollenberg, and Mr. Speaker—22.

The Speaker Pro Tempore in the Chair.

At four o'clock and fifteen minutes p.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Mr. Burns, Hugh M., moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 4, of the printed bill, as amended, between lines 44 and 45, insert the following:

"All money received by any relief client from this appropriation for himself and his dependents shall be used exclusively for food, rent, utilities and any other necessities. Any relief client who fails to use the money received by him exclusively for such purposes shall be disqualified for any further relief."

Amendment adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Clarke, Corwin, Cronin, Daley, Dilworth, Donnelly, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Kellems, Kepple, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, and Wollenberg—42.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Carlson, Cassidy, Collins, Del Mutolo, Dills, Doyle, Evans, Gallagher, Gilbert, Hawkins, Johnson, Kilpatrick,

King, Knight, Lore, Massion, Meehan, Peek, Pelletier, Poulson, Reaves, Richie, Rosenthal, Tenney, Waters, and Yorty—30

Mr. Richie moved to amend Senate Bill No. 48 as follows

Amendment No. 1.

On page 5 of the printed bill, as amended, strike out lines 28 to 35, inclusive, and insert in lieu thereof the following:

"(d) Except in response to a subpoena issued by a court of competent jurisdiction or by a public body or group authorized to issue subpoenas, or except as directed by law, it is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to furnish to any person any list of names of persons receiving compensation, relief or other benefits provided or made possible by the appropriation, for any purpose other than a purpose directly connected with the administration of the California Unemployment Relief Act of 1935."

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Collins, Crowley, Dills, Doyle, Evans, Gilbert, Hawkins, Kilpatrick, King, Lore, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, and Tenney—24

NOES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Dilworth, Donnelly, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, O'Donnell, Phillips, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—46

Motion to Amend Senate Bill No. 48.

Mr. Lore moved to amend Senate Bill No. 48

Division of the Question.

On request of Mr. Lore the Speaker ordered the following amendments voted on separately:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "ten million, seven", and insert in lieu thereof the following: "nineteen million, two"

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "($10,700,000)", and insert in lieu thereof the following: "($19,200,000)"

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 11 to 18, inclusive, and insert in lieu thereof the following: "eight million five hundred thousand dollars.

(b) For April and May, 1940, not more than ten million five hundred thousand dollars"

Demand for Previous Question.

Messrs. Field, Lyon, Burson, Robertson and Stream demanded the previous question

Demand for previous question sustained

The question being on the adoption of amendments 1, 2 and 3 by Mr. Lore

Amendments 1, 2 and 3 refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Kilpatrick, King, Lore, Maloney, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Voigt, and Yorty—31

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Crowley, Daley, Dilworth, Donnelly, Field, Fulcher, Gannon, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, O'Donnell, Phillips, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—45

Recess.

At five o'clock and twenty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eight o'clock p.m.

Reassembled.

At eight o'clock p.m., the Assembly reconvened Hon Gordon H Garland, Speaker of the Assembly, in the chair

Further Consideration of Mr. Lore's Amendments to Senate Bill No. 48.

Amendment No. 3½.

On page 2 of the printed bill, as amended, strike out line 28 and in line 29, strike out "printed by this act" and insert in lieu thereof the following

"SEC. 5 The expenditure of the money appropriated by this act which is available for expenditure on and after April 1 1940, shall be subject to the following limitations and conditions.

Not more than 15 per cent of such money may be used for the cost of administration of any of the expenditures authorized by the California Unemployment Relief Act of 1935, except as may be otherwise expressly provided by this act

Not more than 3 per cent of such money, in addition to any money otherwise available, may be used, when expended, for costs of materials, supplies, equipment, services, transportation, and general administration of work relief projects sponsored by the State, any political subdivision, or any municipality thereof, and aid to self-help cooperative organizations and associations together with the cost to the State of the administration thereof

All of the remainder of such money"

Amendment No. 4.

On page 2, line 31, of the printed bill, as amended strike out ", and not more than 3 per cent, in addition", and strike out lines 32 and 33, and insert in lieu thereof the following ", costs of maintaining and operating relief camps and medical clinics; sponsorship contributions to Federal projects and costs of operating programs as agent of or in cooperation with the Federal Government"

Amendments 3½ and 4 refused adoption by the following vote

AYES—Andreas, Atkinson, Bennett, Cassidy, Collins Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Hawkins, Heisinger Kilpatrick, Lore, Massion, Meehan, Miller, George P., O Day, O'Donnell, Peek Pelletier, Reaves, Richie, Rosenthal, and Tenney—26

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Desmond, Dilworth, Field Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Maloney Miller, Eleanor, Millington, Poulson, Salsman, Scudder, Sheridan, Stream, Thurman, Turner Walker, Waters Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—40

Amendments Withdrawn.

Mr Lore requested, and received permission, to withdraw amendments Nos 5, 6 and 7.

Amendment No. 8.

On page 2 of the printed bill, as amended, strike out lines 39 to 47 inclusive

Substitute Amendment.

Mr Houser offered the following amendment as a substitute amendment

On page 2 of the printed bill, as amended, strike out all of lines 43 to 47, inclusive, and insert in lieu thereof the following

"Unemployment Relief Act of 1935 shall, for the purposes of examination, have access at all reasonable times to all records of the Relief Administrator and the Relief Commission"

Demand for Previous Question.

Messrs Reaves, Field, Kellems, Stream and Mrs Daley demanded the previous question.

Demand for previous question sustained

The question being on the substitute amendment by Mr. Houser

Substitute amendment adopted by the following vote:

AYES—Allen, Bashore, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Dilworth, Donnelly, Field, Gallagher, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Miller,

George P, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Turner, Voigt, Walker, Watson Weber Williamson, Wollenberg, and Yorty—40

NOES—Andreas, Atkinson, Bennett, Burson, Call, Cassidy Collins, Del Mutolo, Desmond Dills Doyle, Evans, Fulcher, Gannon, Gilbert, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Millington, O'Day O'Donnell, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Thurman, Waters, Weybret, and Mr. Speaker—34

Leave of Absence.

Mr Burns, Michael J, was granted leave of absence for the balance of this legislative day, on motion of Mrs Daley.

Amendment No. 9.

On page 2, of the printed bill, as amended strike out lines 48 to 52, inclusive, and on page 3, strike out lines 1 to 3, inclusive

Demand for Previous Question.

Messrs Allen, Stream, Burson, Kellems, and Mrs Daley demanded the previous question

Demand for previous question sustained.

The question being on Amendment No 9 by Mr Lore

Amendment No 9 refused adoption by the following vote:

AYES—Andreas, Atkinson, Cassidy, Collins Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P O'Day, O'Donnell Peek Pelletier, Reaves, Richie Robertson, Rosenthal, Tenney, Turner, Voigt, and Yorty—31

NOES—Allen, Bashore, Bennett, Burson, Call, Carlson Clarke Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green Houser, Johnson, Kellems, Kepple, Knight, Kuchel Leonard, Lyon, Miller, Eleanor; Millington, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream Thorp Thurman, Walker, Watson, Weber, Weybret Williamson, Wollenberg, and Mr Speaker—41

Amendment No. 10.

On page 3 of the printed bill, as amended, strike out lines 4 to 27, inclusive

Demand for Previous Question.

Messrs Robertson, Gannon, Call, Sawallisch and Burns, Hugh M, demanded the previous question

Demand for previous question sustained

The question being on Amendment No 10 by Mr Lore

Amendment No 10 refused adoption by the following vote:

AYES—Andreas, Atkinson Bennett, Burns Hugh M, Cassidy, Collins, Cronin, Del Mutolo Dills Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P, O'Day, Peek, Pelletier, Reaves, Richie, Robertson Rosenthal Sawallisch, Sheridan, Tenney, and Yorty—33

NOES—Allen, Bashore Burson Call Carlson, Clarke Corwin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher Gannon, Green, Houser Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller Eleanor Millington, O'Donnell, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber Weybret, Wollenberg, and Mr Speaker—41

Amendment No. 11.

On page 3 of the printed bill, as amended, strike out lines 28 to 51, inclusive; and on page 4 strike out lines 1 to 8, inclusive

Demand for Previous Question.

Messrs Lyon, Field, Reaves, Turner and Call demanded the previous question

Demand for previous question sustained.

The question being on Amendment No 11 by Mr Lore

Amendment No 11 refused adoption by the following vote:

AYES—Andreas Atkinson, Bennett, Cassidy, Collins, Dills Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion Meehan, Miller George P O'Day Peek, Pelletier Reaves, Richie, Rosenthal Tenney, Waters, and Yorty—29

NOES—Allen, Bashore Burns, Hugh M, Burson, Call Carlson, Clarke, Corwin, Cronin, Daley, Del Mutolo Desmond, Dilworth Donnelly, Field, Fulcher Gannon,

Green, Houser, Johnson, Kellems, Kepple Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, O'Donnell Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson Wollenberg, and Mr Speaker—47

Amendment No. 12.

On page 4 of the printed bill, as amended, strike out lines 9 to 22, inclusive

Demand for Previous Question.

Messrs. Allen, Reaves, Field, Stream and Clarke demanded the previous question.

Demand for previous question sustained.

The question being on Amendment No. 12, by Mr. Lore

Amendment No 12 refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Collins, Del Mutolo, Dills, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P, O'Day, Peek, Pelletier, Reaves, Richie, Rosenthal, and Sheridan—25

NOES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gannon, Green, Heisinger, Houser Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Poulson, Robertson, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—49.

Amendment Withdrawn.

Mr Lore requested and received permission to withdraw Amendment No 13

Amendment No. 14.

On page 4, line 29, of the printed bill, as amended, after "applicant", insert the following: ", on and after April 1, 1940"

Amendment No. 15.

On page 4 line 33 of the printed bill as amended, after "relief", insert the following "wilfully"

Amendments adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg Yorty and Mr Speaker—75

NOES—None

Amendment No. 16.

On page 5, line 3, of the printed bill, as amended, strike out ", or whose family possesses", and insert in lieu thereof the following, "and uses, or whose family possesses and uses,"

Amendment refused adoption by the following vote.

AYES—Andreas Atkinson, Bashore, Cassidy, Del Mutolo, Dills, Doyle, Evans, Gilmore, Kilpattick, King, Lore, Massion Meehan, Miller, George P., Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, Turner, and Voigt—24.

NOES—Allen, Bennett, Burns, Hugh M, Burson, Call, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly Field, Fulcher, Gallagher, Gannon, Green, Heisinger, Houser Johnson Kellems, Kepple, Knight, Leonard, Lyon, Maloney, Miller Eleanor, Millington, O'Day, O'Donnell, Poulson, Salsman, Sawallisch, Scudder, Sheridan Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret Williamson, Wollenberg, Yorty and Mr. Speaker—48.

Mr Johnson moved to amend Senate Bill No 48 as follows:

Amendment No. 1.

On page 2, line 33 of the printed bill, as amended after the word "projects", insert the following "Of the amount which may be expended for works projects not more than one third (⅓) thereof shall be expended for self-help cooperatives, for production for use projects, or for other forms of production cooperatives, consumer cooperatives, or direct production projects No such cooperative or project shall produce, manufacture, process or sell consumable goods for consumption or use by any person, firm association or corporation, other than a person directly participating in the work of such cooperative or project and other than a relief client"

Assemblywoman Jeanette Daley in the Chair.

At eleven o'clock and fifteen minutes p.m., Assemblywoman Jeanette Daley, member of the Assembly from the Seventy-eighth District, in the chair.

Demand for Previous Question.

Messrs. Allen, Poulson, Stream, Lyon and Kellems demanded the previous question

Demand for previous question sustained

The question being on the amendment to Senate Bill No. 48 by Mr. Johnson.

Amendment adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—50.

NOES—Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Massion, O'Donnell, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Turner, and Yorty—21

Mr. Miller, George P., moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 4, line 11, of the printed bill, as amended, after "illegally", insert the following: "subsequent to July 1, 1924".

Amendment No. 2.

On page 4, line 12, of the printed bill, as amended, after "alien", insert the following: ", unless he first proves entry prior to July 1, 1924,"

Amendments adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—72.

NOES—None.

The Speaker in the Chair.

At eleven o'clock and twenty-five minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 61—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 93—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1935, relating to the allocation of money derived under the act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 100—An act to add section 135.4 to the Vehicle Code, relating to the taking of bail upon service of warrants.

Bill read second time, and ordered to engrossment.

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 43—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system.

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 44—An act making an appropriation for the support of the Department of Social Welfare, transferring money from the Social Welfare Fund to the General Fund, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered on third reading calendar.

Reports of Standing Committees (Resumed).

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 61.
Assembly Bill No. 93.
Assembly Bill No. 100.
And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 10.
And reports the same correctly enrolled, and presented to the Governor on this fifteenth day of February, 1940, at twelve o'clock m

CASSIDY, Chairman

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 15, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:
Assembly Bill No. 5.
Assembly Bill No. 38.
Assembly Bill No. 80.
Assembly Joint Resolution No. 13.
Assembly Joint Resolution No. 14.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment

SENATE CHAMBER, SACRAMENTO, February 15, 1940

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

Senate Concurrent Resolution No. 5—Relative to requesting certain data from the State Personnel Board;

Senate Joint Resolution No. 5—Relative to House Bill No. 7372, relating to Federal control of oil and gas production in California

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

Senate Concurrent Resolution No. 5 read first time, and referred to Committee on Revenue and Taxation

Senate Joint Resolution No. 5 read first time, and referred to Committee on Oil Industries.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time

Assembly Bill No. 113: By Mr. Lyon—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof in conjunction with the National Youth Administration program

Referred to Committee on Social Service and Welfare

Assembly Bill No. 114: By Mr. Atkinson—An act to add Article 7.5, comprising sections 122 to 125, inclusive, to the State Lands Act of 1938, and to add section 135 to said act, relating to lands owned by the State and to the powers and duties of the State Lands Commission in connection therewith, including the production and sale of oil and gas from State lands by the commission, and the scope of the powers vested in the commission

Referred to Committee on Oil Industries

Assembly Bill No. 115: By Messrs. Gilmore, Cronin, Wollenberg, Green, Call, Williamson, Collins, Gallagher, O'Day and Maloney—An act to amend section 13 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933 relating to the allocation of the money in the fair and exposition fund

Referred to Committee on Revenue and Taxation

Assembly Concurrent Resolution No. 10: By Mr. Allen—Relative to a joint legislative committee to study the subject of unemployment relief and to report thereon to the Legislature

Referred to Committee on Rules.

Notice of Motion to Reconsider Assembly Bill No. 11.

Mr. Green gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 11 was this day passed.

Guests Extended Privilege of Assembly Floor.

On request of Miss Miller, Messrs. Johnson and Phillips the privilege of the floor of the Assembly Chamber for this day was unanimously extended to L. E. Blochman of Berkeley.

On request of Mr. Atkinson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to S. Lance Brintle.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lieutenants Guy Skelton, Hal Yont and Larry Ford, of the Oakland Police Department; also Mrs. Ray L. Huereux and Miss Ramona L. Huereux.

On request of Mr. Voigt, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Prentiss Moore of Los Angeles.

On request of Mr. Kuchel, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Girlie Strosnider of Los Angeles, and Mr. C. J. Prentiss of Indianapolis, Ind.

On request of Mr. Phillips the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Robert H. Fouke, chairman of the board, California Nautical School, and James H. Metzgar of San Francisco.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Spencer Burroughs and Miss Olga Burroughs of Sacramento.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the Honorable Walter F. Jacobsen, member of the Oakland City Council.

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Joseph Rae and Thomas D. Harvey.

On request of Mr. Millington, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following pupils of East Nicolaus High School: Lawrence Abel, Gerald Collins, James Brown, Alice Brown, Elaine James, Joyce Conant, Ronald Miller, Arthur Hieter, Eymard Gallagher, Marjorie Kelley, Marjorie Ward, Margaret Biedler, Bill Robey, Joe DeValentine, Fred Nelson, Aurora Gutierrez Helen Kirkman, Walter Alberts, Richard Tavish, Frances Murdock, Louise Farrey, Wayne Duncan, Herb Schmidt, Anis Marshall, Sylvia Wolf, Vonda Womack, Lorraine Vierra, Homer Hostey, Miriam Peckham, Louis Sevigny, Bill Christy, Clyde McLane, Dorothy Christy, Marvin Christy, Betty Brown, Gladys Darrach, Lois Darrach, Maurine Nelson, Paul Dalander, Bob Nelson, Bud Algeo, Don Laird, Merton Dunbar, Enid Jopson, Leo Michel, Ray Woolever, Ed Gallagher, Lucille Cook, Lila Wolfenbarger, Maydell Smith, Mary Cripe, Eugene Morgan, Shirley Nelson, Jean Rolufs, Audrey Heiter, Lorna Nelson, John Davis, Ellsworth Kelley; accompanied by John Decater and Ralph Ingals.

Motion to Adjourn.

At eleven o'clock and forty-five minutes p m, on motion of Mr. Desmond, the Assembly adjourned this day until the hour of eleven o'clock a m, Friday, February 16, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY
NINETEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, February 16, 1940

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Yorty, the further reading of the Journal of Thursday, February 15, 1940, was dispensed with.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 14, 1940.

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

Senate Concurrent Resolution No. 6—Relative to the operation, maintenance, and extension of the State park system.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary.

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 6 ordered on calendar without reference to committee.

Introduction and Reference of Bills.

The following bill was introduced, and read the first time

Assembly Joint Resolution No. 18: By Messrs. Heisinger, Burns, Hugh M., and Garland—Relative to Kings River Flood Control

Request for Unanimous Consent.

Mr. Heisinger asked for unanimous consent to take up Assembly Joint Resolution No. 18, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Mr. Carlson withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. Heisinger moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 18, at this time.

Rules temporarily suspended by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Kilpatrick, Knight, Lore, Lyon, Massion, Meehan, Miller, Eleanor, Millington, O'Donnell, Peek, Pelletier, Phillips, Reaves, Robertson, Salsman, Stream, Tenney, Turner, Voigt, Waters, Weber, Yorty, and Mr. Speaker—44

NOES—Bashore, Carlson, Corwin, Del Mutolo, Gallagher, Green, Kellems, Leonard, Maloney, O'Day, Scudder, Sheridan, Thurman, Walker, Weybret, Williamson, and Wollenberg—17.

Consideration of Assembly Joint Resolution No. 18.

Assembly Joint Resolution No. 18 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Lyon, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Wollenberg, Yorty, and Mr. Speaker—60

NOES—Knight, Weybret, and Williamson—3

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Resolutions.

By Mrs. Daley.

House Resolution No. 34.

Relative to adjournment in respect to the memory of Susan B. Anthony

WHEREAS, The fifteenth of February was the anniversary of the birthday of Susan B. Anthony, and

WHEREAS, By reason of her tremendous contributions toward the improvement of the political and economic status of the women of the United States, the name of Susan B. Anthony has been added to the list of the immortal leaders of this country, and the Congress of the United States has recognized her undying fame by designating one of the giant redwoods in the Sequoia National Park to be known as the Susan B. Anthony Tree; and

WHEREAS, The Legislature of this State at the fifty-third session enacted a statute providing for the annual observation of February 15th in the public schools and educational institutions as "Susan B. Anthony Day", and

WHEREAS, It is fitting that the Assembly of the State of California again recognize the great works accomplished by Susan B. Anthony, now, therefore, be it

Resolved by the Assembly of the State of California, That when we adjourn this day, we do so adjourn in respect to the memory of Susan B. Anthony as a tribute to her accomplishments

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to take up House Resolution No. 34, at this time, without reference to committee.

House Resolution No. 34 read, and adopted.

By Mr. Bashore:

House Resolution No. 35.

WHEREAS, It appears that a great number of motor vehicles are owned by the State, and by the counties, cities and counties, cities, districts and other political subdivisions thereof; and

WHEREAS, In view of the constantly increasing burden of taxation for the support of the State and its political subdivisions, it has become necessary to economize and to eliminate every unnecessary public expenditure, and

WHEREAS, There is now before this Legislature a bill (Assembly Bill No. 72) to create an interim committee to be known as the "Joint Committee on Motor Vehicle Laws", and

WHEREAS, This committee is to be invested with authority to study and investigate "all matters within the scope of legislative control relating to motor vehicles", and

WHEREAS, In the course of its activities this committee might properly consider what economies might be effected in respect to the purchase and use of publicly-owned vehicles, now, therefore, be it

Resolved by the Assembly of the State of California, That it the "Joint Committee on Motor Vehicle Laws" is created and appointed pursuant to the provisions of Assembly Bill No. 72, such committee is hereby requested to study and investigate, and submit to this Assembly at the 1941 session a full report containing its conclusions and recommendations in reference to, the following matters:

The total number of motor vehicles owned by the State, and by counties, cities and counties, cities, districts and other political subdivisions of the State, including the number owned by the respective departments, boards and agencies of such public units, the make, model and cost of each such vehicle, the purposes for which each vehicle is used, such data as may be available as to operating and maintenance cost of such vehicles; abuses, if any, that may exist in the use of such vehicles, ways and means for reducing the number of vehicles used by public agencies, and for reducing the cost of maintenance and operation of publicly-owned vehicles, and such additional matters pertinent to the foregoing as may come to the attention of the committee; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to deliver a copy of this resolution to the chairman of the "Joint Committee on Motor Vehicle Laws" within ten days after such chairman is appointed.

Request for Unanimous Consent.

Mr. Bashore asked for unanimous consent to take up House Resolution No. 35, at this time, without reference to committee.

Mr. Desmond withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Bashore moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 35 at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Allen, Bashore, Bennett, Johnson, Lore, Miller, Eleanor, O'Day, Poulson, Reaves, Salsman, Sheridan, Stream, Walker, and Waters—14.

NOES—Andreas, Atkinson, Burns, Michael J. Burson, Call, Clarke, Collins, Corwin, Del Mutolo, Desmond, Dills, Donnelly, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Kellems, Kilpatrick, Knight, Leonard, Maloney, Massion, Meehan, Millington, O'Donnell, Richie, Robertson, Scudder, Tenney, Thurman, Turner, Voigt, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—40.

House Resolution No. 35 referred to Committee on Rules.

By Messrs. King and Dills.

House Resolution No. 36.

Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act.

WHEREAS, The general welfare of the United States and of this State will be promoted by the more liberal distribution and increase of the purchasing power; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the retirement of certain citizens from gainful employment and by the improvement and stabilization of employment for other citizens; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the stimulation of agriculture and the increase of industrial production; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the alleviation of the hazards and insecurity of old age, and

WHEREAS, The proposed General Welfare Act (H. R. 5620) pending before the Congress of the United States would accomplish these objectives by levying a 2 *per cent tax on "added values" (gross income less the cost of materials)*, the proceeds of which are to be distributed to citizens of the United States over 60 years of age refraining from gainful pursuits in competition with those persons morally entitled to engage in such pursuits; and

WHEREAS, Aged persons less favorably treated by other States are entering California, establishing residence, and partaking of the assistance given to aged persons in California to the detriment and burden of the taxpayers of California; and

WHEREAS, The duty of supporting and assisting the aged adequately should be placed upon the United States and every State of the United States; now, therefore, be it

Resolved, by the Assembly of the State of California, That the Congress of the United States is respectfully urged to enact, and the President of the United States to approve, the proposed General Welfare Act; and be it further

Resolved, That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

House Resolution No. 36 ordered to Committee on Rules.

Reconsideration of Assembly Bill No. 11.

In compliance with a notice given on a previous day, Mr. Green moved that the vote whereby Assembly Bill No. 11 was passed be reconsidered.

Assembly Bill No. 11 refused reconsideration by the following vote:

AYES—Allen, Bashore, Call, Desmond, Evans, Fulcher, Gallagher, Green, Heisinger, Kuchel, Maloney, Millington, O'Day, Sawyer, Scudder, Thurman, Walker, Weybret, Williamson, Wollenberg, and Mr. Speaker—21.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Carlson, Cassidy, Clarke, Corwin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gilmore, Hawkins, Houser, Johnson, Kepple, King, Knight, Leonard, Lore, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Peek, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sheridan, Stream, Tenney, Turner, Voigt, Waters, Watson, Weber, and Yorty—45

Bill ordered transmitted to the Senate

Further Consideration of Senate Bill No. 48.

Senate Bill No. 48—An act making an appropriation for the relief *of hardship and destitution due to and caused by unemployment, and to provide* that this act shall take effect immediately

Further Amendments to Senate Bill No. 48.
Division of the Question.

Upon request of Mr. Poulson, the Speaker ordered the following amendments voted upon separately.

Mr. Poulson moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 2, line 7, of the printed bill, as amended, after "act", insert the following " except the money available for the administrative expenses of the Controller,".

Amendment adopted

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 19 and 20, and insert in lieu thereof the following "granted in the form of available commodities and in the form of medical services or diets as prescribed by a physician and surgeon and only in emergencies"

Amendment refused adoption by the following vote:

AYES—Allen, Bashore, Burson, Call, Clarke, Corwin, Dilworth, Gannon, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Scudder, Stream, Turner, Voigt, Walker, and Mr. Speaker—25.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Carlson, Cassidy, Collins, Crowley, Desmond, Dills, Donnelly, Doyle, Fulcher, Gallagher, Gilbert, Gilmore,

Green, Heisinger, King, Lore, Maloney, Massion Meehan, Miller, George P., O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sheridan, Tenney, Thurman, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—42.

Recess.

At twelve o'clock noon, on motion of Mr Desmond, the Assembly was declared at recess until the hour of two o'clock p m.

Reassembled.

At two o'clock p.m., the Assembly reconvened

Hon Gordon H. Garland, Speaker of the Assembly, in the chair.

Further Amendments to Senate Bill No. 48.

Messrs Collins and Houser moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 4, line 20, of the printed bill, as amended, strike out "the alien", and insert in lieu thereof the following "all alien applicants for relief from this appropriation"

Amendment adopted by the following vote·

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—63.

NOES—Pelletier—1.

Mr. O'Day moved to amend Senate Bill No 48 as follows·

Division of the Question.

On request of Mr. O'Day the Speaker ordered the following amendments voted upon separately:

Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 29 to 36, inclusive, and insert in lieu thereof the following "shall be expended, on and after April 1, 1940, for the relief of any person who has not been a resident of this State continuously for a period of at least 3 years."

Demand for Previous Question.

Messrs. Allen, Reaves, Stream, Atkinson and Field demanded the previous question

Demand for previous question sustained.

The question being on Amendment No 1 by Mr O'Day.

Amendment refused adoption by the following vote·

AYES—Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo Donnelly, Doyle, Evans, Gallagher, Gilmore, Heisinger, Lore, Maloney, Meehan, Miller, George P., O'Day, O'Donnell, Peek Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Sheridan, Tenney, Waters, and Yorty—31

NOES—Allen, Atkinson, Bashore, Burson, Call, Carlson, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Massion, Miller, Eleanor; Millington, Pelletier, Scudder, Stream, Thurman, Turner, Walker, Watson, Weber, Weybret Williamson, Wollenberg, and Mr Speaker—38

Amendment No. 2.

On page 4, line 4, of the printed bill, as amended, after "available for" insert the following "temporary and not to exceed a period of 45 days and for

Demand for Previous Question.

Messrs Watson, Allen, Kellems, Andreas and Desmond demanded the previous question.

Demand for previous question sustained.

The question being on Amendment No 2 by Mr O'Day

Amendment refused adoption by the following vote

AYES—Andreas Atkinson, Bennett Burns, Michael J Collins, Del Mutolo, Dills, Evans Gallagher, Gilbert, Gilmore Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Miller, George P O Day, Peek, Pelletier Richie Tenney, and Yorty—24.

NOES—Allen Burns Hugh M Burson Call Carlson, Cassidy Clarke, Corwin Cronin, Crowley, Daley Desmond Dilworth Donnelly, Doyle, Field, Fulcher, Gannon, Green Houser, Johnson, Kellems, Kepple, Knight Kuchel, Leonard, Lyon, Meehan, Miller, Eleanor Millington, O'Donnell, Phillips Salsman, Scudder, Sheridan Stream, Thurman Turner Walker Waters, Watson, Weber Weybret Williamson, Wollenberg, and Mr Speaker—46

Hon. Earl D. Desmond in the Chair.

At three o'clock p m, Hon Earl D Desmond, member of the Assembly from the Ninth District in the chair

Amendment No. 3.

On page 3 of the printed bill as amended, strike out lines 21 to 24, inclusive

The question being on Amendment No 3, by Mr O'Day

Amendment adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond Dills, Dilworth Donnelly Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, O'Day, O'Donnell Peek, Pelletier, Phillips, Poulson, Reaves, Robertson Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—71

NOES—None.

Mr Heisinger moved to amend Senate Bill No 48 as follows.

Amendment No. 1.

On page 3, line 13, of the printed bill, after the comma following the word "ance", insert the following "one-half".

Demand for Previous Question.

Messrs Reaves, Lyons Robertson, Stream and Carlson demanded the previous question

Demand for previous question sustained

The question being on the amendment to Senate Bill No 48 by Mr. Heisinger

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson Bennett Burns, Michael J, Collins, Crowley, Del Mutolo, Dills, Donnelly, Evans, Gilbert Gilmore, Hawkins Heisinger Kilpatrick, King, Lore, Massion, Meehan, Miller, George P, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Rosenthal, Sheridan, Tenney, Turner, and Yorty—31

NOES—Allen, Burns, Hugh M, Burson Call Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Dilworth, Doyle, Field, Fulcher Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney Miller, Eleanor, Millington, Phillips, Robertson Salsman Sawallisch Scudder, Stream, Thurman, Walker, Waters, Watson, Weber Weybret, Williamson, and Wollenberg—42.

Mr Kepple moved to amend Senate Bill No 48 as follows

Amendment No. 1.

On page 6 of the printed bill, as amended, between lines 16 and 17, insert the following

"SEC 16 5 If any section subsection sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act The Legislature hereby declares that it would have passed this act, and each section subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections sentences, clauses or phrases be declared unconstitutional

Amendment adopted

Mr Salsman moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 3, line 4, of the printed bill strike out all of lines 4 to 11, inclusive, and the first four words of line 12, and insert in lieu thereof the following: 'The total relief from the appropriation made by this act shall not be more than $57 20 per month per family'

Amendment No. 1 by Mr Salsman adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, King, Leonard, Lore, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Sheridan, Tenney, Thurman, Waters, Weber, Weybret, Williamson, Wollenberg, and Yorty—54

NOES—Call, Carlson, Dilworth, Field, Fulcher, Gannon, Houser, Kellems, Kepple, Knight, Lyon, Scudder, Stream, Turner, Walker, and Watson—16

Amendment No. 2.

On page 3 of the printed bill strike out lines 33 and 34, inclusive.

Amendment No. 3.

On page 3, line 35 of the printed bill, strike out "3", and insert in lieu thereof the following "2"

Amendments No 2 and No 3 by Mr Salsman were adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Masson, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Tenney, Waters and Yorty—39

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, Phillips, Scudder, Stream, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—35.

The Speaker in the Chair.

At three o'clock and forty-five minutes p.m., Hon Gordon H Garland, Speaker of the Assembly, in the chair

Mr Kepple moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 47 and 48, insert the following

'SEC 6.5 In order to safeguard the money for the purposes for which it is appropriated, the Relief Administrator and the Relief Commission may contract with one or more credit associations, credit organizations, or financial investigating agencies to ascertain the financial condition and credit rating of applicants for, and recipients of, relief from the money appropriated by this act"

Amendment to Senate Bill No 48 by Mr Kepple adopted by the following vote:

AYES—Allen, Bashore, Bennett, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Donnell, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—46

NOES—Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Masson, Meehan, Miller, George P., O'Day, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney and Yorty—30

Mr. Carlson moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 44 and 45, strike out the amendment by Mr Burns, Hugh M., and insert the following

'All money received by any relief client from this appropriation for himself or his dependents shall be used exclusively for food, rent, utilities and any other necessities The Relief Commission shall establish rules and regulations, in accordance with this section, relating to the purposes for which relief clients may not expend money received by them from this appropriation

Any relief client who uses the money received by him for purposes other than those permitted by this section and such rules and regulations may be disqualified for any further relief from this appropriation."

Mr. Atkinson moved to amend the amendment by Mr. Carlson as follows:

Amendment No. 1.

Strike out the period at the end of Mr. Carlson's amendment, and add the following ", provided, however, that nothing in this act shall be construed as denying to any recipient of relief funds the right to join or pay dues in any church, labor, or fraternal organization."

Amendment to amendment was refused adoption by the following vote:

AYES—Atkinson, Dills, Gilbert, Hawkins, Houser, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Pelletier, Reaves, Richie, and Rosenthal—15.

NOES—Allen, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—58.

The question being on Amendment No. 1, by Mr. Carlson.

Original amendment by Mr. Carlson to Senate Bill No. 48 adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Millington, O'Donnell, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—Atkinson, Collins, Dills, Gilbert, Kilpatrick, King, Massion, Meehan, Miller, George P., O'Day, Pelletier, and Rosenthal—12.

Recess.

At four o'clock and fifteen minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eight o'clock p.m.

Reassembled.

At eight o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Further Amendments to Senate Bill No. 48.

Messrs. Houser, Yorty, Williamson and Allen moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "ten million, seven", and insert in lieu thereof the following: "twelve million, two".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "($10,700,000)", and insert in lieu thereof the following: "($12,200,000)".

Amendment No. 3.

On page 2, line 11, of the printed bill, as amended, strike out "$4,000,000", and insert in lieu thereof the following: "$5,500,000".

Demand for Previous Question.

Messrs Allen, Green, Bashore, Stream and Mrs. Daley demanded the previous question.

Demand for previous question sustained by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Fulcher, Gallagher, Gilbert, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick,

Knight, Leonard, Lore, Lyon, Massion, Miller, Eleanor Millington, O'Donnell, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—Atkinson, Burns, Hugh M., Cassidy, Collins, Crowley, Dills, Gilmore, Maloney, Meehan, Miller, George P., O'Day, Williamson, and Yorty—13

The question being on Amendments Nos. 1, 2 and 3, by Messrs Houser, Yorty, Williamson and Allen

Amendments adopted by the following vote

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Fulcher, Gallagher, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—63.

NOES—Andreas, Crowley, Daley, Gannon, Gilmore, Millington, Peek, and Mr. Speaker—8.

Senate Bill No 48 ordered to reprint, and third reading

Third Reading of Assembly Bills.

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor, to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority, to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately; and making an appropriation

Bill read third time.

Motion to Amend Assembly Bill No. 57.

Mr. Bashore moved to amend Assembly Bill No 57, as follows:

Amendment No. 1.

On page 12 of the printed bill, as amended, strike out lines 36 to 49, inclusive.

Motion for Temporary Suspension of the Rules.

Mr. Crowley moved that the Rules be temporarily suspended for the purpose of allowing Mr. Collins more time than the allotted five minutes at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Green, Hawkins, Houser, Kilpatrick, King, Kuchel, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Sawallisch, Tenney, Waters, Weber, Williamson, Wollenberg, and Yorty—42.

NOES—Allen, Burson, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Fulcher, Heisinger, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Salsman, Scudder, Stream, Thurman, Turner, Voigt, Walker, Watson, Weybret, and Mr. Speaker—29.

Demand for Previous Question.

Messrs Lyon, Clarke, Knight, Stream and Mrs Daley demanded the previous question.

Demand for previous question sustained by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burson, Carlson, Cassidy, Clarke, Corwin, Crowley, Daley, Del Mutolo, Desmond, Fulcher, Gallagher, Green, Heisinger, Houser, Johnson, Kellems, Knight, Leonard, Lyon, Massion, Miller, Eleanor, Millington, Phillips, Reaves, Richie, Robertson, Salsman, Scudder, Stream, Tenney,

Thurman, Turner, Voigt, Walker, Waters Watson, Weber, Weybret, and Mr Speaker—43

NOES—Atkinson, Burns, Hugh M, Collins, Cronin, Dills, Dilworth, Donnelly, Doyle, Gilbert, Gilmore, Hawkins, Kilpatrick, King, Kuchel, Maloney, Meehan, O'Day, Peek, Pelletier Poulson Rosenthal, Sawallisch, Sheridan, Williamson, Wollenberg, and Yorty—26

The question being on the adoption of the amendment by Mr Bashore

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr Bashore moved a call of the Assembly.

Request for Roll Call.

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion carried by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J., Cassidy, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore Hawkins, Heisinger, Houser, Kilpatrick, King Lore, Lyon, Maloney, Masson, Meehan Miller George P, Millington, O Day, O'Donnell, Peek, Pelletier, Poulson Reaves, Richie Robertson, Rosenthal, Salsman, Sawallisch Tenney Thurman, Turner, Voigt, Waters Watson, Weber, Williamson, Wollenberg, Yorty, and Mr Speaker—53

NOES—Bashore, Burson, Carlson Daley, Field Fulcher, Green, Johnson, Kellems, Knight, Leonard, Miller, Eleanor; Phillips, Scudder Sheridan, Stream Walker, and Weybret—18

Call of the Assembly.

Motion carried Time, nine o'clock and forty minutes p m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr Desmond, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Third Reading of Senate Bills.

Senate Concurrent Resolution No. 6—Relative to the operation, maintenance, and extension of the State Park System

Bill read third time.

Motion to Withdraw and Refer Senate Concurrent Resolution No. 6.

Mr. Dilworth moved that Senate Concurrent Resolution No 6 be withdrawn from the calendar and referred to the proper committee

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mrs Daley moved a call of the Assembly.

Motion carried. Time, ten o'clock and five minutes p m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Third Reading of Assembly Bills.

Assembly Bill No. 47—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to

amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 43, consisting of sections 3534 to 3562, and Chapter 46, consisting of sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation

Bill read third time

Motion to Amend Assembly Bill No. 47.

Mrs. Daley moved to amend Assembly Bill No. 47 as follows

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 32 to 37, and insert in lieu thereof the following:

"3535. The chief of the redemption tax department in the Controller's office, or any other civil service employee of the classifying agency designated by the classifying agency, shall act as secretary of the Land Classification Commission."

Amendment No. 2.

On page 9 of the printed bill, as amended, strike out lines 37 to 42, and insert in lieu thereof the following:

"3860.05. The chief of the redemption tax department in the Controller's office, or any other civil service employee of the classifying agency designated by the classifying agency, shall act as secretary of the Land Classification Commission."

Amendments adopted

Assembly Bill No. 47 ordered to reprint, and re-engrossment.

Further Proceedings Under Call of the Assembly Dispensed With.

At ten o'clock and twenty-four minutes p.m., on motion of Mr. Bashore, further proceedings under the call of the Assembly were dispensed with

The roll of absentees was called, and the amendment to Assembly Bill No. 57 by Mr. Bashore adopted by the following vote:

AYES—Bashore, Burns, Michael J., Burson, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—39.

NOES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Turner, and Yorty—38

Notice of Motion to Reconsider Amendment to Assembly Bill No. 57.

Mr. Hawkins gave notice that on the next legislative day he would move to reconsider the vote whereby the amendment to Assembly Bill No. 57 was this day adopted

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 100—An act to add section 135.4 to the Vehicle Code, relating to the taking of bail upon service of warrants

Bill read third time, and refused passage by the following vote:

AYES—Bennett, Burns, Michael J., Burson, Clarke, Collins, Corwin, Del Mutolo, Desmond, Dilworth, Doyle, Field, Fulcher, Gilbert, Gilmore, Heisinger, Knight, Lore, Lyon, Maloney, Meehan, Miller, George P., O'Donnell, Phillips, Poulson, Robertson, Scudder, Stream, Turner, Voigt, and Waters—30

NOES—Allen, Andreas, Atkinson, Bashore, Carlson, Cassidy, Cronin, Crowley, Dills, Donnelly, Evans, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Massion, Miller, Eleanor, Millington,

O'Day, Pelletier, Reaves, Richie, Rosenthal, Salsman, Sheridan, Tenney, Thurman, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—42.

Notice of Motion to Reconsider Assembly Bill No. 100.

Mr Fulcher gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 100 was this day refused passage.

Notice of Motion to Withdraw Assembly Bill No. 95 from Committee.

Mr. Gilbert gave notice that on the next legislative day he would move to withdraw Assembly Bill No 95 from the Committee on Social Service and Welfare and have it placed on the calendar.

Further Proceedings Under Call of the Assembly Dispensed With.

At ten o'clock and forty-five minutes p.m., on motion of Mrs. Daley, further proceedings under the Call of the Assembly were dispensed with

The roll of absentees was called, and the motion to refer Senate Concurrent Resolution No 6 to a proper committee lost by the following vote:

AYES—Andreas, Burns, Hugh M., Burson, Clarke, Collins, Corwin, Crowley, Desmond, Dills, Dilworth, Donnelly, Evans, Fulcher, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Massion, Meehan, Miller, George P., O'Donnell, Reaves, Rosenthal, Salsman, Sawallisch, Sheridan, Turner, and Wollenberg—37

NOES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Carlson, Cassidy, Cronin, Daley, Del Mutolo, Doyle, Field, Gallagher, Gannon, Gilmore, Kellems, Leonard, Maloney, Miller, Eleanor, Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Richie, Robertson, Scudder, Stream, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr Speaker—40.

Senate Messages.

SENATE CHAMBER SACRAMENTO, February 16, 1940

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

Assembly Concurrent Resolution No. 9.

J A BEEK, Secretary of Senate

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 16, 1940

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

Senate Bill No. 61—An act to amend section 4 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision" approved May 18 1917 relating to rates of interest and other charges on loans made by industrial loan companies;

Senate Bill No. 67—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885 1 to 10886 inclusive to the Insurance Code, relating to contributions in the form of certificates of advancement;

Senate Bill No. 76—An act making an appropriation for the contingent expenses of the Senate for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session and for any and all claims approved by the Senate, and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate.

Senate Bill No. 61 read first time, and referred to Committee on Financial Institutions

Senate Bill No 67 read first time, and referred to Committee on Insurance

Senate Bill No 76 read first time, and ordered on calendar without reference to committee.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 86.

Requests the same be amended and re-referred back to committee.

TURNER, Chairman.

The above reported bill ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1940.

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

Assembly Bill No. 38.
Assembly Bill No. 80.
Assembly Joint Resolution No. 13.
Assembly Joint Resolution No. 14.

And reports the same correctly enrolled, and presented to the Governor on this sixteenth day of February, 1940, at twelve o'clock m.

CASSIDY, Chairman.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1940.

MR SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 55.
Assembly Bill No. 50.

Respectfully reports the same back with the recommendation: Do pass.

TURNER, Chairman.

The above reported bills ordered on second reading calendar.

Second Reading of Assembly Bills.

Assembly Bill No. 50—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2 3, 2.4, 6 5, 10.5, 12.5, 29.5, 39 5, 42.5, 43.3, 43.5, 44.5, 48 5, 53.5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.

Bill read second time, and ordered on third reading calendar.

Assembly Bill No. 86—An act to raise revenue for the State by the taxation and licensing of off-track wagering, as herein defined; providing for the administration and enforcement of this act, and making an appropriation of the funds collected hereunder.

Committee Amendments to Assembly Bill No. 86.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 2 of the printed bill, between lines 7 and 8, insert the following:

"SEC. 9.5. Any notice required to be given under this act shall be deposited in the United States Post Office in a sealed envelope, with postage paid, addressed to the person notified at his address as the same appears on the records of the commissioner or other agency required to give the notice"

Amendment No. 2.

On page 2 of the printed bill, strike out line 8, and insert in lieu thereof the following:

"SEC. 10. Except as otherwise provided herein, this act shall be administered by a civil service execu-".

Amendment No. 3.

On page 2, line 39, of the printed bill, strike out "partners", and insert in lieu thereof the following: "members".

Amendment No. 4.

On page 3 of the printed bill, between lines 38 and 39, insert the following:

"Notice of such approval or denial shall be given by the commissioner to the applicant in the manner specified in this act."

Amendment No. 5.

On page 4 of the printed bill, strike out lines 10 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 24. If the commissioner denies an application for a license he shall, at the time of giving notice of such denial, return to the applicant the annual license fee paid by the applicant, together with the bond filed by such applicant."

Amendment No. 6.

On page 4, line 18, of the printed bill, after the word "license", insert the following: "is".

Amendment No. 7.

On page 4 of the printed bill, between lines 44 and 45, insert the following:

"Notice of revocation in the manner specified by this act shall be given by the commissioner to the person whose license is revoked.

SEC. 28.5. The action of the commissioner in denying or revoking a license is final upon the expiration of thirty days from the date when he mails to the person affected notice of his action, unless within such thirty-day period such person appeals in writing from the action of the commissioner to the appointing board consisting of the Attorney General, the Controller, and the chairman of the California Horse Racing Board. The appeal must be addressed to the Attorney General at his office in San Francisco, and copies thereof shall be addressed to the Controller at his office in Sacramento and to the chairman of the California Horse Racing Board at his office in Sacramento.

The appointing board shall hear and determine the appeal and thereafter shall forthwith notify the appellant and the commissioner of its determination, together with the reasons therefor. Such determination is final upon the expiration of sixty days from the date the notice thereof is mailed pursuant to this act, unless within such sixty-day period the determination is modified, in which event it becomes final sixty days from and after the time notice of the modification is mailed to the appellant."

Amendment No. 8.

On page 5, line 7, of the printed bill, strike out "commissioner", and insert in lieu thereof the following: "Franchise Tax Commissioner".

Amendment No. 9.

On page 5, line 14, of the printed bill, strike out "will be", and insert in lieu thereof the following: "is".

Amendment No. 10.

On page 5, line 16, of the printed bill, strike out "fees," and insert in lieu thereof the following: "license fees imposed by this act shall be paid to the commissioner in the form of remittances payable to the commissioner, and all".

Amendment No. 11.

On page 5, line 17, of the printed bill, strike out "board", and insert in lieu thereof the following: "Franchise Tax Commissioner".

Amendment No. 12.

On page 5, line 18, of the printed bill, strike out "commissioner. The", and insert in lieu thereof the following: "Franchise Tax Commissioner. The Franchise Tax Commissioner and the"

Amendment No. 13.

On page 5, line 22, of the printed bill, after "commissioner", insert the following: "and the Franchise Tax Commissioner, in amounts to be allocated by the Controller,".

Amendment No. 14.

On page 5, line 51, of the printed bill, strike out "commissioner", and insert in lieu thereof the following: "Franchise Tax Commissioner".

Amendment No. 15.

On page 5, line 52, of the printed bill, after "enable the", insert the following: "Franchise Tax Commissioner and the"

Amendment No. 16.

On page 6, line 2, of the printed bill, after "commissioner", insert the following: "and of the Franchise Tax Commissioner."

Amendment No. 17.

On page 6 of the printed bill, strike out lines 5 to 10, inclusive, and insert in lieu thereof the following:

"SEC. 41. The commissioner may examine the books, accounts, records and premises of a licensee at any time to determine whether or not the licensee is complying with the licensing and regulating provisions of this act and with the rules and regulations of the commissioner.

The Franchise Tax Commissioner may examine the books accounts, records and premises of a licensee at any time to verify the accuracy of any tax paid by the licensee, or to determine whether or not the licensee is complying with the taxation provisions of this act and with the rules and regulations of the Franchise Tax Commissioner."

Amendment No. 18.

On page 6, line 12, of the printed bill, strike out "commissioner", and insert in lieu thereof the following "Franchise Tax Commissioner".

Amendment No. 19.

On page 6, line 13, of the printed bill, after "the", insert the following "Franchise Tax Commissioner and the".

Amendment No. 20.

On page 6 of the printed bill, strike out lines 17 to 21, inclusive, and insert in lieu thereof the following: "Franchise Tax Commissioner. The report shall be made and filed in duplicate, a copy to be transmitted by the Franchise Tax Commissioner to the commissioner within twenty-four hours after the report is filed.

SEC. 43. The administration and enforcement of the licensing and regulatory provisions of this act are vested in the commissioner, and the administration and enforcement of the taxing provisions of this act are vested in the Franchise Tax Commissioner. Each of these officers may make and enforce necessary rules and regulations and employ necessary employees in carrying out their functions under this act. However,

(a) The appointment of every employee of the commissioner shall be made with the unanimous consent of the Attorney General, the Controller and the chairman of the California Horse Racing Board.

(b) The employees of the Franchise Tax Commissioner shall comprise the same personnel employed by him in the income tax division of his office."

Amendment No. 21.

On page 6, line 22, of the printed bill, after "commissioner", insert the following: "and the Franchise Tax Commissioner".

Amendment No. 22.

On page 6, line 40, of the printed bill, strike out "any of", and insert in lieu thereof the following: "the powers and duties of the California Horse Racing Board in connection with licensing and regulating horse racing and wagering on the results thereof pursuant to".

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 55—An act to add section 580d to the Code of Civil Procedure, and to repeal section 580c of the Code of Civil Procedure as added by Chapter 586 of the Statutes of 1939, relating to the abolishing of deficiency judgments in all cases where a power of sale is exercised under any mortgage or deed of trust upon real property.

Bill read second time, and ordered on third reading calendar.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 6.

Introduction and Reference of Bills.

The following bill was introduced:

Assembly Joint Resolution No. 19: By Mr. Burns, Michael J.—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain land by the United States.

Referred to Committee on Federal Relations.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Beryl H. Speyer of Alameda.

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. C. S. Russell of Oakland.

Adjournment.

At ten o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of Susan B Anthony until eleven o'clock a.m., Saturday, February 17, 1940.

DAVID V OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY
TWENTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Saturday, February 17, 1940

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

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Lore, the further reading of the Journal of Friday, February 16, 1940, was dispensed with

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 17, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 55—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

Consideration of Senate Amendments to Assembly Bill No. 55.

Assembly Bill No. 55—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 55?

Amendment No. 1.

On page 1, line 15, of the printed bill, immediately after the word "which", insert the following: "in the case of producers"

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 18 to 21, inclusive, and insert in lieu thereof the following: "ducers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed one and one-half (1½) per cent of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order".

Amendment No. 3.

On page 3, line 3, of the printed bill, immediately after the period, add the following: "Whenever both producers and processors, distributors or other handlers are regulated by a marketing order, the assessment for advertising or sales promotion may in the case of producers be based upon the form in which the agricultural commodity is delivered by producers to processors and in the case of processors, distributors and other handlers upon the processed form of such commodity as sold by processors, distributors or other handlers, provided, that no producer, processor, distributor or other handler shall be subject to such assessment for advertising or sales promotion covering the same agricultural commodity in more than one existing marketing order"

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 55 by the following vote

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, and Mr. Speaker—62

NOES—None.

Assembly Bill No. 55 ordered to enrollment

Report of Standing Committee.

The following report of standing committee was received and read:

On Oil Industries.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1940

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

Senate Joint Resolution No. 5.

Respectfully reports the same back with the recommendation: Be adopted

HOUSER, Chairman

Request for Unanimous Consent.

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

Consideration of Senate Joint Resolution No. 5.

Senate Joint Resolution No. 5—Relative to House Bill No. 7372, relating to Federal control of oil and gas production in California

Senate Joint Resolution No. 5 read, and adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Masson, Meehan, Miller, Eleanor; Millington, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68

NOES—None

Title read and approved. Bill ordered transmitted to the Senate

Third Reading of Senate Bills.

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read third time

Motion to Amend Senate Bill No. 48.

Mr Houser moved to amend Senate Bill No 48 as follows.

Division of the Question.

On motion of Mr Atkinson, the Speaker ordered the following amendments voted on separately

Amendment No. 1.

On page 2 line 12, of the printed bill as amended strike out "From", and insert in lieu thereof the following "For

Amendment adopted.

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 14 to 18, inclusive

Amendment adopted

Amendment No. 3.

On page 3, line 33, of the printed bill as amended, strike out "The total relief", and insert in lieu thereof the following

"SEC 8 The total relief allowance whether in cash or kind".

Amendment adopted by the following vote

AYES—Allen, Bashore Burns, Michael J, Burson, Call, Carlson, Clarke, Corwin, Daley, Del Mutolo, Desmond, Dilworth, Field Fulcher Gannon, Green, Houser Johnson, Kellems, Kepple, Knight, Kuchel Leonard Lyon, Maloney, Miller, Eleanor, Millington Phillips, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt Walker Waters, Watson Weber, Weybret Wollenberg, and Mr Speaker—43

NOES—Andreas Atkinson, Bennett, Cassidy, Collins Dills, Donnelly Doyle, Evans, Gallagher Gilbert Gilmore, Hewkins, Heisinger, Kilpatrick, Lore, Masson Meehan Miller George P Peek, Pelletier Reaves, Richie, Robertson, Rosenthal, Tenney, and Yorty—27

Amendment No. 4.

On page 3 line 35, of the printed bill, as amended, strike out "cash", and insert in lieu thereof the following, "relief"

Amendment No. 5.

On page 3, line 36, of the printed bill, as amended, strike out "cash"

Amendment No. 6.

On page 3, line 38, of the printed bill, as amended, strike out "cash".

Amendment No. 7.

On page 3 line 40, of the printed bill, as amended, after "the" and before "fifty-seven", insert the following "maximum of".

Amendment No. 8.

On page 3, line 41, of the printed bill, as amended, strike out "cash"

Amendments adopted by the following vote:

AYES—Burns, Hugh M, Burns Michael J, Burson, Call, Carlson, Clarke Corwin, Daley, Del Mutolo Desmond, Dilworth, Donnelly Field, Fulcher, Gallagher, Gannon, Gilmore, Green Houser, Johnson, Kellems Kepple, Knight, Kuchel Leonard Lyon, Maloney Miller, Eleanor, Millington, Phillips, Salsman, Scudder Sheridan, Stream, Thorp Thurman, Turner, Walker, Waters, Watson Weber Weybret, Wollenberg, and Mr Speaker—44

NOES—Allen Andreas Atkinson, Bennett, Cassidy Collins Dills, Doyle, Evans, Gilbert, Heisinger, Kilpatrick, King, Lore, Masson Meehan, Miller, George P, Peek, Pelletier Reaves, Richie Rosenthal, Tenney, Voigt, and Yorty—25

Amendment No. 9.

On page 4, line 39, of the printed bill, as amended, strike out "denied to any alien under", and insert in lieu thereof the following barred to any alien by the terms of"

Amendment adopted by the following vote

AYES—Allen Atkinson, Bennett Burns, Hugh M, Burns, Michael J, Burson Call, Carlson Clarke, Corwin, Daley Del Mutolo Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilbert Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Mas-

sion, Miller, Eleanor, Millington, O'Donnell, Peek, Phillips, Reaves, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—58

NOES—Andreas, Cassidy, Collins, Meehan, Miller, George P., Pelletier, Sawallisch, and Sheridan—8

Amendment No. 10.

On page 5, line 20, of the printed bill, as amended, before "All", insert the following: "SEC. 12 5."

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—70.

NOES—None

Amendment No. 11.

On page 5 of the printed bill, as amended, strike out lines 41 and 42, and in line 43, strike out "made by this act, such person", and insert in lieu thereof the following "one automobile, unless such person or persons".

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—70

NOES—Pelletier—1.

Further Amendments to Senate Bill No. 48.

Mr. Kepple moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 2, line 33, of the printed bill, as amended, after "projects", insert the following, "directly sponsored by the Relief Administrator independent of and not in cooperation with the Works Projects Administration If any sponsorship contribution is made to the Works Projects Administration by the Relief Administrator, the contribution may be charged when expended, to the 82 per cent classification provided in this section."

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson Bashore, Bennett Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—73.

NOES—None.

Amendment No. 2.

On page 2, line 34, of the printed bill, after "projects", insert the following: "directly sponsored by the Relief Administrator, independent of and not in cooperation with the Works Projects Administration.".

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—74

NOES—None

Recess.

By order of the Speaker, the Assembly was declared at recess for five minutes to hear from Hon. William Moseley Jones, former Speaker of the Assembly.

Motion to Expunge Record and Rescind Action.

On motion of Mr. Johnson the record was expunged and action rescinded whereby Amendment No. 7 by Mr. Houser was this day adopted, by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—71.

NOES—None.

Further Amendments to Senate Bill No. 48.

Mr. Johnson moved to amend Senate Bill No. 48 as follows:

Amendment No. 1.

On page 3, line 40, of the printed bill, after the words "to the", strike out "fifty-seven dollars and twenty cents", and insert in lieu thereof the following: "maximum of fifty-eight dollars".

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—71

NOES—None.

Amendment No. 2.

On page 3, line 34, of the printed bill, strike out "-seven dollars and twenty cents", and insert in lieu thereof the following "-eight dollars"

Amendment adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—72.

NOES—None.

Senate Bill No. 48 ordered to reprint, and third reading calendar

Introduction and Reference of Bills.

The following bill was introduced

Assembly Concurrent Resolution No. 11: By Messrs. Kuchel, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, Garland, Mrs. Daley, and Miss Miller—Relative to the prospective retirement of Robert Alexander from the State service

Request for Unanimous Consent.

Mr. Kuchel asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 11.

Assembly Concurrent Resolution No. 11 read, and adopted unanimously.

Recess.

By order of the Speaker, the Assembly was declared at recess for five minutes for the purpose of presenting Robert Alexander, assistant State printer, to the Assembly.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 16, 1940

To the Honorable Members of the Assembly, State of California, Sacramento

I have to acknowledge a copy of Assembly Concurrent Resolution No. 5 in which I am expressly and specifically requested immediately to issue a proclamation specifying therein the subject of legislation in such manner that the Legislature will clearly have power and jurisdiction to consider and act upon legislation for the relief of hardship and destitution, whether resulting from unemployment or from any other causes.

I am informed by my legal advisers that there is no manner in which my original proclamation may be amended. New subjects may be considered only if the Legislature is called into another extraordinary session.

If the Legislature does not see fit at this session to enact the revenue measures which have been recommended, it is likely that I shall be compelled to call you into another special session. At that time the subject matter contained in Assembly Concurrent Resolution No. 5 shall be duly considered by me.

Respectfully yours,

CULBERT L. OLSON,
Governor of California.

CIO a.

Recess.

At twelve o'clock and forty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and fifteen minutes p.m.

Reassembled.

At two o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. C. Don Field, member of Assembly from the Forty-third District, in the chair.

Resolution.

By Messrs. Voigt, Tenney and Kellems.

House Resolution No. 37.

WHEREAS, The towns of Venice, Ocean Park, Santa Monica and Redondo have been suffering from erosion, and this erosion has reached an acute point due to the great ground swells and high tides to such an extent that much of the ocean front is greatly imperiled and its destruction a mere matter of time, and

WHEREAS, The city of Los Angeles and the city of Redondo Beach are appealing to the Governor and Legislature for financial assistance in this emergency; and

WHEREAS, The Director of Public Works is authorized by Chapter 655 of the Statutes of 1939 to extend financial aid where storms have destroyed public property; and

WHEREAS, There is still money in this fund, now, therefore, be it

Resolved by the Assembly of the State of California, That the Director of Public Works is hereby requested to cooperate in whatever manner may be possible to the fullest extent, both in a financial and advisory capacity to the cities of Los Angeles and Redondo Beach and that the Park Department and Public Works Department work out a program by which the permanent hazard to these towns and to their beaches may be alleviated

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 37, at this time, without reference to committee.

House Resolution No. 37 read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Hawkins, Johnson, Kellems, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weybret, and Wollenberg—53

NOES—Dills, and Peek—2.

Motion to Expunge Record and Rescind Action.

On motion of Mr. Peek, the record was expunged and the action rescinded whereby House Resolution No. 37 was this day adopted, by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg and Yorty—67

NOES—None.

Report of Assembly Relief Investigating Committee.

On motion of Mr. Yorty a report of the Assembly Relief Investigating Committee was ordered filed with the Secretary of State

By Mr. Yorty:

Resolution.

House Resolution No. 38.

WHEREAS, A subpena was issued to William Elconin by the Assembly Relief Investigating Committee (created by House Resolution No. 9, this extra session) directing him to appear at Room 426 in the State Capitol, at Sacramento, California, at 10 o'clock a.m. on the sixteenth day of February, 1940, and bring with him certain lists, rosters, records and other information particularly described in the subpena, touching certain matters and things pertinent to the investigation of the said committee and to testify concerning the same; and

WHEREAS, The said subpena was duly served upon William Elconin in Los Angeles County by a deputy of the sheriff of that county upon the fourteenth day of February, 1940, and

WHEREAS, William Elconin has failed and refused, and still fails and refuses, to appear before the Assembly Relief Investigating Committee at the time and place more particularly specified in the subpena, and

WHEREAS, The said committee has reported to this Assembly the failure and refusal of the said witness to appear and produce such lists, rosters, records, and other information required by the subpena and to testify concerning the same, and concerning other matters pertinent and material to the investigation before the committee; now, therefore, be it

Resolved by the Assembly of the State of California, That the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to arrest and bring the said William Elconin, before the bar of this Assembly, forthwith and then and there to purge himself of contempt by producing the said lists, rosters, records and other information as required by the subpena and testifying concerning the same and concerning other matters pertinent and material to the investigation before the committee; and be it further

Resolved, That upon William Elconin being brought before the bar of the Assembly the Speaker of the Assembly shall ask him if he has any cause to show why he should not be punished for contempt in refusing to appear before the committee and produce the lists, rosters and records and other information as directed in the subpena at the time and place mentioned therein

Request for Unanimous Consent.

Mr. Yorty asked for, and was granted, unanimous consent to take up House Resolution No. 38, at this time, without reference to committee

House Resolution No. 38 read.

Demand for Previous Question.

Messrs. Johnson, Allen, Stream, Reaves and Mrs Daley demanded the previous question.

House Resolution No. 38 adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—56.

NOES—Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Gilbert, Hawkins, Kilpatrick, King, Knight, Lore, Massion, Peek, Pelletier, Reaves, Richie, and Rosenthal—18.

The Speaker in the Chair.

At three o'clock and five minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately

Bill read third time.

Motion to Amend Senate Bill No. 48.

Mr. Miller, George P., moved to amend Senate Bill No 48 as follows.

Amendment No. 1.

In line 2 of the title of the printed bill, as amended, strike out "provid-", and strike out lines 3 and 4 of the title, and insert in lieu thereof the following "and to provide that this act".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 18, inclusive; strike out all of pages 2, 3, 4 and 5; and on page 6, strike out lines 1 to 48 inclusive, and insert in lieu thereof the following.

"SECTION 1. Unemployment relief is the paramount issue before the State of California today. It concerns directly the immediate needs of hundreds of thousands of people. The disposition of such a vital problem, touching so closely the welfare of so many human beings and the general welfare of the State, is a matter deserving of the most earnest and serious consideration by this Legislature; it can not properly be acted upon without necessary deliberation. Moreover, should it be desirable to impose new restrictions governing the expenditure of relief moneys, it would be administratively impossible to put them into effect before the lapse of a reasonable period of time.

The emergency appropriation made by this act will enable the Relief Administrator to continue the orderly distribution of relief for the balance of February and for all of March, 1940, while the Legislature completes its consideration of and action upon pending legislation relative to the relief problem

SEC. 2. In addition to any other funds provided by law, the sum of eight million five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the relief of hardship and destitution due to and caused by unemployment, and the administration thereof, as provided by the California Unemployment Relief Act of 1935, for expenditure during the ninety-first fiscal year.

SEC. 3. The sum appropriated by this act shall, upon order of the State Controller, be transferred to the unemployment relief fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by section 1a of the California Unemployment Relief Act of 1935 shall be applicable thereto.

SEC. 4. The appropriation made by this act may be expended by the Relief Administrator in such manner that the relief provided to qualified applicants during the month of February and thereafter may be continuous and so that the total amount paid each such applicant may not be diminished by reason of the fact that moneys heretofore appropriated may have become exhausted prior to the time this appropriation is available."

Amendment No. 3.

On page 7 of the printed bill as amended, strike out lines 3 to 12, inclusive, and insert in lieu thereof the following

"The appropriation for unemployment relief for the ninety-first fiscal year is inadequate and will soon be exhausted, and it is necessary that additional funds be made immediately available. Unless this act takes effect immediately, relief operations will have to be suspended at once, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause unrest throughout the State."

Motion for Amendments to Be Laid on the Table.

Mr. Lyon moved that the amendments be laid on the table.

Call of the Assembly.

Pending the announcement of the vote, Mr. Miller, George P., moved a call of the Assembly

Request for Roll Call.

The Speaker ordered a roll call taken on the motion for a call of the Assembly

Motion for call of the Assembly carried by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Heisinger, Houser, Johnson, Kilpatrick, King, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Thurman, Waters, Weber, Wollenberg, and Yorty—47.

NOES—Bashore, Burson, Carlson, Clarke, Corwin, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Kellems, Kepple, Knight, Kuchel, Peek, Phillips, Salsman, Scudder, Sheridan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weybret, and Mr. Speaker—28.

Motion carried. Time, three o'clock and fifteen minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent. Further Proceedings Under Call of the Assembly Dispensed With.

At three o'clock and twenty minutes p.m., on motion of Mr. Miller, George P., further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Mr. Miller's amendments laid on the table by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—39.

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheridan, Tenney, Voigt, and Yorty—38.

Point of Order.

Mr. Miller rose to the point of order that it took 41 votes to lay a matter on the table

The Speaker ruled the point of order not well taken

Mr. Miller appealed from the decision of the chair

Decision of the chair sustained by the following vote.

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, Phillips, Poulson, Richie, Salsman, Sawallisch, Scud-

der, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg and Yorty—49

NOES—Andreas, Atkinson, Bennett, Burns, Michael J. Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gilbert, Heisinger, Kilpatrick, Lore, Masson, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, and Rosenthal—24

Explanation of Vote to Uphold Speaker.

I voted against upholding the Speaker on his decision that it does not take a majority of the members elected under rule 43 as appears in page 76 of the Journal, to carry a motion to lay on the table because I was in doubt and to uphold the Speaker would deprive the members of the right to vote on the amendments.

I believe the Speaker decided in accordance with what he felt was the correct interpretation of the rule

EDWARD F. O'DAY

Further Consideration of Senate Bill No. 48.

Senate Bill No. 48—An act making an appropriation for the relief *of hardship and destitution due to and caused by unemployment, providing* the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time

Demand for Previous Question.

Messrs. Reaves, Stream, Thurman, Heisinger and Mrs. Daley demanded the previous question.

Demand for previous question sustained by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Knight, Leonard, Lyon, Masson, Millington, O'Day, Phillips, Reaves, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—46

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Call, Collins, Dills, Donnelly, Doyle, Kilpatrick, King, Kuchel, Lore, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Peek, Robertson, Rosenthal, Tenney, Turner, Watson, and Yorty—25

Bill read third time

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Kepple moved a call of the Assembly.

Motion carried. Time, five o'clock and thirty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Communication.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 17, 1940.

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

Subject: *Vote required to Table Amendment to Bill*
Request: *No. 7617*

MR. SPEAKER: You have asked our opinion as to the vote necessary to table an amendment to a bill.

It is our opinion that a majority of the members present is sufficient to adopt a motion to table an amendment to a bill. Assembly Standing Rule No. 17 provides in part that unless otherwise provided by law or Assembly rule, any motion may be adopted by a majority vote of the members present.

Robert's Rules of Order, which under Rule 90 is the recognized authority in the absence of an express rule of the Assembly, states that a motion to table requires only a majority vote (Robert, Sec. 28, p. 108, 1915 Edition).

We find nothing in the Assembly rules which changes the rule as set forth in Robert's Rules of Order.

The provision in Assembly Rule 43 that "if carried by a majority vote of the entire elected membership, it carries with it the main question and everything that

adheres to it" is not applicable to the situation under discussion since the same rule further provides that a motion to table an amendment to a bill does not carry the bill with it.

Our opinion is also consistent with Assembly Rules 48 and 66 which provide that a motion to amend may be adopted by a majority vote of the members present It would be inconsistent to require a larger vote to table an amendment than would be required to adopt or reject the same amendment

Very truly yours,

FRED B WOOD, Legislative Counsel
By LAWRENCE G. ALLEN, Deputy.

LGA/eh.

Further Proceedings Under Call of the Assembly Dispensed With.

At five o'clock and fifty-five minutes p m., on motion of Mr Kepple, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Senate Bill No 48 refused passage by the following vote:

AYES—Allen, Bashore, Burns, Michael J, Burson, Call Carison, Clarke, Colwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green Houser, Johnson, Kellems, Kepple, Knight, Kuchel Leonard, Lyon, Maloney, Miller Eleanor, Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—45.

NOES—Andreas, Atkinson, Bennett Burns Hugh M Cassidy Collins Crowley Del Mutolo, Dills, Donnelly, Doyle Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore Massion, Meehan, Miller, George P, O'Day O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson Rosenthal, Sawaldisch and Tenney—33

Notice of Motion to Reconsider Senate Bill No. 48.

Mr. Peek gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No 48 was this day refused passage.

Explanation of Vote.

This bill if enacted will impose human suffering, malnutrition and sickness unknown in California It will relieve the rich corporations of State taxes and shift them to the poor I can not vote for misery and degradation I can not vote to shift this State responsibility to the local taxpayers

S L HEISINGER

Resolution.

By Messrs Voigt, Tenney, Kellems, Reaves, Watson, Kuchel, Dilworth, Peek, Atkinson, Stream, Richie, Burson, Robertson, Dills, and Mrs Daley

House Resolution No. 39.

WHEREAS The beaches of southern California at various points are being destroyed by ocean tides and currents and this erosion has reached an acute point due to the great ground swells and high tides to such an extent that much of the ocean front is greatly imperiled and irreparable damage is now taking place, and

WHEREAS, The municipalities and districts affected are appealing to the Governor and Legislature of the State of California for financial assistance in this emergency; and

WHEREAS, The Director of Public Works is authorized by Chapter 675 of the Statutes of 1939 to extend financial aid where storms have destroyed public property, and

WHEREAS There is still money in this fund now, therefore be it

Resolved by the Assembly of the State of California That the Director of Public Works is hereby requested to cooperate in whatever manner may be possible to the fullest extent both in a financial and advisory capacity to the municipalities and districts affected to work out a program by which the permanent hazard to these various beaches may be alleviated or eliminated

Request for Unanimous Consent.

Mr Voigt asked for, and was granted, unanimous consent to take up House Resolution No 39 at this time without reference to committee

House Resolution No 39 read, and adopted.

Reports of Standing Committees (Resumed).

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 47.
And reports the same correctly re-engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar

On Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR. SPEAKER: Your Committee on Federal Relations to which was referred
Assembly Joint Resolution No. 17.
Respectfully reports the same back with the recommendation: Be adopted

PHILLIPS, Chairman

The above reported bill ordered to engrossment.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR. SPEAKER: Your Committee on Federal Relations, to which was referred,
Assembly Joint Resolution No. 19.
Respectfully reports the same back with the recommendation: Be adopted

PHILLIPS, Chairman

The above reported bill ordered to engrossment.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Joint Resolution No. 17.
Assembly Joint Resolution No. 19.
And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER SACRAMENTO, February 17 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined,
Assembly Bill No. 86.
And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR SPEAKER: Your Committee on Social Service and Welfare, to which was referred,
Assembly Bill No. 113.
Respectfully reports the same back with the recommendation: Do pass as amended

DALEY, Chairman.

The above reported bill ordered on second reading calendar.

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940

MR SPEAKER: Your Committee on Constitutional Amendments, to which was referred,
Assembly Constitutional Amendment No. 3.
Requests the same be amended, and re-referred back to committee

CALL, Chairman

The above reported bill ordered on second reading calendar

Withdrawal and Re-reference of Assembly Bill No. 86.

By order of the Speaker, Assembly Bill No. 86 was withdrawn from the calendar and re-referred to the Committee on Revenue and Taxation

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 113—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for

the expenditure thereof in conjunction with the National Youth Administration program.

Committee Amendments to Assembly Bill No. 113.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "making an appropriation", and insert in lieu thereof the following: "providing for the expenditure, in conjunction with the National Youth Administration program, of money appropriated".

Amendment No. 2.

In line 2 of the title of the printed bill, strike out ", and pro-", and strike out lines 3 and 4 of the title, and insert in lieu thereof a period.

Amendment No. 3.

On page 1, line 10, of the printed bill, after "employ", insert the following: "only".

Amendment No. 4.

On page 2 of the printed bill, after line 5, add the following:

"SEC. 2. This act shall not take effect and shall not become operative unless an act known as the Relief Expenditure Act of 1940 and an act known as the Relief Appropriation Act of 1940 and an act known as the Camp Expenditure Act of 1940 are all enacted by the Fifty-third Legislature in extraordinary session and all go into effect and all become operative concurrently therewith."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment

Assembly Constitutional Amendment No. 3—Proposed amendment to Article IV, section 26, of the Constitution, relative to State lotteries.

Committee Amendment to Assembly Constitutional Amendment No. 3.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 1, line 15, of the printed measure, strike out ", and all", and strike out lines 16 to 23, inclusive, and insert in lieu thereof the following: ". The net revenues derived from the operation of such a lottery are hereby appropriated as follows:

All of such revenues shall be expended for the payment and administration of old age security aid, benefits, or pensions, as now or hereafter provided by law, until the amount so expended provides a payment of $60 a month to each person receiving such aid, pension, or benefit. The revenues in excess of the total amount necessary to provide such aid, benefits or pensions shall be expended for maintenance and operation of the State hospitals and other institutions now or hereafter under the jurisdiction of the State Department of Institutions"

Amendment adopted

Bill read second time, ordered to reprint, and engrossment.

Second Reading of Senate Bills.

Senate Bill No. 76—An act making an appropriation for the contingent expenses of the Senate for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read second time, and ordered on third reading calendar.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notices of motion to reconsider votes on the following bills were continued until the next legislative day:

Assembly Bill No. 6.
Assembly Bill No. 57.
Assembly Bill No. 100.

Notice of Motion to Withdraw Assembly Bill No. 95 from Committee Continued.

Mr. Gilbert moved that his motion to withdraw Assembly Bill No. 95 from the Committee on Social Service and Welfare and have it placed on the calendar be continued until the next legislative day.

Guests Extended Privilege of Assembly Floor.

On request of Mr Poulson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dirk Hampton, son of Councilman Ray Hampton of Los Angeles.

Adjournment.

At six o'clock and five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock and thirty minutes a.m., Monday, February 19, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY
TWENTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, February 19, 1940.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call.

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly

Reading of the Journal Dispensed With.

On motion of Mr. Thurman, the further reading of the Journal of Saturday, February 17, 1940, was dispensed with.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 113.
Assembly Constitutional Amendment No. 3.
And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bills ordered on third reading calendar

On Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940.

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

Assembly Bill No. 98.

Assembly Bill No. 99.

Respectfully reports the same back with the recommendation: Do pass.

KUCHEL, Chairman.

The above reported bills ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940.

MR SPEAKER: Your Committee on Municipal Corporations, to which was referred

Senate Bill No. 64.

Respectfully reports the same back with the recommendation: Do pass as amended

KUCHEL, Chairman.

The above reported bill ordered on second reading calendar.

Resolution.

By Mr. Burson

House Resolution No. 40.

WHEREAS, It is with extreme regret that the members of this Assembly have learned of the illness of Doris Miller Johnson, wife of our brilliant colleague from the Nineteenth Assembly District, the Honorable Gardiner Johnson, Speaker Pro Tempore of this fifty-third (extraordinary) session of the California Legislature, now in session; and

WHEREAS, Doris Miller Johnson has completely endeared herself to the members of this Assembly by reason of her amiable friendliness to all and unfailing loyalty to everything and everyone connected with this Assembly; now, therefore be it

Resolved by the members of the Assembly of the State of California, That its members do hereby extend to Doris Miller Johnson their most sincere good wishes for her immediate and complete recovery to good health; and it is further

Resolved, That the Chief Clerk be instructed to have forwarded to Mrs. Doris Miller Johnson in Sutter Hospital, Sacramento, without delay, a suitable tribute of flowers from the members of this Assembly, together with their unanimous good wishes for her good health and happiness; and be it further

Resolved, That the Chief Clerk be and he is hereby instructed to forward to Doris Miller Johnson a copy of this resolution suitably engrossed.

Request for Unanimous Consent.

Mr. Burson asked for, and was granted, unanimous consent to take up House Resolution No. 40, at this time, without reference to committee.

House Resolution No. 40 read, and adopted unanimously.

Notice of Motion to Withdraw Assembly Bill No. 70 from Committee.

Mr. Heisinger gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 70 from the Committee on Governmental Efficiency and Economy and have it placed on the calendar.

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, in conjunction with Assembly Bill No. 52.

Third Reading of Senate Bills.

Senate Concurrent Resolution No. 6—Relative to the operation, maintenance, and extension of the State park system.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie,

Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Yorty, and Mr Speaker—58.

NOES—Lore—1

Title read and approved. Bill ordered transmitted to the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 52—An act to amend the title and to add section 8 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote.

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Lore, Lyon, Maloney, Massion, Miller, Eleanor, Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Yorty, and Mr Speaker—58

NOES—None

Title read.

Motion to Amend Title to Assembly Bill No. 52.

Mrs Daley moved to amend the title to Assembly Bill No 52, as follows:

Amendment No. 1.

In line 2 of the title of the printed bill, as amended, strike out "in"

Amendment adopted

Title, as amended, read and approved Bill ordered to print, and transmitted to the Senate

Assembly Bill No. 105—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom and prohibiting any political activities in connection therewith

Bill read third time

Motion to Amend Assembly Bill No. 105.

Mr Kepple moved to amend Assembly Bill No 105, as follows

Division of the Question.

On motion of Mr Stream, the Speaker ordered the following amendments voted on separately.

Amendment No. 1.

On page 2 of the printed bill, between lines 27 and 28, insert the following paragraph:

"To safeguard the appropriation, any county may use money it receives from the appropriation to contract with one or more credit associations, credit organizations, or financial investigating agencies to ascertain the financial condition and credit rating of applicants for, and recipients of, relief from the appropriation."

Amendment adopted by the following vote:

AYES—Allen Andreas, Burson Call, Carlson, Cassidy, Clarke, Cronin, Daley, Desmond, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Lore Lyon, Maloney, Miller, Eleanor; Miller, George P. Millington, O'Day O'Donnell Phillips Poulson, Sawallisch, Scudder, Sheridan Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Wollenberg and Mr Speaker—47

NOES—Atkinson, Bennett, Collins Crowley, Dills, Gilbert, Hawkins, Kilpatrick, Massion, Meehan, Pelletier Reaves, Rosenthal, Tenney, and Yorty—15

Amendment No. 2.

On page 3 of the printed bill, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following

"SEC. 7. The total relief allowance, whether in cash or kind, from the appropriation shall not be more than fifty-eight dollars per month per family. In determining the total relief allowance, the".

Amendment No. 3.

On page 3, line 12 of the printed bill, strike out "cash"

Amendment No. 4.

On page 3, line 14, of the printed bill, strike out "fifty-seven dollars and twenty cents", and insert in lieu thereof the following "maximum of fifty-eight dollars".

Amendment No. 5.

On page 3, line 15, of the printed bill, strike out "cash"

Amendment No. 6.

On page 3 of the printed bill, strike out lines 18 to 21, inclusive, and insert in lieu thereof the following paragraph:

"Any surplus commodities distributed by the Federal Government or any agency thereof shall not be deducted in determining the maximum relief allowance of any family"

Amendment No. 7.

On page 3 of the printed bill, strike out lines 26 and 27, and in line 28, strike out "(3)", and insert in lieu thereof the following "(2)".

Amendment No. 8.

On page 4, line 2, of the printed bill, after "illegally", insert the following: "subsequent to July 1, 1924"

Amendment No. 9.

On page 4 line 4, of the printed bill, after "alien", insert the following ", unless he first proves entry prior to July 1, 1924.".

Amendment No. 10.

On page 4, line 5, of the printed bill, strike out "denied to any alien under", and insert in lieu thereof the following "barred to any alien by the terms of".

Amendment No. 11.

On page 4 line 11, of the printed bill, strike out "the alien", and insert in lieu thereof the following "all alien applicants for relief from the appropriation".

Amendment No. 12.

On page 4, line 12, of the printed bill, strike out "and a demand", and strike out all of line 13, and insert in lieu thereof a period

Amendment No. 13.

On page 4, line 23, of the printed bill, after "relief", insert the following: "wilfully".

Amendment No. 14.

On page 4, line 24, of the printed bill, after "application", insert the following: "for such relief from the appropriation".

Amendment No. 15.

On page 4 of the printed bill, between lines 32 and 33, insert the following:

"SEC. 11.5. All money received by any relief client from the appropriation for himself or his dependents shall be used exclusively for food, rent, utilities and any other necessities. The Relief Commission shall establish rules and regulations, in accordance with this section, relating to the purposes for which relief clients may not expend money received by them from the appropriation.

Any relief client who uses the money received by him for purposes other than those permitted by this section and such rules and regulations may be disqualified for any further relief from the appropriation"

Amendment No. 16.

On page 4, line 48, of the printed bill, strike out the period, and strike out all of line 49, and in line 50, strike out "person", and insert in lieu thereof the following: ", unless such person or persons".

Amendment No. 17.

On page 4, line 51, of the printed bill, strike out "State Relief Administration", and insert in lieu thereof the following: "county".

Amendment No. 18.

On page 5 of the printed bill, between lines 11 and 12, insert the following

"SEC. 15.5 Not less than 82 per cent of the appropriation shall consist, when expended, of payments in cash, personal property and services directly to persons eligible for relief, and not more than 3 per cent, in addition to money otherwise

available, may be used, when expended, for works projects directly sponsored by a county, independent of and not in cooperation with the Works Projects Administration. If any sponsorship contribution is made to the Works Projects Administration by a county, the contribution may be charged, when expended, to the 82 per cent classification provided in this section

Of the amount which may be expended for works projects directly sponsored by a county, independent of and not in cooperation with the Works Projects Administration, not more than one-third (⅓) thereof shall be expended for self-help cooperatives, for production for use projects, or for other forms of production cooperatives, consumer cooperatives, or direct production projects. No such cooperative or project shall produce, manufacture, process or sell consumable goods for consumption or use by any person, firm, association or corporation, other than a person directly participating in the work of such cooperative or project and other than a relief client."

Amendments adopted by the following vote:

AYES—Allen, Andreas, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Lore, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr Speaker—44

NOES—Atkinson, Bennett, Cassidy, Collins, Dills, Evans, Kilpatrick, Reaves, Richie, Rosenthal, and Tenney—11

Bill ordered to reprint, and re-engrossment

Introduction and Reference of Bills.

The following bill was introduced.

Assembly Joint Resolution No. 20: By Mr. Bashore—Relative to memorializing the President and the Congress of the United States to expedite the Santa Fe Retarding Basin Project

Request for Unanimous Consent.

Mr. Bashore asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No 20, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 20.

Assembly Joint Resolution No 20 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M. Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr Speaker—63

NOES—None.

Title read and approved Bill ordered to print, and transmitted to the Senate

Third Reading of Assembly Bills (Resumed).

Assembly Joint Resolution No. 19—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain land by the United States

Bill read third time, and passed by the following vote.

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke Collins, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp Thurman, Turner, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—63

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 50—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939 to repeal section 76 thereof, and to add sections 2 3, 2 4, 6 5, 10 5, 12 5, 29 5, 39 5,

42.5, 43.3, 43.5, 44.5, 48.5, 53.5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—68.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 93—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1935, relating to the allocation of money derived under the act.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—68.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States in relation to legislation providing aid for disabled persons.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lyon, Maloney, Masson, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—67.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 4—An act to add section 374.5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr Speaker—69.

NOES—Evans—1.

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Lyon, Maloney, Meehan, Miller, Eleanor, Miller, George P Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr Speaker—64

NOES—Evans and Peek—2

Title read and approved. Bill ordered transmitted to the Senate.

Senate Bill No. 68—An act to amend sections 11000, 11001, 11003, 11009, 11010, 11035, 11160, 11166.05, 11166.06, 11166.07, 11166.08, 11166.1, 11166.11, 11166.12, 11167, 11200, 11250, 11391, 11392, 11393, 11425, 11477, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720 and 11780, and the article heading of Article 2, Chapter 5, Division 10, and to repeal sections 11036, 11178, 11332, 11392, 11710 and 11711 of, and to add sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession, or transportation thereof.

Bill read third time, and passed by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, *Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher,* Gannon, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr Speaker—67

NOES—None

Title read and approved. Bill ordered transmitted to the Senate

Senate Bill No. 44—An act making an appropriation for the support of the Department of Social Welfare, transferring money from the Social Welfare Fund to the General Fund, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns Michael J., Burson Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins Heisinger, Houser, Johnson, Kellems Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Masston, Miller Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Reaves Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr Speaker—69.

NOES—None

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Doyle, Evans, Field, Fulcher, Gallagher, Gannon Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick King Knight, Kuchel, Lore, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Rosenthal, Sawallisch

Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Wollenberg, and Mr Speaker—64

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

Senate Bill No. 55—An act to add section 580d to the Code of Civil Procedure, and to repeal section 580c of the Code of Civil Procedure as added by Chapter 586 of the Statutes of 1939, relating to the abolishing of deficiency judgments in all cases where a power of sale is exercised under any mortgage or deed of trust upon real property.

Bill read third time, and passed by the following vote:

AYES—Allen Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal Sawallisch, Scudder, Sheridan Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters Watson, Weber, Wollenberg, and Mr Speaker—68.

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

Senate Bill No. 76—An act making an appropriation for the contingent expenses of the Senate for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo Desmond, Dills Donnelly, Doyle, Evans Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller George P., Millington O'Day Pelletier, Phillips, Poulson, Reaves, Richie, Robertson Rosenthal, Sawallisch Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—69.

NOES—None

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond Dills Donnelly, Doyle, Evans Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick King, Knight Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P Millington O'Day Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal Sawallisch Scudder Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—69.

NOES—None

Title read and approved Bill ordered transmitted to the Senate.

Resolution.

By Mr Rosenthal:

House Resolution No. 41.

WHEREAS, This day marks the thirtieth anniversary of the birth of Ralph C Dills in the State of Texas; and

WHEREAS, Ralph C. Dills has, during this his first term in the Legislature of this State, gained the respect, the esteem and the affection of the members of this Assembly; and

WHEREAS, The members of this Assembly consider themselves fortunate in having such a genial and likeable associate in their midst, and

WHEREAS, The members of this Assembly welcome this opportunity of extending their congratulations to their humorous and witty colleague from Compton; now, therefore, be it

Resolved by the Assembly of the State of California, That we one and all express to Ralph C. Dills our heartiest and best wishes on this his birthday and wish him a lifetime of uninterrupted happiness and success and many more birthdays in the years to come, and be it further

Resolved, That the Chief Clerk of this Assembly forward an engrossed copy of this resolution to the Honorable Ralph C. Dills

Request for Unanimous Consent.

Mr. Rosenthal asked for, and was granted, unanimous consent to take up House Resolution No. 41, at this time, without reference to committee.

House Resolution No. 41 read, and adopted unanimously.

Communications.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 18, 1940.

Honorable Gordon H. Garland,
Assembly Chamber, State Capitol,
Sacramento, California.

Subject: *Motion to Table Amendments to Bill.*

Request: *No. 7634.*

MR. SPEAKER: We are enclosing herewith a copy of a memorandum on the above subject in accordance with your request.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy.

LGA/mt.

February 18, 1940

Memorandum.

Re: *Motion to Lay on Table Amendments Offered on Third Reading of Bill.*

The question has been asked whether after a member of the Assembly has been recognized, has moved the adoption of an amendment to a measure then pending before the House, and the Clerk has read the amendment upon being directed to do so by the Speaker, the Speaker may thereupon recognize another member and permit that other member to move that the amendment be laid on the table. The motion to lay the amendment on the table, being undebatable, has the effect of preventing discussion of the merits of the amendment and, if adopted, prevents the author of the amendment from explaining the purpose and effect intended to be accomplished by the amendment.

All of the parliamentary authorities that we have examined sustain the validity of permitting the motion to table, if properly made, at such time and under such circumstances.

Cannon's Procedure in the House of Representatives, page 404, states that the motion is in order before the member entitled to prior recognition for debate (that is, the author of the amendment) has begun his remarks.

Mason's Manual of Legislative Procedure, section 192, states:

> "The motion to lay on the table is in order immediately after the stating of a question and before the member entitled to prior recognition has been recognized, or after such a member has been recognized but before he has proceeded into debate, although recognized for that purpose."

In support of this statement is cited section 278 of Hughes' American Parliamentary Guide.

Robert's Rules of Order recognize that the motion to table may be used in this manner. The practice is discussed on pages 106 to 110, inclusive, of Robert's Rules of Order and the practice of using the motion for this purpose is criticised, particularly in nonlegislative bodies. However, on page 48 of the same work it is stated that:

> "A fourth method frequently used for suppressing a question is to lay it on the table, though this is an unfair use of the motion, except in bodies like Congress where the membership must have the power to suppress any motion immediately, as otherwise they could not transact business."

See, also, the footnote quoting from Jefferson's Manual commencing on page 107.

The correctness of the conclusion stated is demonstrated by a consideration of the successive parliamentary steps involved.

Before any subject is open to debate it is necessary, first, that a motion be made by a member who has obtained the floor and, second, that it be stated by the chair (Robert, sec. 2, p. 26; Mason, sec 20, p. 45).

While this memorandum does not attempt to discuss the extent to which a member may explain the purpose of the amendment while he has the floor for the purpose of moving its adoption, it would appear to be certain, first, that any such explanation is not strictly debate on the question of the motion to amend since the motion has not yet been made, and, second that, having made the motion, the member must yield the floor for the purpose of permitting the Speaker to state the question or for the Speaker to direct the Clerk to read the amendment.

The question is then before the House and open to debate.

Thereafter the first member addressing the chair and recognized by the Speaker legally has the floor. Assembly Standing Rule No. 24 provides that when two or more members rise at the same time the Speaker shall designate the member to speak first.

Robert, sec. 3, page 28, states:

"The member upon whose motion the immediately pending debatable question was brought before the Assembly is entitled to be recognized as having the floor even though another has risen first and addressed the chair."

It should be noted, however, that such member does not have the floor until he is so recognized. He is at most entitled to a preference in recognition, at least until he has had a reasonable opportunity to claim the floor and has not availed himself of this privilege. (Robert, sec. 4, p. 33.) However, the parliamentary authorities cited above fully support the contention that there is an exception to this rule, particularly in legislative bodies, and countenance the practice of recognizing another member in lieu of the member ordinarily entitled to the floor when such other member desires to make a motion to lay the amendment on the table.

It would therefore appear that a member may be recognized for the purpose of making a motion to lay an amendment on the table prior even to permitting the member offering the amendment to debate the merits of the amendment. In view of this fact it follows necessarily that even if the author of the amendment should be recognized and permitted to speak, a motion to table the amendment would be in order immediately after he yielded the floor, or at any subsequent time and that the making of such a motion would forestall further debate on the main question until the motion had been acted upon.

FRED B. WOOD,
By LAWRENCE G. ALLYN.

LGA/mf.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 16, 1940.

Honorable Gardiner Johnson,
Assembly Chambers, State Capitol,
Sacramento, California.

Subject: *Limitation of Debate.*
Request: *No. 7584.*

DEAR MR. JOHNSON: You have asked two questions:

(1) What is the proper procedure to take the floor from a member who has exceeded the time for debate allowed him by Assembly Rule No. 23, and

(2) Where a member has exceeded the time allowed him by Rule 23, may another member move the previous question without any other procedure?

In answer to the first question, it appears that the Speaker may call such a member to order without motion or any other member may raise a point of order. If the point of order is sustained, the member who had the floor will be requested to take his seat. (Mason's Manual of Legislative Procedure, Sec. 32, p. 60).

In answer to the second question, we cite Robert's Rules of Order, made the recognized authority on all occasions when the Assembly rules are not applicable. (Assembly Rule 90):

"In order when another has the floor. After a member has been assigned the floor he can not be interrupted by a member or the chairman, except by (a) a motion to reconsider; (b) a point of order; (c) an objection to the consideration of the question; (d) a call for the orders of the day when they are not being conformed to; (e) a question of privileges; (f) a request or demand that the question be divided when it consists of more than one independent resolution on different subjects; or (g) a parliamentary inquiry or a request for information that requires immediate answer; and these can not interrupt him after he has actually commenced speaking unless the urgency is so great as to justify it." (Sec. 3, p. 32).

It is our conclusion that a member may not be interrupted by a motion for the previous question, but must under the circumstances detailed be first called to order and requested to take his seat.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By MARTIN MCDONOUGH, Assistant Counsel.

Recess.

At twelve o'clock and ten minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m.

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 47—An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511 5, 3521, 3662 and 3663 to, to add Chapter 4 3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833 3, 3857 2 and 3859 20 of, to repeal sections 3773 1, 3833 and 3859 18 of and to add sections 3773 1, 3773 2, 3785 4, 3785 5 and 3785 6 to, and to add Chapter IXb, consisting of sections 3860 01 to 3860 32, and Chapter IXc, consisting of sections 3861 1 to 3861 8, to Title IX of Part III of the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Pelletier, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62

NOES—None

Title read and approved. Bill ordered transmitted to the Senate

Third Reading of Senate Bills (Resumed).

Senate Joint Resolution No. 1—Relative to memorializing Congress to enact a plan for old age assistance wholly supported by Federal funds

Bill read third time

Motion to Amend Senate Joint Resolution No. 1.

Mr. Heisinger moved to amend Senate Joint Resolution No. 1 as follows.

Amendment No. 1.

On page 1 of the printed bill, strike out lines 14 to 18, inclusive, and insert in lieu thereof the following: "old age assistance to be financed wholly from Federal funds; and be it further"

Amendment adopted.

Senate Joint Resolution No. 1 ordered to reprint, and third reading calendar.

Senate Bill No. 43—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system

Bill read third time, and passed by the following vote

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Notice of Motion to Reconsider Amendment to Assembly Bill No. 6 Waived.

Mr. King waived his notice of motion to reconsider the vote whereby the amendment to Assembly Bill No. 6 was adopted

Further Amendment to Assembly Bill No. 6 by Unanimous Consent. Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to offer the following amendment to Assembly Bill No. 6:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended February 13, 1940, after the period, insert the following No person is eligible to accept or hold the office of State Fire Marshal unless prior to appointment he shall have had five years of continuous experience in full-time fire prevention work

Amendment adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Dilworth Field, Fulcher, Gallagher, Gannon, Green, Johnson, Kellems, Kepple Knight, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, O'Day, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—41

NOES—Bennett, Burns, Hugh M., Cassidy, Collins, Crowley, Dills, Donnelly, Gilbert, Hawkins Houser, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Donnell, Peek, Pelletier Reaves, Richie, Robertson Rosenthal, Sawallisch, Tenney, and Yorty—26

Assembly Bill No 6 ordered to reprint, and re-engrossment.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 69—An act to add section 443 2 to the Political Code, relating to the payment of warrants of the State of California in legal tender

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Collins, Corwin, Cronin, Daley, Del Mutolo, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington O'Day, O Donnell, Peek, Pelletier, Phillips, Reaves, Robertson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60

NOES—Atkinson, Dills, Gilbert, Hawkins, King, Richie, Rosenthal, and Tenney—8.

Title read and approved Bill ordered transmitted to the Senate.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 19, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No. 68.

J A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, February 19, 1940

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to

Senate Bill No. 4—An act to add section 374 5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act,

And requests that your honorable body recede therefrom

J A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary

The question being: Shall the Assembly recede from its amendments to Senate Bill No. 4?

Assembly refused to recede by the following vote:

AYES—None

NOES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore Green, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—71

Appointment of Committee on Free Conference Concerning Senate Bill No. 4.

The Speaker announced the appointment of Messrs Kepple, Fulcher, and Carlson, as a Committee on Free Conference Concerning Senate Bill No 4.

Reconsideration of Senate Bill No. 48.

In compliance with a notice given on a previous day, Mr. Lyon moved that the vote whereby Senate Bill No 48 was refused passage be reconsidered.

Senate Bill No 48 reconsidered by the following vote·

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74

NOES—None.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 48—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read third time.

Demand for Previous Question.

Messrs. Lyon, Field, Clarke, Bashore and Mrs Daley demanded the previous question

Demand for previous question sustained by the following vote

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—40

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M. Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Williamson, and Yorty—34

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote·

AYES—Allen, Andreas, Bashore, Burns, Hugh M, Burns, Michael J, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Del Mutolo, Dilworth, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Robertson, Salsman Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—54

NOES—Atkinson, Bennett, Cassidy, Collins, Crowley, Dills, Donnelly, Heisinger, King, Massion, Meehan, Miller, George P., Peek, Pelletier, Reaves, Richie, and Rosenthal—17.

Bill read third time.

The roll was called

Call of the Assembly.

Pending the announcement of the vote, Mr Kepple moved a call of the Assembly.

Motion carried. Time, four o'clock and one minute p m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Proceedings Under Call of the Assembly Dispensed With.

At six o'clock and forty minutes p m., on motion of Mr Lyon, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Senate Bill No 48 refused passage by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—47

NOES—Andreas, Atkinson Bennett, Burns, Hugh M., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Masson, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Sawallisch—32.

Introduction and Reference of Bills (Resumed).

The following bill was introduced:

Assembly Joint Resolution No. 21: By Messrs. Scudder, Andreas, Dilworth, Lore, Burson, Watson, Del Mutolo, Meehan, Crowley and Cassidy—Relative to memorializing the members of the Congress of the United States from California in connection with losses sustained by poultry feed suppliers in connection with rural rehabilitation programs

Referred to Committee on Federal Relations

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notices of motion to reconsider votes on the following bills were continued until the next legislative day:

Assembly Bill No. 57.
Assembly Bill No. 100.

Reports of Standing Committees (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 19 1940

MR SPEAKER Your Committee on Engrossment and Enrollment has examined **Assembly Bill No. 105.**

And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

On Financial Institutions.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940

MR SPEAKER Your Committee on Financial Institutions, to which was referred **Senate Bill No. 61.**

Respectfully reports the same back with the recommendation: Do pass

LYON, Chairman

The above reported bill ordered on second reading calendar.

On Rules.

ASSEMBLY CHAMBER SACRAMENTO, February 19, 1940.

MR SPEAKER: Your Committee on Rules, to which was referred **House Resolution No. 35.**

Respectfully reports the same back with the recommendation Do pass.

DESMOND, Chairman.

The above reported measure ordered on third reading calendar.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 98—An act to amend the Improvement Act of 1911 by adding section 28b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder

Bill read second time, and ordered on third reading calendar

Assembly Bill No. 99—An act to amend the Street Opening Act of 1903 by adding section 18b thereto, relating to the refunding, repayment and adjustment of assessments and bonds issued thereunder

Bill read second time, and ordered on third reading calendar

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 64—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited, and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of public utilities and of works and improvements mentioned in the Improvement Act of 1911 by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately.

Committee Amendment to Senate Bill No. 64.

During second reading of the bill, the following amendment was submitted by the committee:

Amendment No. 1.

On page 4 of the printed bill, after line 8, add the following:

"The city council, at any time after the publication of any resolution of intention adopted hereunder, or the ordering of the improvement or acquisition, or the confirmation of the assessment, or ordering the issuance of bonds, and any contractor, at any time after the award of contract to him, may bring an action in the superior court of the county in which said city is located, to determine the validity of said proceedings, assessment, bonds, contract, improvement or acquisition, or any thereof Such action shall be brought pursuant to and be governed by the provisions of, and shall have the effect, as provided in section 16 of said Improvement Act of 1911, except as herein otherwise provided

Said bonds shall be sold in the manner provided in the Improvement Bond Act of 1915 for the sale of bonds issued on assessments levied under the Street Opening Act of 1903, and the proceeds thereof shall be deposited in the fund specified in section 13 hereof. The notice in the resolution of intention may recite a maximum rate of interest to be paid on such indebtedness, not to exceed 6 per cent per annum payable semiannually, which rate when so recited, shall not be exceeded in the issuance of said bonds In such case the bidder shall specify in his bid the rate of interest on which his bid is based, which rate need not be the same for each year. The city may purchase said bonds at par and accrued interest with money from the general or other fund of the city, in which case the city shall have the same rights with reference thereto as other purchasers.

At the time of ordering the issuance of bonds, the council shall fix the rate or rates of interest in accordance with the accepted bid. If the city is the purchaser, the council shall fix a rate not in excess of the highest qualified bid if bids have been called for or received. All said bonds shall be made payable to bearer"

Amendment adopted.

Bill read second time, ordered to reprint, and third reading.

Senate Bill No. 61—An act to amend section 4 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to rates of interest and other charges on loans made by industrial loan companies.

Bill read second time, and ordered on third reading calendar.

Re-reference of Bills.

By order of the Speaker, the following measure was withdrawn from the calendar, and re-referred as follows:

Assembly Constitutional Amendment No 3 re-referred to Committee on Constitutional Amendments.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 19, 1940

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

Senate Bill No. 46—An act to amend sections 130 and 130 1 of the Vehicle Code, relating to the records of the Department of Motor Vehicles.
Assembly Bill No. 96.

J. A. BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON, Assistant Secretary.

Assembly Bill No. 96 ordered to enrollment.

Senate Bill No. 46 read first time, and referred to Committee on Motor Vehicles.

Reports of Standing Committees (Resumed).

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No. 5.
And reports the same correctly enrolled, and presented to the Governor on this seventeenth day of February, 1940, at twelve o'clock m

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No. 55.
Assembly Concurrent Resolution No. 9.
And reports the same correctly enrolled, and presented to the Governor on this nineteenth day of February, 1940, at eleven o'clock a.m.

CASSIDY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 98.
Assembly Bill No. 99.
And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Miller, George P., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to S. J Burmeister of Alameda, also James Augotti, Donald Burford and Harold Goebel of the Democratic Veterans of Northern California.

On request of Mr. Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Donald Darst, teacher; and the following students of the American Government class of Modesto Union Academy: Harvey Bailey, Harold Donaldson, Arthur Forsburg, Bill Greenlaw, Bernice Jones, Elizabeth Macomber, Yvonne Smith, Violet Squier, Harold Staddon, Burton Wetherbee, Mark Wheeler and Elizabeth Woodmansee.

Adjournment.

At six o'clock and forty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock and thirty minutes a.m., Tuesday, February 20, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY
TWENTY-THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, February 20, 1940

At ten o'clock and thirty minutes a m, pursuant to adjournment, the Assembly was called to order.

Hon Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call.

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Del Mutolo, the further reading of the Journal of Monday, February 19, 1940, was dispensed with

Report of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1940.

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

Assembly Bill No. 6.

And reports the same correctly re-re-engrossed

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 116: By Messrs. O'Day, Gallagher, Doyle, Peek, Meehan and Del Mutolo—An act making an appropriation for the relief of hardship and

destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Assembly Bill No. 117: By Mr. Doyle—An act providing for the expenditure for the school lunch program of money appropriated for the relief of hardship and destitution due to and caused by unemployment, and declaring the urgency thereof.

Assembly Bill No. 118: By Messrs. Voigt and Lyon—An act to add section 3817c9 to the Political Code, and to add sections 4256.7 and 4258.7 to the Revenue and Taxation Code, relating to property taxation, including the payment of taxes in installments and redemption from tax sales, and declaring the urgency hereof, to take effect immediately.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 116: By Messrs. O'Day, Gallagher, Doyle, Peek, Meehan and Del Mutolo—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 117: By Mr. Doyle—An act providing for the expenditure for the school lunch program of money appropriated for the relief of hardship and destitution due to and caused by unemployment, and declaring the urgency thereof.

Referred to Committee on Social Service and Welfare

Request for Unanimous Consent.

Mr. O'Day asked for unanimous consent to have Assembly Bill No. 116 placed on calendar, at this time, without reference to committee, and that the same be considered engrossed.

Mr. Kepple withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. O'Day moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 116 at this time.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr O'Day moved a call of the Assembly.

Request for Roll Call.

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion for call of the Assembly lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Cronin, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Hawkins, Heisinger, Kilpatrick, Maloney, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Salsman—26.

NOES—Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Wollenberg, and Mr Speaker—32.

Motion for temporary suspension of the rules lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Cronin, Del Mutolo, Dills, Donnelly, Gallagher, Gilbert, Hawkins, Kilpatrick, Maloney, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, and Rosenthal—22.

NOES—Allen, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Fulcher, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Williamson, Wollenberg, and Mr. Speaker—34.

Assembly Bill No 116 referred to Committee on Social Service and Welfare.

Assembly Concurrent Resolution No. 12: By Mrs. Daley and Mr. Carlson—Relative to commendation of Robert Chandler, Superintendent of the Industrial Home for the Adult Blind at Oakland, California

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No 12, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 12.

Assembly Concurrent Resolution No 12 ordered on calendar without reference to committee

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 20, 1940

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

Assembly Concurrent Resolution No. 11—Relative to the prospective retirement of Robert Alexander from the State service.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section numbered 13 to Article XVI thereof, relating to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto

J. A. BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON, Assistant Secretary.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 20, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on *this day appointed as a Committee on Free Conference on*:

Senate Bill No. 4—An act to add section 3745 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act.

The *following* Senators: Kenny, *Breed and Mayo, to meet with a like committee* from your honorable body

J. A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary

Reconsideration of Amendment to Assembly Bill No. 57.

In compliance with a notice given on a previous day, Mr. Hawkins moved that the vote whereby the amendment to Assembly Bill No. 57 was adopted be reconsidered.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Hawkins moved a call of the Assembly.

Motion carried. Time, eleven o'clock and twenty-five minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock and thirty minutes p.m., on motion of Mr. Hawkins, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the motion to reconsider the amendment to Assembly Bill No. 57 carried by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert Gilmore, Green, Hawkins, Heisinger, Houser, Kilpatrick, King, Lore, Maloney, Massion, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sheridan, Tenney, Turner, Voigt, Wollenberg, and Yorty—43

NOES—Bashore, Burns Michael J., Burson, Call, Carlson Clarke, Colwin, Daley, Dilworth, Field, Gannon, Johnson, Kellems, Kepple, Knight, Leonard, Lyon,

Meehan, Miller, Eleanor; Millington, Phillips, Scudder, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, and Mr. Speaker—32

Assembly Bill No. 57 ordered placed on third reading calendar.

Recess.

At twelve o'clock and thirty-five minutes p m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p m

Reassembled.

At two o'clock and thirty minutes p m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Resolution.

By Messrs Poulson, Knight and Lore:

House Resolution No. 42.

WHEREAS, The State Relief Administration has presented the following statement of approximate assets and liabilities.

"ASSETS.

As at February 16, 1940, at opening of business, the Controller's books showed the following approximate figures of assets on hand for the SRA

Cash on hand, in treasury	$2,500,000	
Warrants unsold	1,600,000	
Total assets available for expenditure against SRA claims		$4,100,000

The SRA has encumbered or 'earmarked' the above amounts in order to insure that obligations incurred such as payrolls, purchase orders issued to vendors, rents etc, will be paid when presented as a claim, regardless of whether the claim is presented tomorrow or a year from tomorrow.

LIABILITIES.

The liabilities of the SRA for which the above funds have been earmarked or encumbered are approximately as follows:

Wages and salaries for the month of February. (These will be paid in March)	$750,000
Emergency relief orders issued to doctors, grocery stores and other vendors for which claims have not as yet been received	700,000
Cash direct relief payrolls—written by the SRA during the normal course of business in transit to the Controller's disbursing office. (This usually amounts to two days' work—they go to Controller's auditors first)	400,000
Purchase orders issued to vendors for food supplies delivered to camps for which invoices or claims have not as yet been received. Approximately $150,000 per month is spent for this purpose This amount represents about complete orders for January and February and the remainder of older liabilities	400,000
Services and expense items such as rents, utilities, travel, rentals of equipment, etc., for which claims have not been presented	300,000
Obligations incurred for miscellaneous purchase orders issued for which claims have not been presented—including approximately $370,000 for textiles for WPA sewing projects and $130,000 for advances of raw materials to cooperatives	700,000
Miscellaneous obligations including $200,000 for property and equipment, purchase orders and encumbrances for previous fiscal years, $350,000	850,000
Total liabilities	$4,100,000"

now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief of the Division of Budgets and Accounts of the Department of Finance is hereby directed

at once to undertake a preliminary audit and reconciliation of the statement hereinabove set forth and to report to this House his findings thereon as soon as possible

Request for Unanimous Consent.

Mr. Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 42, at this time, without reference to committee.

House Resolution No. 42 read, and adopted.

Motion to Expunge Record and Rescind Action.

Mr. O'Day moved to expunge the record and rescind the action whereby the motion to suspend the Rules for the consideration of Assembly Bill No. 116 was lost.

Motion to Expunge Record and Rescind Action Laid on the Table.

On motion of Mr. Field, the motion to expunge the record and rescind the action was laid on the table by the following vote.

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Colwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—38

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, Maloney, Massion, Meehan, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sheridan, Tenney, and Yorty—31

Hon. Ray Williamson in the Chair.

At three o'clock and ten minutes p.m. Hon. Ray Williamson, member of the Assembly from the Twenty-sixth District, in the chair

The Speaker in the Chair.

At three o'clock and twenty-six minutes p.m. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion for Committee of the Whole.

Mr. Cronin moved that the Assembly resolve itself into a Committee of the Whole for the consideration of the proceedings before the Assembly in regard to the failure of William Elconin to respond to a subpena issued by the Assembly Relief Investigating Committee

Substitute Motion.

Mr Maloney moved as a substitute motion that the Assembly resolve itself into a Committee of the Whole in order that the Legislative Counsel might advise the Assembly as to the proper procedure in the above proceedings.

Motion carried.

Legislative Counsel Interrogated in Committee of the Whole.

In accordance with the above motion the Legislative Counsel was interrogated in the Committee of the Whole.

IN ASSEMBLY.

Speaker Garland in the chair.

Motion to Print Remarks in Journal.

Mr. Williamson moved that the remarks by Mr. Wakefield be printed in the Journal.

Remarks.

By Mr. Wakefield:

Mr. Speaker and Members of the Legislature

As I understand it, Mr. William Elconin was subpenaed to appear before the Assembly Relief Investigating Committee *and to bring with him certain books,*

records, and documents He did not appear at the time and place specified in the subpena, nor did he bring with him at that time the books, records, and documents Thereafter, the committee reported that fact to this body and upon that report being filed, Assembly Resolution No 38 was adopted which directed the Sergeant-at-Arms to arrest the witness and bring him before the bar of this House to show cause why he should not be punished for the contempt which he had committed

At this point, there are two alternatives open to this House In the first place, the very failure of the witness to produce the books, records, and documents constitutes a criminal offense according to section 87 of the Penal Code There is also a very old statute adopted in 1857 which provides that the failure to appear before a legislative committee in response to a subpena is also a crime It goes on to say that upon the direction of the body itself, the Attorney General shall submit the matter to the grand jury of Sacramento County and that the grand jury shall consider the matter and if it finds that a crime has been committed, indict the man for the crime committed

The resolution Mr Yorty has just submitted to you is based upon that general procedure. What the resolution proposes to do is bring the fact of the contempt before the committee directly to the attention of the Attorney General and ask him to bring proceedings before the Sacramento grand jury or originally before the superior court of Sacramento County to punish the man for his failure to appear before the committee.

Now, in addition to that, and as the second alternative, the House may, bring the witness before the bar of the house and through the Speaker, propound to the witness certain questions giving him an opportunity to say whether he did or did not appear before the committee and if he did not appear whether he has any legal excuse for his failure to do so If he is willing to purge himself of the contempt of this body by appearing before its committee and producing the required records, he should be instructed to do so If he is still unwilling to do that he may be brought before the bar of the house, to show justifiable cause, if any he may have, why he did not appear and produce the records demanded of him Then this body will determine whether his excuse for failing to produce the records is justifiable and whether he is justified in not appearing before the committee If the house believes that his reasons for not appearing before the committee and for his failure to produce the records are inadequate, it may directly commit him to the county jail until such time as he is willing to purge himself of the contempt

That, briefly, states the alternatives and it is up to the House to determine which alternative they wish to choose

Mr. Cronin:

Is it possible to follow out this procedure, bring the man before the bar of the Assembly and ask him the questions you referred to in your second alternative as to whether or not he obeyed the subpena, to thereafter refer the matter to the Attorney General for his action without the body itself here holding him in contempt and determining the punishment?

Mr. Wakefield.

It seems to me that it is, Mr Cronin, upon this theory The House has a resolution before it, if the members feel that in order to properly dispose of it they desire to know just what the man's excuse may be, originally, assuming he has an excuse and a sufficient one, I see no reason why he should not be brought in

Mr. Field:

Is he immune from punishment?

Mr Wakefield:

It depends upon what you mean by immunity, Mr Field If you mean immune from the contempt itself—I think the answer is no For testifying before the committee he may obtain immunity as to those things concerning which he is required to testify He does not obtain immunity from contempt because of any explanation of his failure to appear which he may make here This is in the nature of a follow-up procedure.

Mr. Lyon:

Suppose we bring the gentleman in question in and ask him the questions suggested by the two methods you have there—whether or not he has any excuse to show and he goes off into a long explanation of facts and we do not stop him can we certify the proceedings to the grand jury and punish him for contempt?

Mr. Wakefield:

It seems to me to be within the power of the House to confine the witness to statements that are responsive of the questions propounded to him Any explanation he may give here does not necessarily excuse him for his original failure to appear before the committee.

Mr Yorty:

The point I wish to make clear which was doubtful in my mind is the fact that if the witness is brought in and has still not produced his records then we

commit him to jail and if later the court finds the subpena was not sufficient we shall have placed him in jail by an action of this body without having a court first determine that fact Mr Cronin has suggested a feasible method; that is, to follow out the procedure of bringing before the bar of the Assembly this witness and asking him if he has brought the records at this time Then I see no reason why we can not certify all of this to the Attorney General and in that way still do the thing I am most interested in and test the power of the Assembly committee to bring witnesses in and the power of the Attorney General to punish when in contempt.

Mr. Wakefield:

It is for the House to decide what it wants to do in the premises It is up to them to decide which alternative or alternatives they wish to take.

Mr. Atkinson:

There was some discussion on the floor of the Assembly as to whether the witness had to appear before he had a witness fee I should like to know what arrangements have been made.

Mr. Wakefield:

There is no provision in the law of the State of California or the Assembly rules which requires the prepayment of witness fees to witnesses before any committee of the Legislature Rule 97 of the Assembly Standing Rules provides that witnesses before the Assembly or any committee thereof are entitled to a fee of $5.00 per day and to 3½c per mile to and from the place of hearing but the fees *are not required by that rule nor any statute to be paid in advance*

Mr. Call:

Mr. Wakefield, isn't it your understanding that the only questions that we can ask this man are, Have you in your possession the records, books, and documents? And if he answers in the negative, Have you any excuse for not producing the records, books and documents? Aren't those the only questions we should ask?

Mr. Wakefield:

That seems to me to be true. This man has failed to appear before the committee in the first instance He has not appeared and has refused to appear The House should determine whether he did appear and if he did not appear whether or not he has an excuse for failing to appear.

Mr. Crowley:

If the man comes here before this body and if the first thing he demands is an attorney, are you going to see that he gets an attorney?

Mr. Wakefield:

It is up to the House to determine if he may be permitted an attorney. There is no provision of law that I know of which entitles him to an attorney. In the past, in the instances where we have precedent for this sort of proceeding, the witness is allowed an attorney or not according to the terms of the original resolution; which directs that he be brought before the House. In this instance the resolution does not say whether or not the witness may have an attorney. It should be remembered that this is not a criminal proceeding. The witness is here as a witness, not as a defendant in a criminal proceeding. This is a proceeding before an independent branch of the government, the legislative branch, to enforce its right to obtain information on subjects pending before it

Mr. Rosenthal:

Mr. Wakefield, would such an individual be entitled to advice as to his constitutional rights?

Mr. Wakefield:

I see no reason why he should not be, if the House wishes to accord him the opportunity to be so advised.

Mr. Rosenthal:

With respect to any information he was called upon to give, what constitutional rights would he have?

Mr. Wakefield:

If we may assume the proceedings have been proper, up to this point, the only right which he has is a right to state any reasons he may have for his failure to appear before the Committee. Assuming that questions are asked of him relative to his failure to appear before the committee, it would seem that he has no alternative except to answer the questions or commit additional contempt before this House.

Mr. Rosenthal:

Has he any of the rights of a defendant in a legal procedure?

Mr. Wakefield:

No It is true that in certain instances the courts have relied upon analogous provisions in the penal and civil code to determine what the powers of the legislative

body are but there is no requirement that he be accorded the same rights as a defendant in a criminal proceeding

Mr. Rosenthal:

The House has absolute power to ascertain if he has abrogated the authority of the House and may mete out the punishment that they may see fit to mete out?

Mr Wakefield:

The House which he is appearing before consists of eighty members and they represent the interests of the people of the State as a whole—in effect, he is being tried before the people's own representatives for failing to do what they have asked him to do We must assume that the judgment of the House will be inherently fair In effect he is being tried by a jury of his peers, a jury consisting of eighty members rather than of twelve. If the House decides that he has no reason for his refusal to appear before the committee that should end the matter and he may be confined until he is willing to appear.

Mr. O'Day:

Is a majority of the vote of the members elected or here present to determine whether or not he is in contempt?

Mr. Wakefield:

The vote required is that which is required to pass any other resolution.

Mr. O'Day:

If the man is to be sworn in before he testifies, who swears him in?

Mr. Wakefield:

It is not required that he be sworn in He is brought here and is not testifying under oath; he is simply answering questions he is asked to answer. He may, however, be sworn in by the Speaker

Mr. O'Donnell:

As I understand it we are passing upon the question if there is any excuse for his not appearing before the Assembly committee and also for not having produced his books before the Legislature Can you give us any legal guiding as to what would constitute a reasonable excuse?

Mr. Wakefield:

The best test I can suggest to you in a few words is that a man probably can not be compelled to do that which it is impossible for him to do If his excuse might be that he was unable to appear on account of insufficient funds, the House must determine whether or not they believe that he did not have sufficient funds If they believe it, it seems to me in that case that he has exonerated himself. If his excuse is that he did not have the books and records in his possession and therefore could not present them, the house must determine whether or not they believe he was telling the truth If they believe him he may have exonerated himself

Mr. Dills:

I would like to ask if the second resolution here is not passed upon the presumption that the gentleman in question is in contempt of the Assembly and has already committed that crime.

Mr Wakefield:

When he first refused to appear when subpenaed before the committee he probably committed a crime. He did not necessarily commit a contempt of the house, as that can not be determined until he is brought before it He has committed a misdemeanor for failing to obey a subpena

Mr Dills:

The second resolution has been introduced which countermands House Resolution No 38 which requested that the gentleman appear to be tried The second resolution has already made the man guilty of contempt before we have had the chance to have him appear. There may be good and logical reasons why The second resolution is passed on the fact that he is in contempt without the house having determined this fact.

Mr. Wakefield.

There are two separate things involved: The crime for failing to appear before the committee is one The house can not punish for and can not determine if it has been committed It is however within its rights to punish for the contempt of failing to appear before the committee and when the house orders him to be brought before the house they are doing it for the purpose of passing on that contempt and not for the crime of failing to appear

Mr Voigt:

This matter can be disposed of briefly by asking just a few questions that Mr Wakefield has enumerated and, depending upon the answers of those questions to this house, either exonerate or follow out the resolution The sooner we get down to that the sooner we will dispose of it

Mr Lyon:
I move that we do rise
Mr. Speaker:
Mr Lyon moves that we do rise as a committee of the whole Is there a second to his motion? Do pass
Mr. Williamson:
I am going to ask that Mr. Wakefield's remarks be printed in today's Journal I suggest that Mr. Wakefield conform to our request that his remarks be printed in the Journal
Mr. Speaker:
So ordered

Motion to Bring William Elconin Before Bar of the Assembly.

On motion of Mr. Carlson, the Sergeant-at-Arms brought William Elconin before the bar of the Assembly to answer to the proceedings before the Assembly in regard to the failure of William Elconin to respond to a subpena issued by the Assembly Relief Investigating Committee

Upon appearing before the bar of the Assembly William Elconin took the oath, as administered by the Speaker

Statement to Witness.

Mr. Collins stated to the witness that under section 13, Article I, of the State Constitution, that in criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel.

Resolution.

By Mr. Yorty:

House Resolution No. 43.

WHEREAS, This Assembly did on the first day of February duly adopt House Resolution No. 9, which resolution appears on page 58 of the Assembly Journal of this extraordinary session, and is incorporated herein by reference and made a part hereof, creating the Assembly Relief Investigating Committee, to which committee was referred the investigation of the entire problem of the relief of hardship and destitution, the administration of the California Unemployment Relief Act of 1935, and all problems relating thereto, with full power to act in the premises, to issue subpenas, to compel the attendance of witnesses, and to examine them touching any and all matters referred to the committee; and

WHEREAS, The Assembly Relief Investigating Committee issued a subpena to William Elconin, directing him to appear and testify before the said committee at Room 426 in the State Capitol at Sacramento, California, at ten o'clock a.m., on the sixteenth day of February, 1940, and to bring with him the following:

"(1) A complete list or roster of all persons who are now, or who were during any part of 1939, members of, or who now have, or who had, during any part of 1939, membership cards in the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America,

(2) The complete record of all funds received by the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America, either in the form of dues or contributions from all persons whatsoever during the year 1939, including the complete list of all persons paying such dues or making such contributions to the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America." all of which touch and concern certain matters and things pertinent to the investigation of the said committee; and

WHEREAS, Said subpena was duly served upon William Elconin in Los Angeles County by a deputy of the sheriff of that county upon the fourteenth day of February, 1940; and

WHEREAS, William Elconin failed and refused to appear before the Assembly Relief Investigating Committee at the time and place more particularly specified in the subpena, and failed and refused to produce the lists, rosters, records, and other information as required thereby, and

WHEREAS, The said committee has reported to this Assembly the failure and the refusal of the witness to comply with said subpena, which report was made to the Assembly on February 17, 1940, and is incorporated herein by reference and made a part hereof; now, therefore, be it

Resolved by the Assembly of the State of California, That the Speaker of the Assembly is hereby directed to certify the fact of the said William Elconin's apparent violation of Penal Code section 87, Political Code sections 300 to 304, and Chapter 95 of the Statutes of 1857 to the Attorney General of this State, who shall bring the matter before the Grand Jury of Sacramento County for its action, or take such other action in relation thereto as may be required or permitted by law; and be it further

Resolved, That the Attorney General is hereby expressly directed to prosecute William Elconin to the full extent permitted by law for any and all of the crimes which he may have committed against the legislative power of this State; and be it further

Resolved, That the Speaker certify the facts to the Attorney General, and that copies of this resolution duly authenticated and certified to by the Speaker of the Assembly and the Chief Clerk be certified and transmitted to the Attorney General by the Speaker; and be it further

Resolved, That the Sergeant-at-Arms is hereby discharged, released, and exonerated from any further duty or responsibility for the carrying out or enforcement of the mandates of House Resolution No. 38, and William Elconin is ordered discharged and is hereby discharged from any and all restraint that may have been imposed upon or custody taken of him pursuant to the provisions of House Resolution No. 38.

Request for Unanimous Consent.

Mr. Millington asked for, and was granted, unanimous consent to take up House Resolution No. 43, at this time, without reference to committee.

House Resolution No. 43 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—54

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Dills, Gilbert, Green, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, Peek, Pelletier, Reaves, Richie, and Rosenthal—21.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 20, 1940

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

Senate Bill No. 58—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately;

and

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary.

Senate Bill No. 58 read first time, and ordered on calendar without reference to committee

Senate Bill No. 81 read the first time

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up Senate Bill No. 81, at this time, without reference to committee or calendar.

Consideration of Senate Bill No. 81.

Case of Urgency Resolution.

Resolved, That Senate Bill No. 81 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crow-

ley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wevbret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 81, at this time.

Second Reading of Senate Bill No. 81.

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Motion to Amend Senate Bill No. 81.

Messrs. Desmond and Houser moved to amend Senate Bill No. 81 as follows:

Amendment No. 1.

On page 2, of the printed bill, strike out lines 10 to 13, inclusive.

Amendment No. 2.

On page 2, line 31, of the printed bill, after "cash," insert the following: "wages,".

Amendments adopted.

Request for Unanimous Consent.

Mr. Robertson asked for and was granted, unanimous consent to take up Senate Bill No. 81, at this time, without reference to print, committee or calendar.

Further Consideration of Senate Bill No. 81.

Motion to Amend Senate Bill No. 81.

Mr. Robertson moved to amend Senate Bill No. 81 as follows:

Amendment No. 1.

On page 5 of the printed bill, between lines 25 and 26, insert the following:

"SEC. 12 3. If any county takes all recipients of relief resident of that county from the State Relief Administration, furnishes all materials, equipment, tools, supervision, and transportation, and sponsors and finances useful but nonessential work relief projects, it need not reimburse the State for the value of the labor supplied by the relief administration."

Motion to Amend Amendment.

Mr. Carlson moved to amend the amendment by Mr. Robertson as follows:

In line 1 of the amendment by Mr. Robertson, strike out "all", and insert in lieu thereof the following: "any".

Amendment to the amendment by Mr. Robertson adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Del Mutolo, Desmond, Dilworth, Field, Fulcher, Gallagher, Gannon, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Salsman, Scudder, Sheridan, Stream, Thorp, Walker, Waters, Watson, Weber, Wollenberg, and Yorty—42

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Collins, Crowley, Daley, Dills, Donnelly, Evans, Gilmore, Hawkins, Kilpatrick, King, Lore, Massion, Millington, O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Thurman, Turner, Wevbret, and Williamson—31

Amendment by Mr. Robertson, as amended, adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo,

Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—63.

NOES—Atkinson, Dills, Evans, Kilpatrick, King, Massion, Peek, Reaves, and Rosenthal—9.

Senate Bill No. 81 read second time, ordered to reprint and third reading.

Motion to Print Transcript in Journal.

Mr. Crowley moved that the transcript taken at the hearing of William Elconin be printed in the Journal.

Substitute Motion.

Mr. Williamson moved as a substitute motion that the transcript be printed in the Journal and that the reporter be paid at the statutory fee.

Substitute motion carried by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Field, Fulcher, Gilmore, Green, Hawkins, Johnson, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, O'Day, O'Donnell, Pelletier, Reaves, Rosenthal, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Weber, Weybret, Williamson, Wollenberg, and Yorty—47

NOES—Carlson, Dilworth, Miller, Eleanor; Millington, Poulson, Richie, Salsman, Scudder, and Watson—9.

Notice of Motion to Reconsider House Resolution No. 43.

Mr. Rosenthal gave notice that on the next legislative day he would move to reconsider the vote whereby House Resolution No. 43 was this day adopted.

Reconsideration of House Resolution No. 43.

In compliance with a notice given, Mr. Yorty moved that the vote whereby House Resolution No. 43 was adopted be reconsidered.

Demand for Previous Question.

Messrs. Lyon, Field, Watson, Desmond and Kellems demanded the previous question.

Demand for previous question sustained.

The question being on the reconsideration of House Resolution No. 43.

Reconsideration refused by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Del Mutolo, Dills, Doyle, Green, Hawkins, Kilpatrick, King, Massion, Meehan, Miller, George P., O'Day, Peek, Reaves, Richie, and Rosenthal—20

NOES—Allen, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Pelletier, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—45

Special Order Set for Senate Bill No. 81.

On motion of Mr. Desmond, the consideration of Senate Bill No. 81 was made a special order of business for Tuesday, February 20, 1940, at nine o'clock and fifteen minutes p. m.

Recess.

At six o'clock and fifty-five minutes p. m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of nine o'clock and fifteen minutes p. m.

Reassembled.

At nine o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. Gardiner Johnson, Speaker pro tempore of the Assembly, in the chair.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 20, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended the following:

Assembly Bill No. 60—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938, to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary

Assembly Bill No. 60 ordered on unfinished business calendar.

Special Order.

The hour of nine o'clock and fifteen minutes p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Senate Bill No. 81.

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time.

Motion to Amend Senate Bill No. 81.

Mr. Voigt moved to amend Senate Bill No. 81 as follows:

Amendment No. 1.

On page 1, lines 2 and 3, of the printed bill, strike out "the sum of twelve million, two hundred thousand", and insert in lieu thereof the following: "twenty-six million two hundred thousand"

Amendment No. 2.

On page 1, line 7, of the printed bill, strike out "June 1", and insert in lieu thereof the following: "October 1"

Amendment No. 3.

On page 1, line 9, of the printed bill, strike out "two hundred thousand ($200,000)", and insert in lieu thereof the following: "four hundred thousand ($400,000)".

Amendment No. 4.

On page 2, line 9, of the printed bill, after "$3,000,000", add the following: "$3,500,000 per month for the months of June, July, August and September".

Amendments refused adoption.

Division of the Question.

On motion of Mr. Lore, the Speaker ordered the following amendments voted on separately:

Amendments to Senate Bill No. 81.

Mr. Lore moved to amend Senate Bill No. 81 as follows:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "twelve", and insert in lieu thereof the following: "fifteen".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "($12,200,000)", and insert in lieu thereof the following: "($15,200,000)".

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, strike out "$5,500,000", and insert in lieu thereof the following: "$8,500,000"

Demand for Previous Question.

Messrs. Desmond, Call, Stream, Kellems and Thurman demanded the previous question.

Demand for previous question sustained

The question being on the adoption of the Amendments Nos. 1, 2 and 3.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Lore moved a call of the Assembly.

Motion carried. Time, nine o'clock and forty minutes p m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Williamson, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly for the balance of Mr Lore's amendments, by unanimous consent.

Further Amendments to Senate Bill No. 81.

Mr Lore moved to further amend Senate Bill No. 81 as follows:

Amendment No. 4.

On page 2, of the printed bill, as amended, strike out lines 14 to 19, inclusive.

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Masston, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Vogt—29.

NOES—Allen, Bashore, Burson, Call, Carson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—42.

Amendment No. 5.

On page 2, line 40, of the printed bill, as amended, after "section", insert the following: "All expenditures made for (i) distribution of surplus commodities (ii) the maintenance and operation of relief camps under subdivisions (c) and (d) of section 3 of the California Unemployment Relief Act of 1935, and (iii) the maintenance and operation of medical clinics, may be charged, when expended, to the 82 per cent classification provided in this section"

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Lore moved a call of the Assembly.

Request for Roll Call.

On request of Messrs. Allen, Green and Field, the Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Masston, Meehan, Millington, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, and Yorty—32

NOES—Allen, Bashore, Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Desmond, Field, Fulcher, Gannon, Green, Houser Johnson Kellems, Kepple, Knight,

Kuchel, Leonard, Lyon, Miller, Eleanor; Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—39

Amendment No 5 lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, Turner, and Yorty—32.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—40.

The Speaker in the Chair.

At ten o'clock and twenty minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Amendment No. 6.

On page 3 of the printed bill, as amended, strike out lines 15 to 21, inclusive, and insert in lieu thereof the following:

"SEC. 6. The State Controller and any of his duly designated representatives and any grand jury shall at all times have free access to the books, records, papers, and offices of the Relief Administrator and the Relief Commission"

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Meehan, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, and Tenney—33

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—42.

Amendment No. 7.

On page 4 of the printed bill, as amended, between lines 32 and 33, insert the following:

"(c) Notwithstanding the provisions of subdivision (a), the appropriation made by this act may be expended for the relief of any person who, on the effective date of this act, has resided in the State of California for a period of one year or more with intent to make it his home"

Amendment No. 8.

On page 4, line 33, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendment No. 10.

On page 4, line 37, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendments refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Tenney—29.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—45.

Amendment No. 9.

On page 4, line 34, of the printed bill, as amended, between "available" and "for", insert the following: "for temporary relief for a period not in excess of forty-five days and".

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, and Tenney—28.

NOES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream,

Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—47

Amendment No. 12.

On page 5, line 47, of the printed bill, as amended, after "law", insert the following ", except aid to the aged received under Chapter 1 of Division III of the Welfare and Institutions Code and aid to needy blind received under Chapter 1 Part 1, of Division V of the Welfare and Institutions Code,"

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, and Yorty—33

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—44

Further Proceedings Under Call of the Assembly Dispensed With on Amendments Nos. 1, 2 and 3.

At ten o'clock and forty minutes p m., on motion of Mr Lore, further proceedings under the call of the Assembly were dispensed with on the adoption of Amendments Nos 1, 2 and 3 by Mr Lore

The roll of absentees was called, and Amendments Nos 1, 2 and 3 to Senate Bill No. 81 refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, O'Day, Peek, Pelletier, Reaves Richie, Robertson Rosenthal, Sawallisch, Tenney Voigt, and Yorty—34.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington O'Donnell, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—44

Hon. Ernest O. Voigt in the Chair.

At ten o'clock and forty-five minutes p m., Hon Ernest O Voigt, member of the Assembly from the Sixty-first District, in the chair.

Further Amendment to Senate Bill No. 81.

Mr Heisinger moved to amend Senate Bill No. 81 as follows.

Amendment No. 1.

On page 3, line 46, of the printed bill, after "family", insert the following "other than minors".

Amendment refused adoption by the following vote

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Crowley, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Heisinger, Kilpatrick, King, Lore, Massion, O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Tenney, and Yorty—30

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Field, Fulcher, Gannon, Houser, Johnson, Kellems, Kepple, Knight Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, Phillips, Poulson, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, and Wollenberg—40

Further Amendment to Senate Bill No. 81.

Mr Gilbert moved to amend Senate Bill No. 81 as follows:

Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 5 to 9, inclusive, and insert in lieu thereof the following: "project shall sell within any year capital or consumable goods for use or consumption by any person, firm, association, or corporation, other than for use or consumption by producer and consumer cooperatives and their members on relief or direct production projects and persons directly participating in the work of such projects who are on relief, in excess of the total value

of goods or services purchased within that year by such cooperatives or projects through the medium of cash or barter Every purchase and sale shall be made through the authorized cooperative's or project's agent whose duty it is to keep an accurate account of all sales and purchases and to deliver a monthly and yearly statement of such sales and purchases to the Relief Administrator, who shall at all times have control of the volume of such sales and purchases within the limits herein provided."

Amendment refused adoption by the following vote.

AYES—Andreas, Atkinson, Bennett, Dills, Doyle, Evans, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore Massion, Meehan, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Turner, and Yorty—22

NOES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—49.

The Speaker in the Chair.

At ten o'clock and fifty-eight minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion for Committee of the Whole.

Mr. Peek moved that the Assembly resolve itself into a Committee of the Whole for the consideration of Amendments to Senate Bill No. 81.

Motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Knight, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, and Yorty—37

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—41

Further Amendments to Senate Bill No. 81.

Mr. Peek moved to amend Senate Bill No. 81, as follows:

Amendment No. 1.

On page 1, lines 2 and 3, of the printed bill, strike out "twelve million, two hundred thousand dollars ($12,200,000)", and insert in lieu thereof the following "thirteen million, seven hundred thousand dollars ($13,700,000)".

Amendment No. 2.

On page 2, line 7, of the printed bill, strike out "$5,500,000", and insert in lieu thereof the following: "$7,000,000".

Amendments refused adoption by the following vote.

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Voigt, and Yorty—37

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—41.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion,

Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76.

NOES—None

Recess.

At eleven o'clock and fifteen minutes, on motion of Mr. Robertson, the Speaker declared the Assembly at recess until the hour of eleven o'clock and twenty minutes, by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Knight, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Voigt, Walker, and Watson—41

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Miller, Eleanor, Millington, Phillips, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Waters, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—36

Reassembled.

At eleven o'clock and twenty minutes p. m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Third Reading of Senate Bill No. 81.

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—55.

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Dills, Donnelly, Doyle, Evans, Gilbert, Hawkins, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Peek, Pelletier, Reaves, Richie, Rosenthal, and Tenney—23.

Title read and approved. Bill ordered transmitted to the Senate.

Explanation of Vote.

My reason for voting against Senate Bill No. 81 is that I do not want to deprive the needy of this State of adequate relief. I am a progressive, Jeffersonian Democrat, and Jefferson would never take such a bill and I do not think our good Governor will sign it.

HENRY P. MEEHAN.

Explanation of Vote on Residential Requirements of Senate Bill No. 81.

I voted against the residential requirements in Senate Bill No. 48. After the vote was taken on Senate Bill No. 81, re residential requirements, in which I voted "No" I find I wasn't consistent in vote, as it would throw more people on our private associations, which I am against.

I should have voted "No"

T. A. MALONEY.

Explanation of Vote.

The emergency of funds to carry on the SRA for the next few months is so urgent that even though there are some undesirable features I am voting for the bill.

S. L. HEISINGER

We, the undersigned, refuse to vote for any relief bill which reduces the relief client to a state of economic peonage and denies him his civil rights, as Senate Bill No. 81 clearly does. This bill, if enacted, will precipitate a dangerous relief crisis

and cause slow starvation among thousands of our fellow citizens and their children.

MAURICE E. ATKINSON,	JOHN B. PELLETIER
AUGUSTUS F. HAWKINS,	PAUL A. RICHIE
JACK MASSION	VERNON KILPATRICK
F. RAY BENNETT	BEN ROSENTHAL
RALPH C. DILLS	GEORGE D. COLLINS, JR.
WILBUR F. GILBERT.	CECIL R. KING

Reports of Standing Committees (Resumed).

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1940

MR. SPEAKER: Your Committee on Revenue and Taxation to which was referred, Senate Concurrent Resolution No. 5.

Respectfully reports the same back with the recommendation: Be adopted as amended.

TURNER, Chairman

Second Reading of Senate Bills (Out of Order).

Senate Concurrent Resolution No. 5.

Relative to requesting certain data from the State Personnel Board

Committee Amendment to Senate Concurrent Resolution No. 5.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 2, line 2, of the printed measure, strike out the word "fiscal" and insert in lieu thereof the word "calendar"

Amendment adopted

Bill read second time, ordered to reprint, and third reading

Resolution.

Assembly House Resolution No. 44.

By Messrs. Johnson, Kellems and Miss Miller:

WHEREAS, Upon the twenty-second day of February, 1732, George Washington the first President of the United States, was born at Wakefield, Virginia; and

WHEREAS, The people of California and of the United States are indebted to his indomitable courage and his unflinching devotion to the cause of freedom for *the heritage of liberty they now enjoy*; and

WHEREAS, The example he set of constancy in victory and defeat, of unfailing loyalty, and of integrity in public office remains as an inspiration and a beacon light to his countrymen for all time; now, therefore, be it

Resolved by the Assembly of the State of California, That the hour of 10:30 a.m., Thursday, the twenty-second day of February, 1940, be set aside for an appropriate ceremony commemorating the birth of George Washington by this Assembly; and be it further

Resolved, That when the Assembly adjourns upon Thursday, the twenty-second day of February, they do so in honor of George Washington

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 44, at this time, without reference to committee.

House Resolution No. 44 read, and adopted unanimously.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Poulson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Virginia Shaver, niece of Assemblyman and Mrs. Poulson.

On request of Mr. O'Donnell, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to L. T. Sims, principal, and the following named students of the Clarksburg High School: Bill Mesquita, Mutsuo Nishida, Hiroshi Nishikubo, Kinuko Shimada, Tetsuo Osaki, Bill Sweeney, Grace Tagami, Matazo Tagami, Henry Tsukije, Tad Morishige, Ben Acosta, Earl Baliel, Tom Birming-

ham, Betty Butler, Genette Heringer, Gan Hitomi, Ruth Holmes, Sylva Houglan, Tomiko Imamura, Miyoko Kawahisa, Emiko Matsumoto, Kazuto Matsumoto, Donna Mangan, Joe Mangan, Violet Mello and Joe Mente.

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Elmer Richey, instructor, and the following named members of the Boys Forum, of the Roseville Union High School: C Daniel Wood, Gloyd T Clowdus, John W. Mahan, Robert M. Seawell, Robert L Brunner, Aldo C. Pineschi, Eldo Bianchi, Archie H Tewell, George Uyeda, George Yonehiro, Victor Abrahamson, Stuart Driver, Joe S. Montero, John Carbone, Arthur Costenborder, Carl Norden, Bob Fowler, Ellis Roskelley, David Fiddyment, Bill Miller, Peter Carbone, John Fiddyment and Jack Surko.

On request of Messrs. Meehan, Miller and Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon John V Lewis and Ray Jannett of Alameda County.

Adjournment.

At eleven o'clock and thirty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock and thirty minutes, a.m., Wednesday, February 21, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY
TWENTY-FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, February 21, 1940.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Love, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawtelle, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Cassidy, the further reading of the Journal of Tuesday, February 20, 1940, was dispensed with.

Prayer Ordered Printed in the Journal.

On motion of Mr. Dills, the following prayer offered by Rev. Raymond Lull Bailey this day was ordered printed in the Journal:

God, we want to talk to You this morning. We aren't worthy of the privilege and we know it—but somehow we have the funny idea You won't mind and will have the patience to listen. This life You gave us is no "bed of roses" and there isn't a day goes by but what we feel guilty to think You expect so much from us and we turn around and let You down. Now, we aren't snivelling in our apology, but we would like You to know that what we are gets terribly in the way of what we want to be, and we ask for a bit of help along this line. We don't expect any thunderbolt out of the blue to set us straight but we do ask that when we sort of get mixed up You'll clear the atmosphere, and when we get down in the dumps

we'll remember that You are counting on us to perk up and 'quit us like men, and when we get overwrought and exhausted and act the fool, we want to know that You won't hold it against us but are counting on us to play the game and come back with a smile. Lord, we want to keep our eyes fixed on the kind of a Man You showed us once, who wasn't afraid to live for You when the chips were stacked against Him, and had the nerve to stand up under fire, and won through when everybody thought He was licked. Just sort of keep us to the idea today that life holds a lot of give and take and it isn't the take that's important Amen

Letter Ordered Printed in the Journal.

On request of Messrs. Scudder and Dills, the following letter was ordered printed in the Journal:

STATE BOARD OF EQUALIZATION, STATE OF CALIFORNIA,
January 15, 1940

Hon. John R. Richards, Director of Finance, State Capitol,
Sacramento, California.

DEAR MR. RICHARDS: Pursuant to your request we have reviewed what was said to you by Mr. W. P. Wing, Secretary of the California Wool Growers Association, in his letter of December 13, 1939, concerning the inequalities of the Sales and Use Tax Acts as applied to sales of breeding live stock held at public auction

In accordance with Opinion No. NS-714 rendered by the Attorney General on November 18, 1937, we have regarded retail sales of breeding live stock as taxable within the purview of the Sales Tax Act The Attorney General rejected the contentions that the sales of live stock for breeding purposes constituted sales of food products within the meaning of the exemption provided by section 5(e) of the act, and that the sales constituted sales for resale inasmuch as the live stock is usually resold after having been used for breeding purposes.

Save for a case brought in the Sacramento Superior Court (Kirk v Johnson), the Attorney General's opinion has not been contested in litigation. In that case it was held that the gross receipts from the sale of dairy cows are taxable, and the court ruled specifically that the sales of such cows were not sales of food products and were for a purpose other than resale. This decision was permitted to become final.

While it may be conceded that the Attorney General has correctly interpreted the existing law, sellers of breeding live stock have insisted that they should enjoy an exemption, as a matter of policy, inasmuch as the live stock is eventually sold for food products They have also advanced the contention that sales of breeding live stock should be regarded in the same manner as sales of seed, that is, sales for resale.

At its 1939 session the Legislature passed Senate Bills Nos. 437 and 438 providing for exemption from the Retail Sales Tax Act and the Use Tax Act, respectively, of sales and use of "feeds, seeds and fertilizers used in the production of food for human consumption, and live stock and poultry of a kind the products of which ordinarily constitute food for human consumption" These bills did not become law, however, because of failure to obtain the approval of the Governor.

To a substantial extent the amendments so proposed were merely in confirmation of established administrative practice since feeds, seeds, and fertilizers used in the production of food for human consumption are already excluded from the purview of the tax by ruling of this Board made pursuant to a resolution adopted in 1933 by the Joint Committee of the Legislature on Revenue and Taxation. Live stock and poultry sold for human consumption are likewise exempt under 1935 amendments.

In view of this administrative construction and the subsequent amendment of the statute, it seems clear under well-established legal doctrines that this construction now has force of law so that the only exemption which the amendments would have added would be that of live stock and poultry first used for breeding purposes or for production of milk and eggs but ultimately themselves used as food products for human consumption. Moreover, much of the live stock and poultry now sold is already exempt because the sales are made by farmers on an occasional basis rather than in the regular course of retail trade.

By extending the exemption to border-line cases in which live stock and poultry are brought together by farmers at central points and sold at public auction or sold through live stock dealers, it would seem that a desirable change in the law would be effected, clarifying what is now an unfortunately confusing situation. Farmers and poultry raisers strongly resent the application of the sales or use tax with respect to the live stock and poultry sold at such auctions or through dealers, and urge that the tax is unfair

From the best information available it appears that if the exemption which was contemplated by Senate Bills Nos. 437 and 438 should be adopted, the revenue from sales and use taxes might be decreased to the extent of approximately $45,000 a year, representing the tax on the sale or use of live stock and poultry first used for breeding purposes, dairy purposes, or in egg production and later sold as food for human consumption It is so difficult, however, to determine which of these

sales are made in the regular course of retail trade and which are merely occasional sales by farmers, that the administrative expense involved is out of all proportion with the revenue derived. Consequently, we doubt seriously that any appreciable effect on the tax yield would result if such measures should become law.

When Governor Olson vetoed Senate Bills Nos. 437 and 438 it was doubtless in pursuance of his announced policy of withholding approval of further tax exemptions until such time as additional revenues might be provided. We venture to suggest, however, that in this particular instance it may well be that practically no reduction of revenue would be involved and that such changes in the law have much to commend them from the standpoint of removing what appears to have been an extremely irritating application of the tax.

Mr. Wing's letter to you and the copy of your answer of December 14 are returned herewith.

Very truly yours,

DIXWELL L. PIERCE,
Secretary.

DLP:M.
cc Mr. W. P. Wing.
Mr. John Curry.

Resolution.

By Mr. Thurman:

House Resolution No. 45.

WHEREAS, On the eighteenth day of February, 1940, Edwin Clark Gaylord, a member of this Assembly from Placer and El Dorado counties during the Thirty-ninth Session of the Legislature of the State of California, passed away at Kilaga Springs, Placer County; and,

WHEREAS, Edwin Clark Gaylord was born in Omaha, Nebraska, upon the twenty-third day of April, 1860, the fourth of five children, brought to California by his parents in 1875, educated in the public schools at Rocklin and Oakland, settled at Long Valley, near Auburn, in 1887, where he bought land and improved it by planting trees, was interested in mining and other property in California and operated a dredger on the American River, and was active in Republican politics for many years; now, therefore, be it

Resolved by the Assembly of the State of California That this Assembly expresses its regret at the decease of an outstanding citizen of California and sympathy with his nephew, Clark Ashton Smith, of Auburn, California, at the loss of his uncle; and be it further

Resolved, That when this body adjourns this day it do so in honor of Edwin Clark Gaylord; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to forward a suitably prepared copy of this resolution to Clark Ashton Smith

Request for Unanimous Consent.

Mr Thurman asked for, and was granted, unanimous consent to take up House Resolution No. 45, at this time, without reference to committee.

House Resolution No 45 read, and adopted unanimously.

Introduction and Reference of Bills.

The following bill was reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 118: By Messrs. Voigt and Lyon—An act to add section 3817c9 to the Political Code, and to add sections 4256 7 and 4258 7 to the Revenue and Taxation Code, relating to property taxation, including the payment of taxes in installments and redemption from tax sales, and declaring the urgency hereof, to take effect immediately

Referred to Committee on Revenue and Taxation

Third Reading of Assembly Bills.

Assembly Bill No. 113—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof in conjunction with the National Youth Administration program.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard,

Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—65.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Print Remarks in Journal.

On motion of Mr. Thurman, the following remarks of Speaker Gordon Garland were ordered printed in the Journal:

Mr. Garland:

A point of personal privilege

Mr. Speaker and my fellow colleagues of the Assembly

A short time ago, we were called into a special or an extraordinary session of the Legislature and, of course, being one of the members of the Assembly, it was necessary for me to come to Sacramento to attend to my duties.

Shortly after arriving in Sacramento, Mrs. Garland and I took up our temporary abode in the Senator Hotel where we presumed we would have the usual and customary privacies which every American citizen has a right to expect. Last Sunday, about 8 p.m., I found, carefully concealed in the draperies of our room, a microphone. Upon discovering same, I immediately reported to the police department of Sacramento and asked them to make an investigation and ascertain, if possible, who the party or parties were that had placed the microphone in our room and for what purpose or purposes the same had been placed there. I have since been informed that the wire leading from the microphone before mentioned led to another room in the same hotel where there was also found a complete recording machine.

I consider this one of the most shocking and outrageous invasions of personal privacy that has ever come to my attention and I believe, as a member of the Legislature that I have the right to request that a complete and thorough legislative investigation be made in order to determine who the guilty party or parties may be and what the purpose or purposes for the installation of the microphone might be.

Resolution.

By Mr. Call:

House Resolution No. 46.

WHEREAS, It appears that efforts have been and are being made to interfere with the legislative process during this extraordinary session of the Legislature; and

WHEREAS, Certain officers and members of the Legislature have been threatened directly and indirectly by persons outside the Legislature in an endeavor to coerce their actions as officers and members of the Legislature and to interfere with their freedom of action as representatives of the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby established an investigating committee to be known as the Assembly Investigating Committee on Interference with the Legislature, which committee is to exercise the powers and perform the duties hereby granted to and imposed upon it during the sessions and any recess or recesses of the special session of the Legislature which convened on January 29, 1940, but in no event beyond the final adjournment thereof, and be it further

Resolved, That the committee shall study and investigate accurately and in detail, any and all phases of the matters referred to herein, including any and all things connected with interference or attempted interference with the legislative process, attempts to coerce officers and members of the Assembly in the performance of their legislative duties, whether by directly or indirectly threatening such officers and members, or otherwise; and be it further

Resolved, That said committee shall report to the Assembly and the Legislature its findings and recommendations with reference thereto, and be it further

Resolved, That the committee shall consist of five members of the Assembly appointed by the Speaker. Vacancies in the membership of the committee occurring at any time shall be filled by the Speaker; and be it further

Resolved, That the committee may adopt and from time to time amend, such rules as may appear necessary and proper to exercise the powers hereby granted and to perform the duties imposed. It may select a chairman and a secretary from its membership; and be it further

Resolved, That the committee may employ, prescribe the duties and fix the compensation of such professional assistants, clerical and other employees as it finds necessary for the conduct of its work and it may contract with such other agencies, public or private, as it deems necessary for the rendition of such services, studies and reports to it as will best assist it to effectuate the purposes for which it was created, and be it further

Resolved, That the committee is authorized to hold public hearings at Sacramento and at any place in California at which hearings the people are to have an opportunity to present their views to the committee; and be it further

Resolved, That the committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

Resolved, That the committee, each of its members and any representative of the committee thereunto authorized by the committee or by its chairman is authorized and empowered to administer oaths. All of the provisions of Article VIII, Chapter II, Title 1, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved That every department, commission, board, agency, officer, and employee of the State Government and of the political subdivisions, the counties, the cities and the districts shall furnish the committee upon request, such information, records and documents as the committee deems proper for the effectuation of the purposes for which it was created; and be it further

Resolved, That the committee is further authorized and empowered to make a complete investigation and study of every phase of the subject hereinabove mentioned and any and all matters incidental thereto and to do any and all things necessary or convenient to enable it fully and completely to exercise its powers and perform its duties, and be it further

Resolved, That the Sergeant-at-Arms of the Assembly and the Deputies Sergeant-at-Arms of the Assembly are hereby directed to serve any and all subpenas, orders and other process that may be issued by the committee, when directed so to do by the chairman or upon a vote of the majority of the membership of the committee, and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way, incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee or in lieu of such expenses for accommodations and meals, an allowance of eight dollars per day; and be it further

Resolved, That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the Treasurer

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 46, at this time, without reference to committee.

Demand for Previous Question.

Messrs. Lyon, Field, Green, Desmond and Kellems demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 46.

House Resolution No. 46 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor, Miller, George P., Millington, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—58

NOES—Cassidy, Dills, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Masson, O'Donnell, Reaves, Robertson, and Rosenthal—12

Explanation of Vote.

This resolution is commendable only if the purpose expressed is sincere. Five thousand dollars seems to me ten times more money than could be legitimately used to compile information apparently now in possession of law enforcement agencies.

I am favorable to spending all necessary funds for a successful investigation

VERNON KILPATRICK

Explanation of Vote.

My vote against House Resolution No. 46 was for the following reasons.

It appropriated an unwarranted sum ($5,000) inasmuch as the Sacramento police had apparently already completed the investigation of Mr. Garland's complaint.

FRED REAVES

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 21, 1940.

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

Senate Bill No. 72—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, and to repeal an act entitled "An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately," approved February 5, 1940, to take effect immediately

J. A. BEEK, Secretary of Senate.

By MAITLAND S PENNINGTON, Assistant Secretary.

Senate Bill No. 72 read first time.

Request for Unanimous Consent.

Mr Carlson asked for, and was granted, unanimous consent to take up Senate Bill No. 72, at this time, without reference to committee or calendar.

Consideration of Senate Bill No. 72.
Case of Urgency Resolution.

Resolved, That Senate Bill No 72 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second and third times and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard Maloney, Massion, Miller, Eleanor; Miller, George P, Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawalhsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—67.

NOES—None

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No 72, at this time

Second Reading of Senate Bill No. 72.

Senate Bill No. 72—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, and to repeal an act entitled "An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately," approved February 5, 1940, to take effect immediately.

Bill read second time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P, Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawalhsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—67

NOES—None.

Third Reading of Senate Bill No. 72.

Senate Bill No. 72—An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, and to repeal an act entitled "An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under

lease, lease sale or rental-purchase agreements, to take effect immediately," approved February 5, 1940, to take effect immediately

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—67

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

Recess.

At twelve o'clock and ten minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 12.**

And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

Third Reading of Assembly Bills (Resumed).

Assembly Concurrent Resolution No. 12—Relative to commendation of Robert Chandler, Superintendent of the Industrial Home for the Adult Blind at Oakland, California.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—65

NOES—None.

Title read and approved Bill ordered transmitted to the Senate

Leaves of Absence.

Mr. Crowley was granted leave of absence for the balance of this legislative day, on motion of Mr. Meehan.

Mr. Fulcher was granted leave of absence for the balance of this legislative day, on motion of Mr. Scudder.

Third Reading of Assembly Bills (Resumed).

House Resolution No. 35—Creates joint committee on motor vehicle laws

House Resolution No. 35 read and adopted.

By Mr. Bashore:

House Resolution No. 35.

WHEREAS, It appears that a great number of motor vehicles are owned by the State, and by the counties, cities and counties, cities, districts and other political subdivisions thereof; and

WHEREAS, In view of the constantly increasing burden of taxation for the support of the State and its political subdivisions, it has become necessary to economize and to eliminate every unnecessary public expenditure; and

WHEREAS, There is now before this Legislature a bill (Assembly Bill No. 72) to create an interim committee to be known as the "Joint Committee on Motor Vehicle Laws"; and

WHEREAS, This committee is to be invested with authority to study and investigate "all matters within the scope of legislative control relating to motor vehicles"; and

WHEREAS, In the course of its activities this committee might properly consider what economies might be effected in respect to the purchase and use of publicly-owned vehicles, now, therefore, be it

Resolved by the Assembly of the State of California, That if the "Joint Committee on Motor Vehicle Laws" is created and appointed pursuant to the provisions of Assembly Bill No. 72, such committee is hereby requested to study and investigate, and submit to this Assembly at the 1941 session a full report containing its conclusions and recommendations in reference to the following matters:

The total number of motor vehicles owned by the State, and by counties, cities and counties, cities, districts and other political subdivisions of the State, including the number owned by the respective departments, boards and agencies of such public units, the make, model and cost of each such vehicle, the purposes for which each vehicle is used, such data as may be available as to operating and maintenance cost of such vehicles, abuses if any, that may exist in the use of such vehicles, ways and means for reducing the number of vehicles used by public agencies, and for reducing the cost of maintenance and operation of publicly-owned vehicles, and such additional matters pertinent to the foregoing as may come to the attention of the committee; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to deliver a copy of this resolution to the chairman of the "Joint Committee on Motor Vehicle Laws" within ten days after such chairman is appointed.

Assembly Bill No. 6—An act to amend section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Collins, Corwin, Cronin, Daley, Donnelly, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Kuchel, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Watson, Weybret, and Yorty—50

NOES—Clarke, Dilworth, Field, Kellems, Kepple, Leonard, Lyon, Millington, Salsman, Walker, Waters, Weber, Wollenberg, and Mr. Speaker—14.

Title read and approved.

Notice of Motion to Reconsider Assembly Bill No. 6.

Mr. Dilworth gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 6 was this day passed.

Third Reading of Senate Bills.

Senate Bill No. 64—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of public utilities and of works and improvements mentioned in the Improvement Act of 1911 by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend Senate Bill No. 64.

Mr. Leonard moved to amend Senate Bill No 64 as follows:

Amendment No. 1.

On page 4 of the printed bill, as amended in Assembly, strike out lines 15 to 17, inclusive, and insert in lieu thereof the following

"Such bonds may be issued and sold by the city council as they shall determine, and".

Amendment No. 2.

On page 4 of the printed bill, as amended in Assembly, strike out lines 22 to 34, inclusive, and insert in lieu thereof the following: "semi-annually, which rate when so recited shall not be exceeded in the issuance of said bonds All said bonds shall be made".

Amendments adopted.

Senate Bill No. 64 ordered to reprint and third reading calendar

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority; to exempt the property and securities of the California Housing Authority from taxation and assessments; to authorize certain payments in lieu of such taxation and assessments

Bill read third time.

Motion to Amend Assembly Bill No. 57.

Mr. Hawkins moved to amend Assembly Bill No. 57, as follows:

Amendment No. 1.

On page 12, line 42, of the printed bill, as amended, strike out "may agree to make payments", and strike out all of lines 43 to 49, inclusive, and insert in lieu thereof a colon and the following.

"(a) Shall enter into agreements with a city, city and county, county, district, or political subdivision of the State within which any project is located, by which agreements the authority is bound to pay the cost of all improvements made for or facilities directly furnished to a project by such city, city and county, county, district, or political subdivision of the State, which improvements or facilities add to the value of the project

(b) May enter into agreements with a city, city and county, county, district, or political subdivision of the State by which agreement the authority may agree to make payments to the city, city and county, county, district, or political subdivision of the State for services or facilities it furnishes to or for the benefit of the authority.

In no event shall the payments made under agreements entered into pursuant to this section exceed the estimated cost to the city, city and county, county, district, or political subdivision of such services, facilities or improvements"

Amendment adopted.

Request for Unanimous Consent.

Mr Dilworth asked for, and was granted, unanimous consent to take up Assembly Bill No 57, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed

Consideration of Assembly Bill No. 57.

Motion to Amend Assembly Bill No. 57.

Mr Dilworth moved to amend Assembly Bill No 57, as follows:

Amendment No. 1.

On page 6 of the printed bill, as amended, strike out lines 34 to 50, inclusive, and insert in lieu thereof the following:

"(b) Cooperate with the housing authority of any county,"

Amendment No. 2.

On page 7, line 3, of the printed bill, as amended, strike out "(1)", and insert in lieu thereof the following "(1)".

Amendments adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Del Mutolo, Dilworth, Doyle, Evans, Field, Gan-

non, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—51.

NOES—Atkinson, Cronin, Donnelly, Gallagher, Gilbert, Gilmore, Kilpatrick, Lore, Massion, Miller, George P., O'Donnell, Peek, Pelletier, Rosenthal, Sawallisch, and Tenney—16.

Request for Unanimous Consent.

Mr. Hawkins asked for unanimous consent to take up Assembly Bill No. 57, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

Mr. Field withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Hawkins moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 57 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Collins, Corwin, Cronin, Del Mutolo, Dills, Donnelly, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—64.

NOES—Clarke, Dilworth, Field, Lyon, Millington, and Mr. Speaker—6.

Consideration of Assembly Bill No. 57.

Motion to Amend Assembly Bill No. 57.

Mr. Phillips moved to amend Assembly Bill No. 57 as follows:

Amendment No. 1.

On page 8 of the printed bill, as amended, strike out lines 20 to 28, inclusive.

Amendment refused adoption by the following vote:

AYES—Allen, Bashore, Call, Carlson, Clarke, Dilworth, Field, Gannon, Johnson, Kellems, Knight, Leonard, Millington, Phillips, Scudder, Stream, Walker, Weybret, Williamson, and Mr. Speaker—20.

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Collins, Cronin, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kilpatrick, King, Lore, Maloney, Massion, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Tenney, Turner, Voigt, Waters, Watson, Weber, Wollenberg, and Yorty—46.

Request for Unanimous Consent.

Mr. Hawkins asked for, and was granted, unanimous consent to take up Assembly Bill No. 57, at this time, without reference to reprint, or calendar, and that the same be considered re-engrossed.

Consideration of Assembly Bill No. 57.

Motion to Amend Assembly Bill No. 57.

Mr. Call moved to amend Assembly Bill No. 57 as follows

Amendment No. 1.

On page 5 of the printed bill as amended, between lines 37 and 38, insert the following: "provided further, that the approval of the legislative body of any such city, city and county or county shall not be given until said legislative body shall have held a public hearing, after notice given by publication for at least twenty days in a newspaper of general circulation published and circulated within the city, city and county or county governed by such legislative body, or if there be no such newspaper, then by posting in at least three public places in such city, city and county or county, for at least thirty days prior to the date of such hearing. At such hearing any resident of the city, city and county or county shall have the right to appear and be heard. Such legislative body shall be without jurisdiction to grant such approval if the owners of more than one-half of the property by area located within the exterior boundaries of the proposed project and within a distance of one-half mile from the exterior boundaries of such proposed project shall appear

at such hearing and protest, or shall file written protest, against the construction of such project at such location."

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Call moved a call of the Assembly.

Request for Roll Call.

On request of Messrs. Tenney, Yorty and Stream, the Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion for a call of the Assembly carried by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Daley, Desmond, Dilworth, Doyle, Field, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—55

NOES—Andreas, Atkinson, Bennett, Cassidy, Del Mutolo, Dills, Donnelly, Gilbert, Kilpatrick, O'Donnell, Pelletier, Reaves, Rosenthal, and Turner—14.

Call of the Assembly.

Motion carried. Time four o'clock and five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Recess.

At four o'clock and six minutes p.m., the Assembly was declared at recess for five minutes to hear from the Honorable Judge James D. Garibaldi, former member of the Assembly from Merced; and to hear from Hon. Clifford C. Anglim, collector of internal revenues, former member of the Assembly from Richmond.

Hon. Arthur Carlson in the Chair.

At four o'clock and thirty minutes p.m., Hon. Arthur Carlson, member of the Assembly from the Sixteenth District, in the chair.

The Speaker in the Chair.

At four o'clock and fifty-nine minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Further Proceedings Under Call of the Assembly Dispensed With.

At five o'clock and one minute p.m., on motion of Mr. Call, further proceedings under the call of the Assembly were dispensed with.

Amendment to Assembly Bill No. 57 adopted by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Cassidy, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Gannon, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Meehan, Miller, Eleanor; Millington, Phillips, Richie, Scudder, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—39

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Cronin, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kilpatrick, King, Lore, Maloney, Massion, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Turner, and Wollenberg—38.

Assembly Bill No. 57 ordered to reprint and re-engrossment

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 21, 1940

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

Assembly Bill No. 74.
Assembly Bill No. 75.
Assembly Bill No. 81.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 21, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately;

And requests that your honorable body recede therefrom.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary.

The question being, Shall the Assembly recede from its amendments to Senate Bill No. 81?

Assembly refused to recede by the following vote:

AYES—Lyon, and Millington—2

NOES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—70.

Appointment of Committee on Free Conference Concerning Senate Bill No. 81.

The Speaker announced the appointment of Messrs. Kepple, Lore and Millington, as a Committee on Free Conference Concerning Senate Bill No. 81.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 61—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately.

Bill read third time.

Hon. Melvyn I. Cronin in the Chair.

At five o'clock and twenty minutes p.m., Hon. Melvyn I. Cronin, member of the Assembly from the Twenty-fifth District, in the chair.

Demand for Previous Question.

Messrs. Watson, Stream, Kellems, Andreas and Waters demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 61

Assembly Bill No. 61 refused passage by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Kilpatrick, King, Leonard, Lore, Maloney, Meehan, Miller, George P., O'Day, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sheridan, Tenney, Thurman, Turner, Walker, Weber, Weybret, Williamson, and Yorty—49

NOES—Bennett, Carlson, Clarke, Dilworth, Evans, Field, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Lyon, Massion, Miller, Eleanor; O'Donnell, Poulson, Sawallisch, Scudder, Stream, Thorp, Voigt, Waters, Watson, and Wollenberg—26

Notice of Motion to Reconsider Assembly Bill No. 61.

Mr. Desmond gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 61 was this day refused passage.

Presentation of Bills for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 119: By Mrs. Daley—An act providing for the expenditure, in conjunction with the Works Projects Administration sewing projects, of money appropriated for the relief of hardship and destitution due to and caused by unemployment.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 119: By Mrs. Daley—An act providing for the expenditure, in conjunction with the Works Projects Administration sewing projects, of money appropriated for the relief of hardship and destitution due to and caused by unemployment.

Referred to Committee on Social Service and Welfare

Assembly Concurrent Resolution No. 13: By Messrs. Atkinson and Peek—Relative to requesting the Attorney General of the State of California to intervene on behalf of the State in any litigation involving the tidelands and submerged lands heretofore granted by the State to the City of Long Beach or involving the use thereof and the revenues therefrom.

Request for Unanimous Consent.

Mr Atkinson asked for unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Desmond withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Atkinson moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 13 at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Collins, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Green, Hawkins, Kilpatrick, King, Kuchel, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Richie, Robertson, Sawallisch, Tenney, Thorp, Thurman, Waters, Weybret, and Yorty—38

NOES—Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Phillips, Scudder, Sheridan, Stream, Turner, Walker, Weber, Williamson, and Wollenberg—28.

Assembly Concurrent Resolution No 13 referred to the Committee on Rules.

Report of Standing Committee (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940.

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

Assembly Concurrent Resolution No. 13.

Respectfully reports the same back with the recommendation: Be adopted

DESMOND, Chairman.

Request for Unanimous Consent.

Mr Atkinson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, without reference to print or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 13.

Motion to Withdraw and Re-refer Assembly Concurrent Resolution No. 13.

On motion of Mr. Burns, Michael J., Assembly Concurrent Resolution No. 13 was withdrawn from the calendar and re-referred to the Committee on Rules by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Desmond, Dilworth, Donnelly, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, O'Day, Pelletier, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, and Williamson—41.

NOES—Allen, Andreas, Atkinson, Bashore, Bennett, Cassidy, Collins, Dills, Doyle, Evans, Johnson, Kilpatrick, Massion, O'Donnell, Peek, Phillips, Poulson, Reaves, Robertson, Sheridan, Walker, Waters, and Wollenberg—23.

Reports of Standing Committees (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940.

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

Assembly Concurrent Resolution No. 13.

Respectfully reports the same back with the recommendation: Be adopted

DESMOND, Chairman.

Request for Unanimous Consent.

Mr. Atkinson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, without reference to committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 13.

Assembly Concurrent Resolution No. 13—Relative to requesting the Attorney General of the State of California to intervene on behalf of the State in any litigation involving the tidelands and submerged lands heretofore granted by the State to the city of Long Beach or involving the use thereof and the revenues therefrom.

Assembly Concurrent Resolution No. 13 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—66

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Reports of Standing Committees (Resumed).

On Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940.

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

Assembly Joint Resolution No. 21.

Respectfully reports the same back with the recommendation: Be adopted

PHILLIPS, Chairman

The above reported bill ordered to engrossment.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940.

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

Assembly Bill No. 96.

And reports the same correctly enrolled, and presented to the Governor on this twentieth day of February, 1940, at eleven o'clock a m

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Joint Resolution No. 21.**

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

Second Reading of Senate Bill.

Senate Bill No. 58—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately

Bill read second time, and ordered on third reading calendar.

Notice of Motion to Withdraw Assembly Bill No. 7 from Committee.

Mr. King gave notice that on the next legislative day he would move to withdraw Assembly Bill No 7 from the Committee on Ways and Means and have it placed on the calendar.

Notice of Motion to Reconsider Continued.

By unanimous consent the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 100.

Guests Extended Privilege of Assembly Floor.

On request of Mr Crowley, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. MacPhersen, principal of the St Helena Union High School, and the following named students· Albert Carpy, Mathilde Carpy, Anita Cheli, Jean Armes, Jackie Macmenes, Barbara Tompson, Barbara Cole, Frank Stetson, Billy Poncettia, Steave Lietner, Jonny Brickman, Robert Wood, Virginia Engeli and Tony Padillia

On request of Mr. Williamson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Edward B. Rowan and son.

On request of Mrs Jeanette E. Daley, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the Honorable Clifford C Anglim, collector of internal revenue and former member of the Assembly

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Sergeant James Quigley, member of the San Francisco Police Department and former member of the Assembly of the California State Legislature.

On request of Mr. O'Day, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to George Kemper.

On request of Messrs Desmond and Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following members of the senior class of Christian Brothers College, Sacramento: John Daly, Joe Kehoe, Tom DuHain, Ladislaus Gabel, Arthur L Case, Bob Himmelman, Clarence Brown, Mike Bosnich, Walter Santos, Neil McGillivary, John Foley, Edward Basurto, Bill Gormley, Jack Stassi, Jr., Charles Schank, Sr., Victor Joseph Pious Kopp, Jr., Tony Rodman, Jesse Meraz, John Marcellino, Bill Gibson, Owen McElligott, Frank L. Garcia, Ellis Harlow, George Cunningham,

Howard McKenzie, William G Hughson, George Edward Dacre, John Walsh, George Biaggi, Alfred Kiene, Joe Keating, Thomas R. Peterson, Eugene Bagley and Jim McClelland

Adjournment.

At five o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Edwin Clark Gaylord, until ten o'clock and thirty minutes a.m., Thursday, February 22, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY
TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, February 22, 1940.

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder Sheridan Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr Desmond, the further reading of the Journal of Wednesday, February 21, 1940, was dispensed with

Leave of Absence for the Day.

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

Mr. O'Donnell, on motion of Mr. Robertson

Recess.

At ten o'clock and forty-five minutes a m, the Speaker declared the Assembly at recess until eleven o'clock and fifteen minutes a.m., for the observance of the special ceremony commemorating the birth of George Washington, in accordance with House Resolution No. 44.

Reassembled.

At eleven o'clock and fifteen minutes a m , the Assembly reconvened. Speaker Pro Tempore Johnson in the chair.

Motion to Print Address in Journal.

On motion of Mr. Maloney, the following remarks by Miss Miller were ordered printed in the Journal.

Washington's Birthday.

I

All honor to that day which long ago
Gave birth to him who Freedom's cause espoused;
Who, by his ardor in the sacred fight,
The fire and strength of patriots aroused;
Who knew no master save that One divine
Whose strength was his, who knew no fear save one—
The fear of doing wrong! All hail the day
That gave to Freedom's cause George Washington.

II.

Years come and go, and generations fall
Into the dust. The world its heroes gives
They step upon the stage, then pass away
And are no more, but Freedom ever lives
And while it lives, and while its banner bright
Is upward flung into the golden sun,
Within the heart of every freeman's child
Will live that honored name—George Washington

III.

Then honor to the day that gave him birth,
For it is also Freedom's natal day
Let all who worship Freedom's cause stand forth
And to his memory their homage pay
And let each loyal son the work take up—
For, know ye, Freedom's work is never done—
And greater, grander build the edifice
Begun so long ago by Washington.

—*Arthur J Burdick.*

Motion to Print Remarks in Journal.

On motion of Mr. Maloney, the following remarks were ordered printed in the Journal·

Dr. Jesse Randolph Kellems' Washington's Day Address.

Mr Speaker and Members of the Assembly

I am deeply appreciative of the honor which is mine today to join with you in a tribute to the memory of George Washington It should ever be remembered that he could never have been the Father of his Country had he not first been the son of his country For he was a son of Virigmia, a wealthy and aristocratic son of Tidewater, Virginia. In his veins pulsated the fine blood of the cavalier. His friends and associates were the men of wealth and position throughout the colonies Scion of a fine family he brought to his tremendous task not only a great body disciplined by almost two score years of battle on the frontier but also the traditions of the perfect gentleman. Every king of his day coveted above all else this title but none were so deserving of it as he.

It should also be remembered that the American Revolution was not conceived nor led by wild-eyed radicals It was a revolution or civil war planned and carried to conclusion by the conservative elements of the day The fifty-one delegates of the Second Continental Congress were not chosen from the ranks of the average inhabitants of America but from the well-to-do and intelligent classes. Of those who served in the first two Continental Congresses from Virginia six were graduates of William and Mary College, four had been admitted to the bar, and four had studied in Great Britain.

We should not forget also that the American Revolution differed radically from all of the great revolutions of history. The French Revolution, the Russian Revolution of 1917 were the upheavals brought about by millions of slaves who were seeking something they did not possess—human liberty The American Revolution was the revolt of free men against something new—a new colonial policy which

the power of the British Ministry attempted to impose upon them They were not fighting to attain freedom—they were risking their all to defend the freedom which they already enjoyed This was not a revolution on behalf of the new against the old but very definitely a protest on behalf of ancient and guaranteed rights, a fight to protect or conserve the freedom which every Englishman had brought with him to Colonial America The First Continental Congress declared in 1774 "The present unhappy situation of our affairs is occasioned by a ruinous system of Colonial administration adopted by the British Ministry about the year 1763, evidently calculated for enslaving these colonies and with them the British Empire." George Read of Delaware calls the Stamp Acts "a law so destructive of the liberty of the subject in America * * * that if it should stand unrepealed, or replaced by any internal tax for the purpose of revenue the colonists will believe they are to become the slaves of Great Britain" John Dickinson in his Letters of a Farmer, protests: "The generous, humane people of Great Britain who have often protected the liberty of strangers are trying to tear a privilege from their own children which, if executed, must, in their opinion, sink them into slaves. If they have the right to levy one penny upon us they have the right to levy a million upon us We are taxed without our consent * * * we are therefore slaves The late act of Parliament is only designed to be a precedent whereupon the future vassalage of these colonies may be established * * * I am resolved to contend for the liberty handed down to me by my ancestors."

The long-haired radicals of our day are far afield when they brazenly affirm that they are in the tradition of Washington and his friends of the American Revolution If such men lived today they would be the first liquidated in the regime of a Hitler or a Stalin Washington and his fellow immortals were not the creators of liberty, they were the defenders of the glorious liberty they had enjoyed as had their ancestors for many generations Those who today battle for the preservation of our institutions which guarantee American freedom—these are in the tradition of Washington.

If we ask the question "what are the qualities which have made Washington immortal" I think that among many two stand out above all others; his superlative courage and his goodness. He had shown his courage to America and England on that wild field when the army of Braddock faded away under the guns and scalping knives of the Northern Indians He had shown it again on that morning at Princeton when he had ridden down the hill straight into the smoke and fire of the British guns to rally his routed men with the cry "Come my lads parade with me" But more than all he shows it in the letter which he wrote immediately after he had crossed the Delaware. His men were seemingly melting away, his beloved cause was at the lowest depths. Sublime are his words, "Though friends, followers, countrymen, should betray and abandon me, I will return to my own Virginia, plant the standard of liberty on my native mountains, and calling around me the friends of freedom we will fight for our country and our homes in the enjoyment of our independence and beyond the reach of a tyrant"

If Washington had not been first in the hearts of his countrymen he could not have been first in war and first in peace. His was not the goodness of a man whose life is guided by a set of rules Neither was it the goodness of the Puritan He was a churchman and a firm believer in God But the goodness and nobility of his soul was native to the man. Above all else he was great because he was nobly good As tribute to his glorious memory what better thing could we do than repeat the words of the great Lincoln "Washington' Greatest name of earth Eulogy is unnecessary It is not needed here With solemn reverence pronounce the name and then in its naked grandeur it goes shining on"

Resolution.

By Mr. Clarke:

House Resolution No. 47.

WHEREAS, The State of California has established and maintained at great and continuing expense a State Library for the use of the people of this State; and

WHEREAS, It has been the practice for many years past for the State Library in Sacramento to remain closed upon Saturday afternoons, other than during sessions of the Legislature and of the Supreme Court; and

WHEREAS, With the growth of the employment of the facilities afforded by this institution, this practice is becoming increasingly inconvenient to those desiring to use the library, its books, catalogs, and reference works; now, therefore, be it

Resolved by the Assembly of the State of California, That this body hereby requests the State Board of Education to keep the State Library open on Saturday afternoon throughout the year until 5 o'clock p.m., and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to forward a copy of this resolution to the State Board of Education and the State Librarian

Request for Unanimous Consent.

Mr. Clarke asked for, and was granted, unanimous consent to take up House Resolution No 47, at this time, without reference to committee.

House Resolution No. 47 read, and adopted.

Motion to Print Communication in Journal.

On motion of Mr. Houser, the following communication was ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,
DIVISION OF BUDGETS AND ACCOUNTS,
SACRAMENTO, February 21, 1940.

To the Assembly, State of California,
Sacramento, California

Attention: Mr. JACK CARL GREENBURG, Chief Clerk

GENTLEMEN: Pursuant to Assembly House Resolution No 42 by Messrs Poulson, Knight, and Lore, we have completed a test check audit of the funds which the State Relief Administration has encumbered or "earmarked" for liabilities under the seven groups set forth in the resolution

The records of the State Relief Administration establish that the total encumbrances as set forth in the resolution are substantially correct as of the opening of business February 16, 1940 The amounts revealed by audit are as follows:

LIABILITIES

Item 1.	Salaries and wage pay rolls for February	$752,761 75	
	Salaries and wage pay rolls for previous months not yet filed with State Controller	325,087 14	$1,077,848 89
Item 2.	Emergency relief orders issued and in process of issuance—claims not yet filed with State Controller		462,537 34
Item 3.	Cash direct relief pay rolls filed with Controller, but for which warrants have not been drawn (See item under Assets marked "x")		
Item 4.	Purchase orders, food for camps for which claims are not yet filed with State Controller		433,877 61
Item 5.	Service and expense items, contracts to end of month incurred, claims not yet filed with State Controller		640,524 87
Item 6	Miscellaneous incumbrances, WPA and cooperatives, claims not yet filed with State Controller		655,627 49
Item 7.	Miscellaneous property and equipment—claims not yet filed with State Controller		134,123 22
	Total		$3,404,539 42

The actual audited figure comparable with the total liability item of $4,100,000 shown in the resolution is $3,404,539 42 to which must be added a backlog of emergency orders in transit from Los Angeles County estimated at $170,000, making the aggregate liability $3,574,539 42

The cash situation of the State Relief Administration as of opening of business February 16th is summarized as follows:

ASSETS

Cash in treasury per State Controller's records at opening of business February 16	$2,716,788 63	
Relief warrants unsold	1,600,000 00	$4,316,788 63
"x" Less claims in transit reflected on State Relief Administration books for which warrants had not on that date been drawn by the Controller		412,005 05
Actual unapplied cash balance available to meet State Relief Administration expenditures		$3,904,783 58
Less total aggregate liabilities unpaid		3,574,539 42
Uncommitted cash balance available for future commitments in continuation of cash and other relief programs on and after February 16		$330,244 16

On February 16 and 17, cash relief pay rolls were written in the amount of $456,382.28, which established commitments of $126,138 12 in excess of cash available as of the beginning of February 16.

If additional information is desired please inform us

Yours very truly,

FRED W. LINKS, Chief,
Division of Budgets and Accounts.

Consideration of Senate Amendments to Assembly Bill No. 60.

Assembly Bill No. 60—An act to add Division IX to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938, to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 60?

Amendment No. 1.

On page 4, line 9, of the printed bill strike out "and", and insert in lieu thereof the following: "the Governor, subject to the confirmation of the Senate, and shall"

Amendment No. 2.

On page 23, line 15, of the printed bill after the period insert the following: "No land use regulation shall apply to lands on which dredging or other mining operations are conducted, except in so far as such operations interfere with the prevention or control of soil erosion on other lands."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 60 by the following vote

AYES—Allen, Andreas, Bashore, Bennett, Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilbert, Gilmore, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Mission, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, and Wollenberg—55

NOES—None

Assembly Bill No. 60 ordered to enrollment

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed as a Committee on Free Conference on

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately,

The following Senators: Phillips, Nielsen and Foley, to meet with a like committee from your honorable body.

J. A. BEEK, Secretary of Senate
By MAILAND S. PENNINGTON, Assistant Secretary

Report of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined **Assembly Bill No. 57.**

And reports the same correctly re-engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

Third Reading of Senate Bills.

Senate Bill No. 64—An act to amend the title and section 18 of, and to add sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities, for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improve-

ment bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," relating to the acquisition, installation, *construction, reconstruction, extension, repair and maintenance of public utilities and* of works and improvements mentioned in the Improvement Act of 1911 by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—64.

NOES—None

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream Tenney Thorp Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—64.

NOES—None

Title read and approved Bill ordered transmitted to the Senate.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 21, 1940

To the Honorable Members of the Assembly.

GREETINGS I have this day approved, and delivered to the Secretary of State Assembly Bill No. 64, with the following changes inscribed on the bill:

"I object to the appropriation of $50,000 and hereby reduce the sum to $5,000, and with this reduction I approve the bill.

"I understand that there are now outstanding miscellaneous claims totaling about $2,000 and, in addition, claims to cover the expense of a legislative committee authorized to expend the sum of $500 I have been informed that the sum of $5,000 which I have approved is sufficient to cover these claims and any additional contingent expenses of the Assembly which are likely to be incurred at this session of the Legislature.

"The moneys appropriated by this bill must be set aside by the State Controller from the General Fund for a period of four years in order to cover any claims which might come in within that time Under the terms of the bill and section 9 of Article V of the Constitution, the unexpended amount can not be carried over and used to cover the expenses of another session of the Legislature

"Believing the Assembly would not wish to appropriate for its contingent expenses more than is necessary, and realizing a future appropriation may be made should an emergency arise, I am taking the action above indicated."

Respectfully submitted

CULBERT L. OLSON,
Governor.

The question being put. Shall the item of appropriation in the sum of $50,000 made by Assembly Bill No 64 become law and take effect notwithstanding the reduction thereof to $5,000 made by the Governor?

Demand for Previous Question.

Messrs. Crowley, Reaves, Turner, Meehan and Lore demanded the previous question.

Demand for previous question lost by the following vote:

AYES—Allen, Bennett, Burns, Michael J., Cassidy, Collins, Cronin, Crowley, Doyle, Gilbert, Gilmore, Kilpatrick, Knight, Leonard, Lore, Meehan, Millington, Reaves, Richie, Robertson, Thorp, Turner, and Weybret—22.

NOES—Andreas, Atkinson, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Donnelly, Field, Gannon, Green, Heisinger, Houser, Johnson, Kellems, Kepple, King, Kuchel, Lyon, Maloney, Masson, Miller, Eleanor, Miller, George P., Peek, Pelletier, Phillips, Poulson, Rosenthal, Scudder, Stream, Tenney, Walker, Waters, Watson, Weber, Wilhamson, Wollenberg, and Yorty—42

Demand for Previous Question.

Messrs. Field, Reaves, Stream, Kellems and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being: Shall the item of appropriation in the sum of $50,000 made by Assembly Bill No. 64 become law and take effect notwithstanding the reduction thereof to $5,000 made by the Governor?

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, twelve o'clock and twenty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock and forty minutes p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called and the item of appropriation in the sum of $50,000 made by Assembly Bill No. 64 became law and took effect notwithstanding the reduction thereof to $5,000 made by the Governor, by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, O'Day, Phillips, Poulson, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wilhamson, Wollenberg, Yorty, and Mr. Speaker—54.

NOES—Atkinson, Bennett, Cassidy, Collins, Crowley, Dills, Donnelly, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore, Masson, Meehan, Peek, Pelletier, Reaves, Richie, and Rosenthal—20.

Third Reading of Assembly Bills.

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor, to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority, to exempt the property and securities of the California Housing Authority from taxation and assessments, to authorize certain payments in lieu of such taxation and assessments, providing that this act shall take effect immediately, and making an appropriation.

Bill read third time.

Motion to Amend Assembly Bill No. 57.

Mr. Dilworth moved to amend Assembly Bill No 57 as follows:

Amendment No. 1.

On page 7 of the printed bill, as amended, strike out lines 25 to 28, inclusive.

Amendment adopted.

Assembly Bill No. 57 ordered to reprint, and re-engrossment.

Communication.

By order of the Speaker, the following communication was ordered printed in the Journal:

February 20, 1940

DEAR MR GARLAND The beautiful basket of flowers from the Assembly came yesterday afternoon, and I wish to thank you and all the members of the Assembly for remembering me so kindly

I hope to be well enough to visit again in the Assembly Chamber before you all return to your homes Meanwhile, let me express to all of my friends my best wishes for good health and success in your efforts

Sincerely,

DORIS M. JOHNSON.

Recess.

At twelve o'clock and forty-eight minutes p m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p m

Reassembled.

At two o'clock and thirty minutes p m., the Assembly reconvened Hon Gordon H. Garland, Speaker of the Assembly, in the chair.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Senate Bill No. 4.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940

MR SPEAKER: Your Committee on Free Conference concerning **Senate Bill No. 4**—An act to add section 374 5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act, Reports that it has met a like committee of the Senate, consisting of Senators Kenny, Breed and Mayo, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 3 to 17, inclusive and insert in lieu thereof the following:

"374 5. Exceptions as to Type of License Plates for Exempt Vehicles. The department may issue for any exempt vehicle license plates in the series of plates issued for nonexempt vehicles Such plates may be issued for a period not extending beyond the then current calendar year and only upon the certification of the Attorney General that the issuance of such plates has been requested by the head of a law enforcement agency of a city, city and county, county, State, or Federal department, that the vehicle is assigned to the duty of investigating actual or suspected violations of the law, and is intended for the use in line of duty of regularly employed law enforcement officers of a city, city and county, county, State or Federal department. The department shall maintain a record of any such registration, which record shall not be open to public inspection Such record shall be disclosed in the event of any accident involving such vehicle on demand of the Attorney General or upon an order of court"

KEPPLE
CARLSON.
Assembly Committee on Free Conference

KENNY.
BREED
MAYO
Senate Committee on Free Conference.

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

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62

NOES—None.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 61—An act to amend section 4 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to rates of interest and other charges on loans made by industrial loan companies.

Bill read third time.

Motion to Amend Senate Bill No. 61.

Mr. Wollenberg moved to amend Senate Bill No. 61 as follows.

Amendment No. 1.

In line 1 of the title of the printed bill, as amended, after "amend", insert the following: "the title and".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 9 to 14, inclusive, and insert in lieu thereof the following: "the total amount taken in advance for interest and such other compensation, including brokerage, (a) shall in no event exceed 1 per cent of the face amount of the loan for each full month for which the loan is made, and (b) if the loan is made for a period of less than one month, shall in no event exceed one-thirtieth of one per cent of the face amount of the loan for each day for which the loan is made.

Interest after the maturity of a loan may equal but shall not exceed the rate of 1 per cent per month on the unpaid amount of the loan.

The total interest and other compensation of an industrial loan company and of a broker or third party negotiator charged, contracted for or received by the company and the broker or negotiator in connection with a loan made by the company shall not exceed the maximum rate of interest and other compensation herein permitted."

Amendment No. 3.

On page 2 of the printed bill, as amended, after line 31, insert the following:

"SEC. 2. The title of said act is hereby amended to read as follows:

An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies."

Amendments adopted.

Senate Bill No. 61 ordered to reprint and third reading calendar.

Senate Joint Resolution No. 1—Relative to memorializing Congress to enact a plan for old age assistance wholly supported by Federal funds.

Bill read and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Maloney, Miller, Eleanor; Miller, George P., O'Day, Pelletier, Poulson, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—63

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Bill No. 58—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth,

Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Miller, Eleanor; O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—61.

NOES—None.

Bill read third time and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson Kilpatrick, King, Knight, Leonard, Maloney, Massion, Miller, Eleanor, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—61.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

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

Assembly Concurrent Resolution No. 7.

J. A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference concerning **Senate Bill No. 4.**

J A BEEK Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

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

Senate Concurrent Resolution No. 7—Relative to advertisement of the San Diego Quadri-centennial Celebration on motor vehicle license plates,

Senate Concurrent Resolution No. 8—Relative to aid to self-help cooperative organizations and associations,

Also:

Senate Bill No. 65—An act making an appropriation for the establishment of aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

J. A. BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON, Assistant Secretary.

Senate Concurrent Resolution No. 7 read first time, and referred to Committee on Motor Vehicles.

Senate Bill No. 8 read first time, and referred to Committee on Social Service and Welfare.

Senate Bill No. 65 read first time, and referred to Committee on Ways and Means.

Report of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Bill No. 57.**

And reports the same correctly re-engrossed CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

Resolutions.

By Committee on Contingent Expenses:

House Resolution No. 48.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of Jack Carl Greenburg, Chief Clerk, and the State Treasurer is hereby directed to pay the same,

for the sum of one hundred fifty dollars ($150), said amount being for the payment of postage, telegraphing, expressage, and incidental expenses of the Chief Clerk's office.

HAWKINS, Chairman

House Resolution No. 48 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kilpatrick, King, Knight, Maloney, Massion, Miller, George P., O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—59.

NOES—None.

By Mr. Call:

House Resolution No. 49.

WHEREAS, The Assembly did on the twenty-first of February, 1940, adopt House Resolution No. 46, which resolution is printed on pages 336 and 337 of the Journal for that day, creating the Assembly Investigating Committee on Interference with the Legislature; and

WHEREAS, The said committee consists of five members; and

WHEREAS, It is deemed advisable to enlarge the membership of the said committee; now, therefore, be it

Resolved by the Assembly of the State of California, That, notwithstanding any of the provisions of House Resolution No. 46, the Assembly Investigating Committee on Interference with the Legislature shall consist of seven members of the Assembly appointed by the Speaker. Vacancies in the membership of the committee occurring at any time shall be filled by the Speaker; and be it further

Resolved, That such two additional members shall have and are hereby granted all the authority and powers given the five members heretofore appointed.

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 49, at this time, without reference to committee.

House Resolution No. 49 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Desmond, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Knight, Leonard, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Day, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—55.

NOES—Atkinson, Bennett, Dills, Heisinger, Kilpatrick, King, Massion, Reaves, Richie, and Rosenthal—10.

Hon. Albert C. Wollenberg in the Chair.

At three o'clock and twenty-five minutes p.m., Hon. Albert C. Wollenberg, member of the Assembly from the Twenty-seventh District, in the chair.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 57—An act to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in the State; to define the powers and duties of the California Housing Authority and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of the California Housing Authority, to exempt the property and securities of the California Housing Authority from taxation and assessments, and to authorize certain payments in lieu of such taxation and assessments.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Collins, Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, King, Maloney, Massion, Miller, George P., O'Day, Peek, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheridan, Tenney, Turner, Voigt, Waters, Watson, Wollenberg, and Yorty—45

NOES—Carlson, Clarke, Corwin, Dilworth, Field, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Meehan, Miller, Eleanor, Millington, Phillips, Scudder, Stream, Thorp, Thurman, Walker, Weber, and Weybret—22

Title read and approved. Bill ordered transmitted to the Senate.

The Speaker in the Chair.

At four o'clock and twenty-three minutes p m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion to Print Communication and Remarks in the Journal.

On motion of Mr. Voigt, the following communication and remarks were ordered printed in the Journal:

Mr. Voigt:

A point of personal privilege, Mr. Speaker.

I wish to reply to an attack made upon certain members of this body.

Mr. Speaker:

State your point of order more fully, Mr. Voigt.

Mr. Voigt:

At this time, Mr. Speaker and members of the Assembly, I wish to make a statement concerning a scurrilous and defamatory attack made upon ten members of this Assembly because they voted for the reorganization of this House. I refer to a paragraph of a form letter sent out by some persons temporarily in charge of headquarters of the Democratic State Central Committee which reads as follows:

"By their action,' Erickson declared, 'these ten new Republicans' chose to ignore the welfare of 350,000 people on relief, to menace the State's credit, hamstring the Central Valley Project development and callously ignore the acute problem of rural housing for migrants and other agricultural workers now living in shacks, tents, and dug-outs."

(Objection by Mr. Reaves.)

I submit that all of this paragraph is lying propaganda, with malice prepense and aforethought, serving no useful purpose, but intended to injure the reputation of certain members by inciting public hatred against them in the performance of their constitutional duties. I believe that this attempted libel will fail of its objective, once the facts and the law are made known to the fair-minded people whom it is intended to deceive and confuse.

For the information of those who are ignorant of the Constitution and law, their attention is called to Article III, section 1 of the Constitution which I referred to previously this day:

"The powers of the government of the State of California shall be divided into three separate departments—the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted."

Also, I wish to refer to Article IV, section 7 of the Constitution:

"Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its members."

and to the persons responsible for issuing this statement, I refer to section 248 of the Penal Code of California which defines libel:

"* * * a malicious defamation expressed either by writing, printing, or by signs or pictures, or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation, or publish the natural or alleged defects of one who is alive, and thereby to expose him to public hatred, contempt or ridicule."

I submit that this statement was issued for the sole purpose of degrading certain members of the Legislature who acted well within their rights and according to the Constitution which they have sworn to uphold.

I also want to call the attention of this body to the fact that at the 1933 Special Session of the Legislature, F. C. Clowdsley, a Democrat, was elected Speaker by a then Republican majority of this House. In 1935, Mr. Craig, a Republican, was elected Speaker and Mr. O'Donnell, a Democrat, was elected Speaker Pro Tem by a Republican majority. Also at the 1940 Special Session, the Assembly elected Gordon Garland, a Democrat, Speaker and Gardiner Johnson, a Republican, Speaker Pro Tem, and I say, Mr. Speaker and members of the Assembly, that the nomination of Mr. Johnson was seconded by Mr. Meehan, an administration Democrat, and Mr. Johnson was elected unanimously including the votes of the Democrats and I have yet to hear that any of those that voted for Mr. Johnson have been excommunicated or have been threatened to be excommunicated from the Democratic Party.

Referring back, members of the Assembly, specifically, to the statement made that these members ignored the welfare of 350,000 people on relief, I can only say that this is the rankest, rawest kind of political demagoguery and is an infamous lie; and I submit to you that the members of this Assembly have taken every possible means to protect the credit of the State of California. So far as the other statements are concerned, I can only say that they are also lies and particularly No. 5 that "they callously ignore the problem of rural housing for migrants and other agricultural workers now living in tenements" has just been

proven a lie on account of the vote just taken on the Housing Bill when I took the floor.

I believe this sort of thing should be stopped. The members of the Assembly who have dared to exercise their right of independent judgment have been made the objects of abuse and vilification by people who should really know better. I want to make this point clear.

(Point of order by Mr. Reaves.)

I would like, in order to protect the members that this statement be printed in the Journal.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 105—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

Bill read third time.

Recess.

At six o'clock and five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eight o'clock and thirty minutes p.m.

Reassembled.

At eight o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees (Resumed).

On Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940

MR SPEAKER: Your Committee on Insurance, to which was referred,

Senate Bill No. 67.

Respectfully reports the same back with the recommendation: Do pass as amended.

(Signed out)

SCUDDER, Chairman.
ROBERTSON.
MILLER, GEORGE P.
MALONEY.
GALLAGHER.
CRONIN.
SAWALLISCH.
HAWKINS

The above reported bill ordered on second reading calendar.

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1940

MR SPEAKER: Your Committee on Constitutional Amendments, to which was referred:

Assembly Constitutional Amendment No. 3.

Respectfully reports the same back with the recommendation: Be adopted

CALL, Chairman.

The above reported bill ordered on third reading calendar.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

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

Assembly Bill No. 82.
Assembly Bill No. 83.
Assembly Bill No. 88.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment.

Reports of Standing Committee.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940.

MR SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 65.

Respectfully reports the same back with the recommendation: Do pass

MILLINGTON, Chairman

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 106.

Respectfully reports the same back with the recommendation: Do pass as amended.

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read.

Concerning Senate Bill No. 81.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1940

MR SPEAKER: Your Committee on Free Conference concerning:

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately;

Reports that it has met a like committee of the Senate, consisting of Senators Phillips, Nielsen and Foley, and reports that the Committee on Free Conference has agreed to recommend the following

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows.

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 28 and 29, insert the following paragraph

"Notwithstanding the provisions of this section, the Relief Commission is hereby authorized, for the purposes of administering this appropriation and safeguarding its expenditure, to establish and enforce immediately rules of eligibility for relief from the appropriation consistent with the provisions of this act relating to eligibility for relief from the appropriation after April 1, 1940."

Amendment No. 2.

On page 2, line 29, of the printed bill, as amended, strike out "Not", and insert in lieu thereof the following.

"(a) On and after April 1, 1940, not".

Amendment No. 3.

On page 2, line 40 of the printed bill, as amended, after "section", insert the following "All expenditures made for (i) distribution of surplus commodities, (ii) the maintenance and operation of relief camps under subdivisions (c) and (d) of section 3 of the California Unemployment Relief Act of 1935, and (iii) the maintenance and operation of medical and dental clinics, may be charged, when expended, to the 82 per cent classification provided in this section"

Amendment No. 4.

On page 2, line 41, of the printed bill, as amended, before "Of", insert the following: "(b)".

Amendment No. 5.

On page 2, line 50, of the printed bill, as amended, strike out "Of", and insert in lieu thereof the following:

"(c) From the effective date of this act, of".

Amendment No. 5a.

On page 3, line 1, of the printed bill, as amended, after "thereof", insert the following: ", as if the 3 per cent limitation of subdivision (a) were in effect,".

Amendment No. 6.

On page 3 of the printed bill, as amended, between lines 9 and 10, insert the following paragraph:

"(d) The money available under the provisions of this section for works projects may be used for the administrative expenses incurred in connection therewith."

Amendment No. 7.

On page 3, line 10, of the printed bill, as amended, before "If", insert the following: "(e)".

Amendment No. 8.

On page 5, line 30, of the printed bill, as amended, strike out "need not", and insert in lieu thereof the following: "may, but need not,".

Amendment No. 9.

On page 6, line 41, of the printed bill, as amended, after "employment", insert the following ", or to be a candidate for nomination or election to any office, whether partisan or nonpartisan".

KEPPLE,
LORE
MILLINGTON,
Assembly Committee on Free Conference

PHILLIPS,
NIELSEN,
FOLEY,
Senate Committee on Free Conference

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

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Field, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—56

NOES—Atkinson, Bennett, Cassidy, Collins, Dills, Donnelly, Evans, Gilbert, Hawkins, Kilpatrick, King, Masson, Miller, George P., Peek, Reaves, Richie, and Rosenthal—17.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, February 22, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to sustain the Governor's reduction from $50,000 to $5,000 in:

Assembly Bill No. 64—An act making an appropriation for the contingent expenses of the Assembly for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate.

Assembly Bill No. 64 ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 22, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference concerning **Senate Bill No. 81.**

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, February 22, 1940

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

Senate Bill No. 54—An act to add section 444.2 to the Political Code, relating to money in the State treasury, including temporary loans or transfers of money in special funds or other accounts in the treasury subject to the provisions of Article XXVI of the Constitution, the use or disposition of money loaned, and the repayment of such loans.

J. A. BEEK, Secretary of Senate
By MAITLAND S. PENNINGTON, Assistant Secretary

Senate Bill No. 54 read first time, and referred to Committee on Ways and Means.

Further Consideration of Assembly Bill No. 105.

Assembly Bill No. 105—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

Bill read third time.

Demand for Previous Question.

Messrs Desmond, Thurman, Stream, Lyon and Mrs. Daley demanded the previous question

Demand for previous question sustained.

The question being on the passage of Assembly Bill No 105

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

Motion carried Time, nine o'clock and fifty-seven minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. King, Assembly Rule No 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Reconsideration of Assembly Bill No. 6.

In compliance with a notice given on a previous day, Mr. Dilworth moved that the vote whereby Assembly Bill No 6 was passed be reconsidered.

Assembly Bill No 6 refused reconsideration by the following vote:

AYES—Call, Carlson, Cassidy, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Gannon, Heisinger, Johnson, Kellems, Knight, Leonard, Lyon, Miller, Eleanor, Scudder, Sheridan, Stream, Thorp, Thurman, Walker, Weber, Weybret, Williamson, Wollenberg, and Mr Speaker—28

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J, Burson, Collins, Cronin, Crowley, Dills, Donnelly, Doyle, Evans Gallagher, Gilbert, Gilmore, Green, Hawkins, Houser, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Reaves Richie, Robertson, Rosenthal, Sawallisch, Tenney, Turner, Waters, Watson, and Yorty—41.

Title read and approved. Bill ordered transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With.

At eleven o'clock and forty-two minutes p.m., on motion of Mrs Daley, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Assembly Bill No. 105 passed by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson Wollenberg, and Mr. Speaker—41

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M, Burns, Michael J, Cassidy, Collins, Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P, O'Day, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Tenney, Voigt, and Yorty—35

Title read and approved. Bill ordered transmitted to the Senate.

Explanation of Vote on Assembly Bill No. 105.

In voting against this bill I do not condone the inefficient and gross extravagance practiced in the administration of SRA. I honestly believe should relief be returned to the counties for administration, it would result in chaos and inefficiency in the administration of relief. It would also place the burden of support upon the several counties as no provision is made for State aid after the end of the present biennium. The property owners can ill afford any increase of the real property tax rate.

HUGH M. BURNS.

Communication.

On motion of Mr. Johnson, the following communication was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 22, 1940

Honorable Edward F O'Day,
Assembly Chamber, State Capitol,
Sacramento, California.

Subject: *County obligations for unemployment relief.*
Request. *No. 7741.*

DEAR MR O'DAY In response to your request we have prepared this opinion concerning the scope of the mandatory and permissive functions in regard to unemployment relief that may devolve upon the counties if Assembly Bill No 105, as amended February 19, 1940, is enacted into law Generally speaking Assembly Bill No. 105 does not appropriate any money from the State treasury, but does provide the conditions and the procedure for the expenditure of all appropriations to be made by other provisions of law for unemployment relief

The question you have asked is whether if the appropriations to be made by the provisions of law are insufficient what is the obligation that will be imposed upon the counties, if any.

Under the present status of the law, unemployment relief is solely administered and financed by the State under the California Unemployment Relief Act of 1935 (Deering Act 8780e, Stats. 1935, Chap 675, p 1850).

Indigent relief, as distinguished from unemployment relief, is solely administered and financed by the counties under Chapter 2 of Division IV of the Welfare and Institutions Code In regard to indigent relief, as distinguished from unemployment relief, the duty imposed upon the county is mandatory under the existing laws and the counties are required to make provision for such indigent relief (*County of Los Angeles* vs. *Payne* (1937), 8 Cal. (2d) 563; *San Francisco* vs *Collins* (1932), 216 Cal 187).

In regard to unemployment relief, section 2501 of the Welfare and Institutions Code authorizes, but does not require, a county to give emergency relief to dependent nonresidents Section 200 of the Welfare and Institutions Code authorizes the counties to provide for the care and maintenance of the indigent sick and dependent poor of the county and for that purpose to levy the necessary property taxes Subdivision 7 of section 4307 of the Political Code declares to be county charges the necessary expenses incurred in support of the indigent sick "and otherwise dependent poor, whose support is chargeable to the county"

Assembly Bill No 105 does not alter this permissive authority of the county to use county funds for unemployment relief and to levy taxes therefor, it neither diminishes or enlarges this authority as a matter of law, and thereby keeps within the scope of the proclamation.

The situation therefore appears to be that under the existing status of the law and irrespective of the provisions of Assembly Bill No. 105 a county has permissive authority to grant unemployment relief but no mandatory duty to do so

Under Assembly Bill No 105 the permissive authority of the county to continue to grant such unemployment relief from county funds is not altered The county is obligated by the provisions of section 17 to administer unemployment relief as a governmental agency of the State Relief Administration and to use the money appropriated by the State for this purpose If the money appropriated by the State is insufficient the county may, but is not required to, use county money for unemployment relief.

Very truly yours,
FRED B WOOD, Legislative Counsel.
By ARTHUR McHENRY, Deputy.

AMcH/rpa.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 106—An act making an appropriation to the *Relief Administrator and the Relief Commission for the relief of hardship* and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations

Committee Amendments to Assembly Bill No. 106.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 5 of the title of the printed bill, after "associations", insert the following: ", declaring the urgency thereof, to take effect immediately"

Amendment No. 2.

On page 1, line 5, of the printed bill, strike out "to establish a revolving fund" and insert in lieu thereof the following "and the Relief Administrator".

Amendment No. 3.

On page 1, line 8, of the printed bill strike out ", during the", and strike out line 9, and insert in lieu thereof the following ", and for the administration thereof, during the period from the effective date of this act to July 1, 1941"

Amendment No. 4.

On page 2 of the printed bill strike out lines 6 to 20, inclusive, and insert in lieu thereof the following

"SEC. 4. All assistance to self-help cooperative organizations and associations shall be administered by the Relief Administrator and the Relief Commission through such bureau or bureaus as may be established by them; provided that it is the intent and desire of the Legislature that in carrying out the provisions of this act, the administration of aid to those associations or organizations known as grant and semigrant self-help cooperative organizations and associations shall be separated from the administration of aid of those associations and organizations known as nongrant self-help cooperative organizations and associations

SEC. 5. Of the money appropriated for all the purposes of this act, the Relief Administrator and the Relief Commission may expend not to exceed 70 per cent thereof for aid to those organizations and associations known as grant and semigrant self-help cooperative organizations and associations and the administration thereof

Amendment No. 5.

On page 2, lines 21 and 22, of the printed bill strike out "revolving fund created", and insert in lieu thereof the following "appropriations made"

Amendment No. 6.

On page 2, line 24, of the printed bill after "Cooperatives", strike out the period and insert the following ", and for the administration thereof"

Amendment No. 7.

On page 2 of the printed bill, strike out lines 27 to 33, inclusive, and insert in lieu thereof the following

"SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows

The appropriation for unemployment relief for the ninety-first fiscal year is inadequate and is about to be exhausted. Unless this act providing immediate funds for the support of self-help cooperative organizations and associations is speedily made, large numbers of persons will be forced to seek direct relief to the impairment of their self-respect and an additional drain on the State treasury will be caused thereby."

Amendments adopted

Bill read second time, ordered to reprint, and engrossment.

Transcript Taken at Hearing of William Elconin.

Pursuant to the substitute motion made by Mr. Williamson on February 20, 1940, and appearing in Assembly Journal of February 20, page 324, "that the transcript taken at the hearing of William Elconin be printed in the Journal and that the reporter be paid the statutory fee," following herein is printed said transcript.

(During the entire course of the proceedings here reported, the Honorable Gordon H. Garland, Speaker of the Assembly, was in the chair, and the Honorable Jack Carl Greenburg, Chief Clerk of the Assembly, was at the desk. In each case in which a member of the Assembly desired a question asked of the witness, the member was recognized by the Speaker and stated his question. If the Speaker ruled the question proper, he then directed the witness to answer, or repeated the question and directed the witness to answer.)

The Speaker.

The Sergeant-at-Arms of the Assembly reports that he has arrested Mr. William Elconin pursuant with House Resolution No. 38, which resolution was duly adopted on February 17th by the Assembly.

Mr. Sergeant-at-Arms will you please escort Mr. Elconin to the bar of the Assembly?

Mr. Johnson.

I should like to point out that the witness should be sworn in before being allowed to testify.

Mr. Rosenthal.

I would suggest that the gentleman before being sworn in on oath be advised of any constitutional rights he has under this proceeding.

Mr. Williamson.

I move that Mr. Rosenthal be appointed his counsel.

Mr Rosenthal:

This man is here as a witness and not really on trial All he has to do is give reasons why he did not produce records and books

Mr Yorty:

Ask the gentleman if he knows his rights He was coached plenty in back.

Mr. Atkinson:

Do I understand that this is being taken down by a court reporter?

Mr. Speaker:

That is correct.

Mr. Collins:

I believe that the witness, even though only here as a witness, should be notified as to his rights under section 13 of Article I of the Constitution of the State of California, which provides that in criminal proceedings in any court whatsoever, the party accused shall have the right to a speedy and public trial and to have the process of the court and counsel, the attendance of witnesses in his behalf and to defend himself in person and with counsel.

Mr. Williamson:

Will you print in the record that the man is properly advised?

Mr. Speaker:

Will the witness kindly identify himself?

Mr. Elconin:

Mr Speaker and members of the House. My name is William Elconin I am chairman of the State, County and Municipal Workers of America, Local 89, affiliated with the CIO

Mr. Speaker:

Mr. Elconin, you are instructed that you are now required to answer the questions as they are propounded

Mr. Clerk:

Were you, upon the fourteenth day of February, 1940, served with a subpena directing you to appear before the Assembly Relief Investigating Committee at room 426 in the State Capitol at Sacramento, California, at the hour of ten o'clock a.m., on Friday, the sixteenth day of February, 1940, as a witness in the investigation by the committee and commanded to bring with you the following.

"(1) a complete list or roster of all persons who are now, or who were during any part of 1939, members of, or who now have, or who had, during any part of 1939 membership in or who now hold, or who held during any part of 1939, membership cards in the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America.

(2) the complete record of all funds, received by the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America, either in the form of dues or contributions from all persons whatsoever during the year 1939, including the complete list of all persons paying such dues or making such contributions to the Los Angeles State Relief Administration Local of the State, County and Municipal Workers of America."

Mr. Elconin:

Yes, I was so served.

Mr. Clerk:

Did you appear at the time and place designated in the subpena, and if you did, did you bring with you at that time the lists or rosters or other documentary material as required by that subpena?

Mr. Elconin:

I did not appear and so naturally I did not bring the records

Mr. Clerk:

Are you now prepared to produce before the Assembly Relief Investigating Committee as a witness and to testify concerning the matters and things pertaining to the investigation of the said committee and will you appear?

Mr. Elconin:

I have been so prepared for the past two days I attempted to appear and would like to explain also why I did not appear. I will appear if the committee so desires.

Mr. Clerk:

Are you prepared to produce before the Assembly Relief Investigating Committee the material required of you by the subpena?

Mr. Elconin:

I am not so prepared because the organization which I represent was advised by counsel that the committee had no authority to request such records

Mr. Clerk:

Do you refuse to produce the material required by the subpena?

Mr. Elconin:

I think that is a leading question.

Mr. Rosenthal:

He was advised by counsel that he did not have to produce the records

Mr. Clerk:

Will you produce the material required by the subpena?

Mr. Elconin:

Upon the advice of counsel I will not produce the records

Mr. Speaker:

You may now state your reasons, if any you may have, for your refusal to appear before the committee and testify, and for your refusal to produce the lists, rosters, or other documentary material required of you by the subpena issued by the committee.

Mr. Elconin:

I would like to say this in answer to that question I received the subpena that was dated on the fourteenth day of February and immediately wired the chairman of this committee as follows:

"Arrange by Postal my expenses Los Angeles to Sacramento and return if you want me as a witness"

This was sent collect and was not answered The next afternoon I sent the following telegram:

"Expenses not received, unable come unless received today."

I received no reply to this telegram although I remained in the union office until 7.45, at which time the last train went Not having received such funds, I was unable to arrive at the committee meeting at the proper time. As an employee of the State Relief Administration I receive $130 a month and the expenses of a trip such as this were not available. I immediately realized that an appearance was necessary at the earliest possible time and borrowed such funds from friends I left Friday to come to that hearing On the way up I learned that the chairman of the committee had advised the newspapers that I refused to attend I deny that I have refused to attend any hearing ordered by the Legislature I was also informed through the newspapers that the committee had postponed its hearings until Monday and that a resolution was to be introduced for the Sergeant-at-Arms to pick me up in Los Angeles along with the records Knowing this, I did not appear before the committee at 10 a m. on Monday. Shortly after I spoke to the chairman of the committee explaining the reason for my tardiness and gave him an entire explanation. He saw fit to discount my explanation and saw fit to say that I had recourse to funds to which I have not. I was unable to be here on account of lack of funds and the telegram specified to come to these hearings on time I did not, I wish to reiterate, refuse to come to these hearings. I attempted again and again to attend these hearings. I was denied that right and was informed that I was held in contempt I was informed that I had no rights but to remain within this hall for when the committee was in session. With reference to the records, upon receipt of the subpena, our union took advice from counsel They were told that it was their right not to submit the records because the committee did not have the authority to request them. I am not prepared to debate legal questions on this stand, which is said on the advice of counsel

Mr. Clerk:

Do you have any other reasons for your refusal to produce the lists, rosters, or other documentary material required of you by the subpena issued by the committee?

Mr. Elconin:

I have only one other reason. I am not in charge of those records.

Mr. Clerk:

Who is in charge of those records?

Mr. Elconin:

I don't know at this time but I will be glad to communicate the information to the Assembly.

Mr. Clerk:

Have you ever seen the records?

Mr. Elconin:

Yes, I have seen them regularly.

Mr. Clerk:

Do you know where the records are kept?

Mr Elconin:

The records are kept in the main office

Mr Clerk:
Are they there now?
Mr. Elconin.
I believe so.
Mr. Clerk:
Who was in charge of the office at the time the records were subpenaed?
Mr. Elconin:
The union office is in charge of the first vice president of the district of the State, County and Municipal Workers of America, Mr Glenn E Mayfield
Mr. Clerk:
What is his address?
Mr. Elconin:
It is already known since it appeared on the subpena 212 West Third Street, Los Angeles
Mr. Clerk:
Did you know where the records were when you were served?
Mr. Elconin:
I did
Mr. Clerk:
Did you demand witness fees at the time you were served?
Mr. Elconin:
I did I immediately explained to the gentleman who served me, whose name I do not recall, that I had no funds I was told that I would have to communicate with the chairman of the committee for funds, which I did, but no funds were received
Mr Call:
Who was in charge of the records at the time the subpena was served?
Mr. Elconin:
I frankly do not know the exact office The constitution of the organization will define that. I am unable to determine that at this time It will be submitted to the committee by communication of the organization
Mr. Call:
Who had the physical custody of the records at the time the subpena was served?
Mr Elconin:
The records reposed, as I already said, in the office of the organization and they were there at that time.
Mr. Speaker:
Who had physical custody of the records at the time the subpena was served?
Mr Elconin:
I wish you would interpret the question for me
Mr. Speaker:
Who had physical custody means exactly that Who was in charge and had physical custody of the records at the time the subpena was served?
Mr Elconin:
I have already given the name of the gentleman in charge of the office, but I am certain he had no power to release the records as they were the property of the local organization and he is the vice president for the whole of California It would be up to the local to determine that and as I have already said I should be glad to communicate with the person in charge
Mr. Millington:
Who made the entries in the books?
Mr. Elconin:
The financial secretary of the local has charge of making those entries
Mr. Millington:
Under whose direction?
Mr. Elconin:
The individual is responsible to the executive committee of the organization.
Mr Millington:
Just where do you fit into this situation?
Mr Elconin:
As chairman of the organization I am chairman of the executive board and as chairman of the executive board I simply preside at the meetings of the organization —at the regular monthly membership meetings and semimonthly meetings

Mr. Millington:

Who puts the books away at night and takes them out in the morning?

Mr. Elconin:

I am not in the Union office so exactly which individual puts them away I do not know unless it is Mr. Mayfield or the office secretary.

Mr Millington:

Do you ever touch them?

Mr. Elconin:

Yes, I touched them on certain occasions

Mr. Millington:

How far do you go in the handling of those books and records?

Mr. Elconin:

I only observe them on very rare occasions, that is with the financial secretary when she is about to submit a financial report.

Mr. Millington:

If a man came in and the book was in the safe, would you take it out?

Mr. Elconin:

No. I would not take it out. The financial secretary would be the only one who has the responsibility of writing in the books or making entries.

Mr. Millington:

Who is the financial secretary?

Mr. Elconin:

A new secretary is elected. Florence Scott.

Mr. Call:

I would like to ask one question which may or may not be germane. Would this gentleman know at the time of the subpena that he was unable to bring the records?

Mr. Elconin:

I have answered that I did not have the authority Yes, I knew that.

Mr. Call:

Why is it that you did not notify the chairman of this committee to that effect instead of putting the Assembly to this expense?

Mr Elconin:

I should like to state that I expected no expense to be paid by this organization. I came here on borrowed money. The original telegram was for traveling expenses here and back to the hearings. The subpena served me as an individual and testimony as an individual was required. It is for that I came to the investigation.

Mr. Carlson:

The witness evaded the question. He should either refuse or answer the question.

Mr Speaker:

I would say the answer was sufficient.

Mr Carlson:

I would personally like to have the witness answer or not answer the question. I would like to know why he did not advise the chairman of the committee about the books not being in his custody instead of wasting all this time.

Mr Speaker:

I think he answered that.

Mr. Carlson:

He did not answer the last part about the Assembly being put to all this expense.

Mr. Clerk:

Why did you not advise the committee that you did not have the custody of the books?

Mr. Elconin:

I don't know The subpena requested me to be here with the records I assumed that the committee wanted me whether the records came or not so I arrived as per schedule. I did then explain to the committee what had happened The fact that the Assembly may have been put to some trouble was never in my mind or never in my intentions.

Mr. Voigt:

If your counsel had not advised you in regard to the records, would you have brought the records to the committee?

Mr. Elconin:

I would have had no authority to bring them without a meeting of the executive committee. If they had authorized it I would have brought them.

Mr. Millington:

Irrespective of the consent of the board of directors you could have taken the records up here, isn't that so?

Mr. Speaker:

I think the ground has been pretty well covered. I am going to return the witness to the custody of the Sergeant-at-Arms until this body decides what they wish to do in the matter.

Mr. Speaker:

The witness is called back temporarily It is the opinion in the minds of the members of the Legislative Counsel Bureau that no further questioning is necessary. However, I do not want to act in an arbitrary manner and I am going to call the witness back to the stand No more questions than are absolutely necessary or germane are to be asked

Mr Millington:

Was there anything physically that would have prevented you from picking the records out of the safe and bringing them here?

Mr. Speaker:

That question is improper

Mr Tenney:

Does he receive any compensation in his official position?

Mr Speaker

That question is improper

Mr. Tenney:

Does he receive his necessary expenses for anything official he has to do as an official part of his job?

Mr. Speaker:

That question is improper

Mr. Williamson:

The gentleman refused to recognize the subpena because he did not have funds to make the trip This is a pertinent question because he is receiving a salary from another organization which is in addition to the $130 he receives

Mr. Speaker:

Mr. Tenney, you may ask your first question again.

Mr. Tenney:

Do you receive any compensation in your official position?

Mr. Elconin:

No. I receive no compensation whatsoever.

Mr. Speaker:

What was Mr Tenney's second question?

Mr. Clerk:

Do you receive your necessary expenses for anything official you have to do as an official part of your job?

Mr. Elconin:

The answer is no I receive no expenses whatsoever

Mr. Yorty.

I want to ask the same question as Mr Millington This is a very important question I believe the question should be "Did anything outside of the advice of counsel prevent the witness from taking possession of the records when he was in the office waiting to reply to my wire?"

Mr. Elconin:

The answer is that while I was in the office all of the records were locked within the official places where they are kept and I had no such recourse to the records unless I wished to break in and I do not propose to break the law to obtain records.

Mr. Speaker:

The witness is returned to the custody of the Sergeant-at-Arms to await the further order of the House.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notices of motion to reconsider votes on the following bills were continued until the next legislative day:

Assembly Bill No. 100.
Assembly Bill No. 61.

Guests Extended Privilege of Assembly Floor.

On request of Mr Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs Earl Desmond, wife of Assemblyman Desmond, and to their children, Mary Denise and Claire Desmond.

On request of Mr. Field, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Edward C. Collins, Jr., of Glendale.

On request of Mr Miller, George P., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. James W. Toothman, Edward Mauer and Floyd Hartwell, all of Oakland.

On request of Messrs. Call and Gilmore, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Charles Eagen of San Mateo.

On request of Mr. Crowley, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Charles Lamberson.

On request of Mr. Clarke, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Father M. J. Stack and four Sisters of the Immaculate Heart from Our Lady of Mercy School of Merced; also Mrs. Vera Brown, Mother Redornpta and Sister Elizabeth, Sister Helene and Sister Edmond.

On request of Messrs. Johnson and Sheridan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. George E Miller and Miss Ruth A Miller of Oakland.

On request of Mr. O'Day, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Melvin Cohen of San Francisco.

On request of Mr. Heisinger, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to T. J. Hansen, Mrs. T. J. Hansen and W C La Corme.

On request of Mr. Leonard, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs J. M. Leonard, Miss Laurabel Leonard, Miss Barbara Leonard, Mrs Jestina Lewin, Joe Lewis, Jr., and William Moran, all of Hollister.

On request of the San Francisco and Alameda delegations, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Marshall Dill, president of the Golden Gate International Exposition, president of the San Francisco Chamber of Commerce, president of the San Francisco Housing Authority; to William Monahan, general manager of the Golden Gate International Exposition; and also to the Honorable Jefferson E Peyser, former member of the Assembly of the California State Legislature

Adjournment.

At eleven o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of George Washington, until one o'clock and thirty minutes p m. Friday, February 23, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY
TWENTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, February 23, 1940.

At one o'clock and thirty minutes p m, pursuant to adjournment, the Assembly was called to order.

Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79

Quorum present.

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Andreas, the further reading of the Journal of Thursday, February 22, 1940, was dispensed with.

Recess.

At one o'clock and forty minutes p m, on motion of Mr. Robertson, the Assembly was declared at recess for five minutes to hear from Judge Robert M. Clark, former member of the Assembly from Los Angeles.

Reassembled.

At one o'clock and forty-six minutes p m, the Assembly reconvened Speaker Pro Tempore Johnson in the chair.

Resolution.

By Messrs Maloney, Wollenberg, Cronin, Gallagher, Green, O'Day, Collins, Williamson, Gilmore, Johnson and Lyon

House Resolution No. 50.

WHEREAS, It has come to the attention of the members of this Assembly that one of the best liked and most highly respected members of the press, Mr William H Jordan, is confined by illness in the Merritt Hospital, Oakland, California; and

WHEREAS, "Bill" Jordan, during his many years as a correspondent for the San Francisco Examiner in these legislative halls, was an outstanding example of unselfish devotion to the public weal; and

WHEREAS, "Bill" Jordan is admired, respected and loved by all who know him; now, therefore, be it

Resolved, That the Assembly of the State of California hereby expresses its sincere regrets at the illness of William H Jordan, and extends to him its cordial greetings and best wishes for a speedy and complete recovery, and, be it further

Resolved, That the Chief Clerk of the Assembly prepare and forward to "Bill" Jordan a suitably engrossed copy of this resolution

Request for Unanimous Consent.

Mr Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 50, at this time, without reference to committee.

House Resolution No 50 read, and adopted unanimously.

Reports of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER SACRAMENTO, February 23, 1940.

MR SPEAKER Your Committee on Engrossment and Enrollment has examined **Assembly Bill No. 106.**

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined, **Assembly Constitutional Amendment No. 6.**

And reports the same correctly enrolled, and presented to the Governor on the twenty-first day of February, 1940, at twelve o'clock m

CASSIDY, Chairman

Second Reading of Senate Bills.

Senate Bill No. 65—An act making an appropriation for the establishment of aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered on third reading calendar.

Senate Bill No. 67—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885 1 to 10886, inclusive, to the Insurance Code, relating to contributions in the form of certificates of advancement

Committee Amendments to Senate Bill No. 67.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 10, of the printed bill, after the word "State", insert the following "Commission or promotional expenses shall not be paid in connection with the advance of any such money to the insurer"

Amendment No. 2.

On page 2, line 13, of the printed bill, strike out "", and insert in lieu thereof the following ": provided, however, that a certificate of advancement shall not be issued to or for a beneficiary of any policy or certificate holder in whole or partial settlement of any claim under any policy or certificate and provided further that no such certificate of advancement shall be sold or issued to or for any beneficiary of a policy or certificate within one year of the time when such beneficiary has had accrued to him any claim under any policy or certificate"

Amendment No. 3.

On page 2, line 17, of the printed bill, after "stoner", insert the following: "Interest on any certificate of advancement shall not exceed eight per cent per annum."

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 41, 42 and 43, and insert in lieu thereof the following: "at the option of the insurer. Certificates of advancement must be redeemed in the order of their issuance."

Amendment No. 5.

On page 2, line 46, of the printed bill, strike out "plus ten", and insert in lieu thereof the following: "."

Amendment No. 6.

On page 2 of the printed bill, strike out all of lines 46 and 47.

Amendment No. 7.

On page 4, line 46, of the printed bill, strike out ", if there shall have been paid hereon pay-", and insert in lieu thereof the following: "."

Amendment No. 8.

On page 4 of the printed bill, strike out all of lines 47 and 48, and in line 49, strike out "cate) from the date hereof."

Amendment No. 9.

On page 4, line 51, of the printed bill, strike out "plus ten per cent".

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 58—An act to amend sections 2, 3 and 4 of the Housing Cooperation Law, relating to aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Collins, Corwin, Cronin, Del Mutolo, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Lore, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Williamson, Wollenberg, and Yorty—56.

NOES—Clarke, Dilworth, Leonard, and Weybret—4.

Title read and approved.

Assembly Joint Resolution No. 21—Relative to memorializing the members of the Congress of the United States from California in connection with losses sustained by poultry feed suppliers in connection with rural rehabilitation programs.

Bill read third time, and passed by the following vote:

AYES—Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Dilworth, Donnelly, Doyle, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—59.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Motion for Recess.

At two o'clock p.m., Mr. Atkinson moved that the Assembly stand at recess for a period of fifteen minutes to hear from a committee of citizens.

Substitute Motion.

Mr. Hugh M. Burns moved as a substitute motion that the Assembly be declared at recess for a period of thirty minutes to hear from a committee of citizens.

Substitute motion carried.

The following group of citizens spoke before the Assembly:

J. Vernon Burke (Chairman), John Lafferty, Mrs. Long, Ben Harrington, G. Sims, Harry Berry, Dave Willis, Joseph Arcosta, president of Spanish Speaking People; Vernon Wahlenmier.

Reassembled.

At two o'clock and thirty minutes p m., the Assembly reconvened. Speaker Pro Tempore Johnson in the chair

Senate Messages.

SENATE CHAMBER, SACRAMENTO February 23, 1940

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

Assembly Joint Resolution No. 16.

Assembly Joint Resolution No. 19.

J A BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON, Assistant Secretary

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 22, 1940

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to.

Senate Joint Resolution No. 1.

J A BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, February 23, 1940

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

Senate Concurrent Resolution No. 9—Relative to the illness of Newspaper Correspondent William H. Jordan

J A. BEEK, Secretary of Senate.
By MAITLAND S PENNINGTON Assistant Secretary

Senate Concurrent Resolution No. 9 read

Request for Unanimous Consent.

Mr Maloney asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 9, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Consideration of Senate Concurrent Resolution No. 9.

Senate Concurrent Resolution No 9 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, King, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—62

NOES—None.

Title read and approved Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, February 23, 1940

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

Senate Bill No. 13—An act to amend section 70 of the State Civil Service Act, relating to salary adjustments of civil service employees, declaring the urgency thereof, and providing that this act shall take effect immediately.

J A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary

Senate Bill No. 13 read first time, and referred to Committee on Governmental Efficiency and Economy.

Introduction and Reference of Bills.

The following bill was introduced:

Assembly Concurrent Resolution No. 14: By Mr. Desmond—Relative to calling upon the State Relief Administration to cooperate with the agricultural industry in obtaining employment for the unemployed.

Request for Unanimous Consent.

Mr. Désmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No 14, at this time, without refer-

ence to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 14.

Assembly Concurrent Resolution No 14 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Doyle, Evans, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, and Yorty—60.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Resolution.

By Mr. O'Day:

House Resolution No. 51.

WHEREAS, The greatest problem in the Nation today is the problem of hardship caused by unemployment; and

WHEREAS, California has an unemployment problem that is more acute than the unemployment problem in other States; and

WHEREAS, Huge sums of money are daily being expended for the purpose of relieving the hardship due to unemployment in the State of California; and

WHEREAS, There is great discontent among the people of the State of California concerning the problem of relief; and

WHEREAS, The problem of relief could be greatly diminished if private industry reemployed the people; now, therefore, be it

Resolved by the Assembly of the State of California, That it go on record urging private industry to assume its responsibility for the people of the Nation and reemploy the citizens of the Nation and in this manner solve the relief problem.

Request for Unanimous Consent.

Mr. O'Day asked for unanimous consent to take up House Resolution No. 51, at this time, without reference to committee.

Mr. Houser withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. O'Day moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 51 at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Carlson, Cassidy, Collins, Crowley, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, King, Maloney, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Sheridan, Tenney, and Yorty—33.

NOES—Bashore, Burson, Clarke, Corwin, Dilworth, Gannon, Houser, Johnson, Kellems, Kepple, Knight, Miller, Eleanor; Millington, Salsman, Sawallisch, Scudder, Stream, Thorp, Walker, Waters, Weber, and Weybret—22.

House Resolution No. 51 referred to Committee on Social Service and Welfare.

Motion to Print Letter in Journal.

On motion of Mr. Heisinger, the following letter was ordered printed in the Journal:

AMERICAN ASSOCIATION OF SOCIAL WORKERS
SEQUOIA CHAPTER
(Chapter Pending.)

M and San Joaquin,
Fresno, California, February 20, 1940.

Assemblyman S. L. Heisinger, Fresno County,
State Capitol, Sacramento, California.

DEAR SIR: The Sequoia Chapter of the American Association of Social Workers covers San Joaquin Valley counties from Kern to Madera County, and this letter

is addressed to you as one of the members of the Legislature representing the districts in which our members reside. As your constituents we wish you to know that social workers are thinking of the problem of relief at the present time in California

We feel a very keen interest in the people because of our training and experience in actually working with these very people who are affected by unemployment. Work toward the solution of the economic problem which makes these people unemployed seems to us to be of paramount importance. Until the economic *situation is resolved, assistance is necessary for the unemployed.* We, as social workers, feel that the lawmakers at Sacramento should be utilizing their intelligence and experience in working out the economic problem

A ceiling on budgets, the extension of residence laws, exclusion of aliens, and tightening of eligibility requirements that will lower already existing inadequate relief assistance, appear to have been accepted as major points to solve the present unemployment relief problem. Experience and facts of social work show that the unemployed must have support in order to keep them mentally and physically fit for employment when this is made available.

In Fresno County alone a ceiling on budgets at $60.00 relief per month would affect 593 families or 4575 persons With the present relief budgets the average assistance per month per person is $8 95 to cover food, rent and utilities. In this group, the families average 8 persons with an average budget of $71 67 representing approximately one-sixth of the Fresno County case load. Should a ceiling be placed at $60 00 per family per month each person in these families affected would receive $7 53 for food, rent and utilities, instead of the already low figure of $8.95 To exclude aliens would exclude a large percentage of native born citizens A survey made by SRA in February of 1939 revealed that only 6.3 per cent of those on relief are foreign born aliens and 93.7 per cent of such dependents are citizens We feel we have no right to deliberately set up a plan to discriminate against citizens

All those receiving assistance with varying years of residence in California are citizens in search of employment and are persons essential to seasonal labor demands.

The members of the Sequoia Chapter of the American Association of Social Workers feel that energies should all be combined to build up a more adequate and efficient administration of unemployment relief utilizing all the excellent achievements in the State Relief Administration.

We should improve the organization already in effect instead of regressing in *social work experience We should care for the unemployed as adequately as* is possible in California and work toward a solution of the basic economic factors.

Sincerely.

MYRA SHELTON,
Chairman, Legislative Committee

Motion to Withdraw Assembly Bill No. 70 from Committee.

In compliance with a notice given on the previous day, Mr. Heisinger moved that Assembly Bill No. 70 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the calendar.

Motion Laid on the Table.

On motion of Mr. Cronin, the motion to withdraw Assembly Bill No 70 by Mr. Heisinger was laid on the table.

Third Reading of Assembly Bills (Resumed).

Assembly Constitutional Amendment No. 3—Proposed amendment to Article IV, section 26, of the Constitution, relative to State lotteries.

Bill read.

Motion to Amend Assembly Constitutional Amendment No. 3.

Mr. Williamson moved to amend Assembly Constitutional Amendment No. 3 as follows·

Amendment No. 1.

On page 1, line 26, of the printed bill, strike out lines 26 to line 6 on page 2, inclusive, and insert in lieu thereof the following: "All revenues derived from the operation of such lottery shall go into the General Fund."

Amendment adopted.

Assembly Constitutional Amendment No 3 ordered to reprint, and re-engrossment.

Third Reading of Senate Bills.

Senate Bill No. 61—An act to amend section 4 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to rates of interest and other charges on loans made by industrial loan companies

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lyon, Maloney, Masson, Miller, Eleanor, Millington, O'Day, O'Donnell, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—59

NOES—None

Title read and approved

Notice of Motion to Reconsider Senate Bill No. 61.

Mr. Burns, Hugh M., gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 61 was this day passed

Request for Unanimous Consent.

Mr. Wollenberg asked for unanimous consent to take up Senate Bill No. 61 at this time, without reference to calendar.

Motion for Temporary Suspension of the Rules.

Mr. Wollenberg moved that the Rules be temporarily suspended for the purpose of considering Senate Bill No. 61, at this time.

Rules temporarily suspended by the following vote:

AYES—Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Gannon, Gilbert, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Maloney, Masson, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, and Yorty—55.

NOES—Burns, Hugh M., Miller, George P., Rosenthal, and Sawallisch—4

Reconsideration of Senate Bill No. 61.

In compliance with a notice given, Mr. Burns, Hugh M., moved that the vote whereby Senate Bill No. 61 was passed be reconsidered.

Senate Bill No. 61 refused reconsideration by the following vote:

AYES—Burns, Hugh M., Call, Cassidy, Del Mutolo, King, Lyon, Masson, Meehan, Miller, George P., Reaves, Robertson, Sawallisch, and Sheridan—13

NOES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Clarke, Collins, Cronin, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kilpatrick, Knight, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Richie, Salsman, Scudder, Stream, Tenney, Thorp, Turner, Walker, Waters, Watson, Weybret, Wollenberg, and Yorty—41

Senate Bill No. 61 ordered transmitted to the Senate.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 106—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations

Bill read third time.

Motion to Amend Assembly Bill No. 106.

Mr. Kepple moved to amend Assembly Bill No. 106, as follows:

Amendment No. 1.

On page 2, line 35, of the printed bill, as amended, between "and" and "those", strike out "of" and insert in lieu thereof the following: "to".

Amendment No. 2.

On page 2 of the printed bill, as amended, between lines 48 and 49, insert the following:

"Out of the money appropriated by this act, the Relief Administrator may establish a revolving fund in such amount as he may deem necessary to carry out the purposes of this act

Whatever balance remains in the revolving fund at the close of the ninety-second fiscal year shall revert to the general fund as provided by law.

Sec. 6.5 Every self-help cooperative association and organization eligible for aid from the Relief Administrator and Relief Commission under this act may sell, exchange or otherwise dispose of goods and products only to (i) the Relief Administrator and the Relief Commission, (ii) persons receiving relief under the California Unemployment Relief Act of 1935 or under other public assistance laws and (iii) other self-help cooperative organizations and associations eligible for assistance under this act and not otherwise

Any other sale, exchange or other disposition of such goods and products is contrary to the purposes for which this appropriation is provided and constitutes a misdemeanor."

Amendments adopted.

Assembly Bill No. 4 ordered to reprint, and re-engrossment.

Introduction and Reference of Bills.

The following bill was introduced:

Assembly Concurrent Resolution No. 15: By Messrs. Thorp and Weber—Relative to the winning of the Santa Anita Derby by Sweepida, a California bred, California owned, and California piloted symbol of the equine superiority of the Golden State

Request for Unanimous Consent.

Mr Weber asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 15.

Assembly Concurrent Resolution No 15 read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Doyle, Evans, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, King, Knight, Leonard, Lyon, Maloney, Meehan, Miller, George P., O'Day, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—54.

NOES—Atkinson and Massion—2.

Title read and approved. Bill ordered transmitted to the Senate.

Reconsideration of Assembly Bill No. 61.

In compliance with a notice given on a previous day, Mr. Desmond moved that the vote whereby Assembly Bill No 61 was refused passage be reconsidered.

Assembly Bill No 61 reconsidered by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Green, Johnson, King, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—54.

NOES—Bennett, Carlson, Houser, Kellems, Kepple, Knight, Massion, Millington, and O'Donnell—9.

Hon. Arthur W. Carlson in the Chair.

At four o'clock and ten minutes p m., Hon Arthur W. Carlson, member of the Assembly from the Sixteenth District, in the chair.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 61—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend Assembly Bill No. 61.

Mr. Scudder moved to amend Assembly Bill No. 61 as follows:

Amendment No. 1.

In the title of the printed bill, strike out line 5, and insert in lieu thereof the following: "and wage adjustments for State employees receiving less than one hundred fifty dollars per month".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "$1,490,000", and insert in lieu thereof the following: "$525,000"

Amendment No. 3.

On page 1 of the printed bill, strike out lines 13 to 16, inclusive, and insert in lieu thereof the following "to pay to each State employee in the State civil service whose salary or wage, or a portion thereof, is payable from the general fund, and is less than one hundred fifty dollars per month, any adjustment in salary or wage to which said employee, during the ninety-".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 20 and 21, and insert in lieu thereof the following "able, effective the date such employee became entitled to such adjustment, and (2) may hereafter".

Amendment No. 5.

On page 2, line 7, of the printed bill, strike out "officer and".

Amendment No. 6.

On page 2, line 9, of the printed bill, strike out "an adjustment or increase", and insert in lieu thereof the following: "", and is less than one hundred fifty dollars per month, an adjustment".

Amendment No. 7.

On page 2, line 10, of the printed bill, strike out "wages", and insert in lieu thereof the following: "wage".

Amendment No. 8.

On page 2, lines 11 and 12, of the printed bill, strike out "or increases for such officers or", and insert in lieu thereof the following: "for such".

Amendment No. 9.

On page 2, line 15, of the printed bill, strike out "officers and".

Amendments adopted by the following vote:

AYES—Atkinson, Bashore, Bennett, Burson, Carlson, Clarke, Corwin, Daley, Dilworth, Field, Hawkins, Houser, Kellems, Kepple, Kilpatrick, Knight, Lyon, Massion, Miller, Eleanor; Millington, O'Donnell, Pelletier, Poulson, Richie, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Yorty, and Mr. Speaker—35.

NOES—Burns, Michael J., Cassidy, Collins, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Green, Johnson, King, Leonard, Maloney, Meehan, Miller, George P., O'Day, Phillips, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Weber, Weybret, and Wollenberg—32.

Assembly Bill No. 61 ordered to reprint and re-engrossment.

Communication.

By the Chief Clerk.

ASSEMBLY CHAMBER, SACRAMENTO January 29, 1940.

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

Judson A. Baker.....*The Alhambra Herald*

Motion to Withdraw Assembly Bill No. 7 from Committee.

In compliance with a notice given on the previous day Mr. King moved that Assembly Bill No. 7 be withdrawn from the Committee on Governmental Efficiency and Economy and be placed upon the calendar.

Motion carried by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Collins, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller George P., O'Day, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Turner, Voigt, Waters, Wollenberg, and Yorty—56.

NOES—Allen, Clarke, Corwin, Gannon, Leonard, Millington, Scudder, Thorp, Walker, Watson, Weber, and Weybret—12

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 7—An act to add section 13109.5 to the Health and Safety Code, relating to the powers and duties of the State Fire Marshal in the furnishing of fire protection and prevention service at the hospitals, institutions and schools in the State Department of Institutions, and making an appropriation therefor.

Bill read second time, and ordered on third reading calendar.

Motion to Print Remarks in Journal.

On motion of Mr. Atkinson the remarks of Miss Miller re Assembly Bill No. 7 were ordered printed in the Journal.

Mr. Speaker and Members of the Assembly

Those of you who have served with me during the years of my service here may have observed that I have endeavored to use discretion in the matter of sponsoring bills, in that they must be measures that I deem of unusual importance. Such a bill, this one under discussion, the Fire Bill, seems to me to be important.

When the bill was being considered in the Ways and Means Committee I did not raise my voice in its favor, because I believed no further argument was needed to bring it out. But such was not the case.

That night I went to my hotel room, and conscience "that doth make cowards of us all" troubled me until the clock on the cathedral tolled the midnight hour—"when o'er the one-half world Nature seems dead." Then the bell continued to sound the hours of one, and two, and three and four as I lay there contemplating scenes which I had witnessed in a tour of inspection of our State institutions.

In one four-story building of an institution that I recalled, on the fourth floor, I saw mattresses piled high at intervals in the large dormitory and on the outside porch that at night are placed on the floor row on row, so close together that one can scarcely go between them. These mark the so-called resting places of those "whose noble and most sovereign reason, like sweet bells jangled, harsh and out of tune" lie and woo that "sleep which knits up the ravelled sleeve of care."

I have heard some men in this House speak today of these persons as 'those poor devils." I could not so denominate them. They are somebody's loved ones, who have been placed there "in double trust." First a court has assigned them there; and second, the State has received these persons with the understanding by their families that they will be protected.

I never saw, and may it please God that I shall never again behold so deplorable a spectacle.

Their sad eyes appealed to me as I passed by and some of them made hold to catch the hem of our garments and plead that they should be released. As I think of them when I am safely ensconced on my bed of ease, with comparative safeguards, I seem to hear them in the voice of that prisoner in the tower in "Il Trovatore"—"Non ti scor dal, Non ti scor dar de mi"—*Dost thou not remember, Dost thou not remember me?"*

So we come today with this bill which would provide, even though it may be inadequately, with some measure of fire protection.

Some have suggested that the element of politics has entered into the promotion of this measure. Others claim that there are no funds for this provision.

Neither of these objections affects me. So far as I am concerned there is no politics in this bill. Since January, we heard last night, seventeen million dollars have been appropriated for relief of sane people, many of them able bodied. This is well. But I am pleading for a much less sum, seventy-five thousand dollars only, which will last over an entire year, for more adequate fire protection for those

physically and mentally unfit inmates of our institutions who are incapable of caring for themselves.

This action should have been taken many years before. But "Tomorrow and tomorrow, and tomorrow creeps in this petty pace from day to day," and we procrastinate. We fail to do that which in our thoughtful moments we know we should put into action. Even our "present fears" concerning the fate of these our charges "are less than horrible imaginings." If a fire should break out in the wild night "I could a tale unfold whose lightest word would harrow up thy soul." Let us act now.

I recall the true story of a young man named Spencer of Northwestern University life-saving crew, who, when a ship was sinking, swam out and in, and out and in bringing each time with him a drowning man, until he had saved the majority of the imperiled passengers. Then he lapsed into delirium crying out, "Did I do my best? Did I do my best? Did I do my best?"

I have tried to do my best to save human lives. Will you withdraw the bill from committee and act upon it?

Resolution.

By Messrs. Johnson, Carlson, Phillips and Poulson:

House Resolution No. 52.

WHEREAS, On the ninth day of July, 1939, our esteemed fellow member, the Honorable Bernard A. Sheridan, Assemblyman from the Fifteenth Assembly District, and Miss Mary Fitzgerald of Oakland entered into the bonds of matrimony at Santa Barbara, California; and

WHEREAS, All of the members of the Assembly hold our colleague, Bernard A. Sheridan, in the highest affection and esteem; and

WHEREAS, The Assembly has learned with pleasure of this happy event in the lives of one of our most esteemed members and Miss Mary Fitzgerald; now, therefore, be it

Resolved by the Assembly of the State of California, That its members wish the newly wedded bride and groom unbounded happiness and joy, and that they may be blessed with long lives of mutually increasing and devoted companionship, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to forward a suitably engrossed copy of this resolution to Assemblyman and Mrs. Bernard A. Sheridan.

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 52, at this time, without reference to committee.

House Resolution No. 52 read, and adopted unanimously.

Recess.

At five o'clock and forty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eight o'clock and thirty minutes p.m.

Reassembled.

At eight o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, the following:

Assembly Bill No. 44—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately;

Assembly Bill No. 69—An act to amend sections 6, 20, 21, 23 and 30 of, to add section 6.5 to, and to repeal sections 16, 17, 18 and 19 of, an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants;

Assembly Concurrent Resolution No. 8—Relative to the construction of a secondary highway between Clovis and Friant, California;

Assembly Bill No. 2—An act authorizing any city of the first and one-half class to create a municipal department, to be under the control of a municipal

commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, cultural and recreational purposes, and purposes incidental thereto, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity for any of the foregoing purposes, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom, and to validate any proceedings heretofore taken for any purpose or purposes authorized by this act;

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate.

Consideration of Senate Amendments to Assembly Bill No. 2.

Assembly Bill No. 2—An act authorizing any city of the first and one-half class to create a municipal department to be under the control of a municipal commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, commercial, cultural, recreational or incidental uses, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 2?

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 4 to 10, inclusive, and insert in lieu thereof the following: "missioners, who shall be appointed, and may be removed by the mayor of such city, subject in both appointment and removal to the approval of the council by a majority vote, for such terms as may be prescribed by ordinance."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 3.

On page 1, line 6, of the title of the printed bill, following the comma after the word "civic", strike out "com-".

Amendment No. 4.

On page 1, line 7, of the title of the printed bill, strike out "mercial,".

Amendment No. 5.

On page 2, line 10, of the printed bill, following the comma after the word "civic", strike out "commercial,".

Amendment No. 6.

On page 2, line 33, of the printed bill, following the comma after the word "civic", strike out "commercial,".

Amendment No. 7.

On page 2, line 38, of the printed bill, following the comma after the word "civic", strike out "commercial,".

Amendment No. 8.

On page 2, line 46, of the printed bill, following the comma after the word "civic", strike out "commercial,".

Amendment No. 9.

On page 3, line 6, of the printed bill, following the comma after the word "civic", strike out "com-".

Amendment No. 10.

On page 3, line 7, of the printed bill, strike out "mercial.".

Amendment No. 11.

On page 3, line 14, of the printed bill, following the comma after the word "civic", strike out "commercial,".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 2 by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Gannon Gilbert, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington O'Day, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg and Yorty—66

NOES—None.

Assembly Bill No. 2 ordered to enrollment.

Consideration of Senate Amendments to Assembly Bill No. 69.

Assembly Bill No. 69—An act to amend sections 1 and 6 of and to add sections 1 5 and 6 5 to an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 69?

Amendment No. 1.

In lines 1 and 2 of the title of the printed bill, strike out "1 and 6 of, and to add sections 1 5 and 6 5 to", and insert in lieu thereof the following: "6, 20, 21, 23 and 30 of, to add section 6 5 to, and to repeal sections 16, 17, 18 and 19 of"

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Section 1 of the act cited in the title thereof", and strike out lines 2 to 20, inclusive, and in line 21, strike out "SEC. 3 Section 6 of said act", and insert in lieu thereof the following: "Section 6 of the act cited in the title hereof".

Amendment No. 3.

On page 2, line 37, of the printed bill, strike out "SEC 4", and insert in lieu thereof the following:

"(8) farmers who occasionally transport from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration,

(9) persons, the principal part of whose business is the manufacturing, canning or processing of farm products or timber products

SEC. 2."

Amendment No. 4.

On page 2 of the printed bill, after line 45, insert the following

"SEC 3 Sections 16, 17, 18 and 19 of said act are hereby repealed

SEC 4 Section 20 of said act is hereby amended to read as follows:

Sec 20 In any action against a licensee arising out of business done in this State by the licensee as an itinerant merchant and instituted in any court in this State, service of summons or other legal process upon the commission shall constitute valid service of the licensee against whom the summons is directed

SEC. 5. Section 21 of said act is hereby amended to read as follows

Sec 21. The commission shall keep a record of all processes served upon it as an agent for each licensee, identifying in such record each process so served, the court from which issued, the title and the nature of the action, and the time and date of service

SEC 6 Section 23 of said act is hereby amended to read as follows.

Sec 23. The court in which is pending an action against a licensee arising out of business done in this State by the licensee as an itinerant merchant may grant such continuances as are necessary to afford the licensee a reasonable opportunity to defend the action

SEC 7 Section 30 of said act is hereby amended to read as follows:

Sec. 30. A licensee may renew his license by filing an application and paying the license fee in the manner prescribed in this act in connection with the issuance of an original license The commission shall not renew the license of any licensee against whom there is an unsatisfied judgment rendered in any action arising out of the licensee's business in this State as an itinerant merchant

SEC. 8. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 69 by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—72

NOES—None.

Assembly Bill No 69 ordered to enrollment

Consideration of Senate Amendments to Assembly Bill No. 44.

Assembly Bill No. 44—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

The question being put, Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 44?

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 3 to 9, inclusive, and insert in lieu thereof the following:

"(a) The term "public body" means counties, cities and counties, cities, public districts, including school".

Amendment No. 1a.

On page 1, line 20, of the printed bill, as amended, before "regional", insert the following "and"

Amendment No. 2.

On page 1, line 22, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(b)".

Amendment No. 3.

On page 2, line 13, of the printed bill, as amended, strike out "The members", and insert in lieu thereof the following: "In so far as any other matter to which this act relates is or may be affected, the members".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 18 to 20, inclusive

Amendment No. 5.

On page 2, line 21, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "5".

Amendment No. 6.

On page 2, line 36, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "6".

Amendment No. 7.

On page 2 of the printed bill, as amended, betwen lines 43 and 44, insert the following

"(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under section 3720 of the Political Code, is filed in the manner and within the time required by said section.

SEC. 8. This act may be cited as the Validating Act of 1940

SEC. 9. The Legislature hereby declares that in enacting the Validating Act of 1939 it was the intention of the Legislature that said act should have the same scope and effect as if it had been enacted in the same language as sections 1 to 7, inclusive, of this act."

Amendment No. 8.

On page 2, line 44, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "10"

Amendment No. 9.

On page 3 of the printed bill as amended, strike out lines 26 and 27.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Thurman moved a call of the Assembly.

Motion carried Time, eight o'clock and fifty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Consideration of Senate Amendment to Assembly Concurrent Resolution No. 8.

Assembly Concurrent Resolution No. 8—Relative to the construction of a secondary highway between Clovis and Friant, California.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 8?

Amendment No. 1.

On page 1, line 22, of the printed measure, strike out the period, and insert in lieu thereof the following: ", and report its findings and recommendations to the Assembly and to the Senate, at the next regular (54th) session of the Legislature, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the California Highway Commission, through its secretary."

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Concurrent Resolution No 8 by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gilbert, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Watson, Weybret, Williamson, and Wollenberg—54.

NOES—None.

Assembly Concurrent Resolution No 8 ordered to enrollment.

Consideration of Senate Bill No. 67.

Senate Bill No. 67—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885 1 to 10886, inclusive, to the Insurance Code, relating to contributions in the form of certificates of advancement

Bill read

Case of Urgency Resolution.

Resolved, That Senate Bill No 67 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, and Wollenberg—57.

NOES—None.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 67—An act to repeal section 10886 of, to amend section 10885 of, and to add sections 10885 1 to 10886, inclusive, to the Insurance Code, relating to contributions in the form of certificates of advancement

Bill read third time, and passed by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J, Carlson, Cassidy, Clarke Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, and Wollenberg—59

NOES—None

Title read and approved Bill ordered transmitted to the Senate

Further Proceedings Under Call of the Assembly Dispensed With.

At nine o'clock and ten minutes p m, on motion of Mr Thurman, further proceedings under the Call of the Assembly were dispensed with on concurrence in Senate amendment to Assembly Bill No. 44.

The roll of absentees was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 44 by the following vote:

AYES—Allen Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Butson, Carlson, Cassidy, Clarke, Collins Corwin Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Haw-

kins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—66.

NOES—None

Assembly Bill No. 44 ordered to enrollment.

Communication.

On motion of Mr. Thurman, the following communication was ordered printed in the Journal.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 23, 1940.

Memorandum of Opinion as to Interpretation of Section 4 of Assembly Bill No. 44.

Some question has been raised as to the meaning of the word "other" as used in section 4 of this bill as amended February 22, 1940. This word was inserted merely to indicate that it is not the intent of the bill to "validate" for all purposes the election or appointment of each and every officer of a county, city or district, that is, to limit the scope of such validation to its bearing upon or relation to matters which the bill seeks to validate.

The "validation" to be effected by section 4 relates to matters other than the mere election or appointment itself.

Thus, so far as concerns such an officer's participation in proceedings for a bond issue mentioned in section 5, he is to be deemed as the lawful holder of the office. But in case of a contest over the office itself, section 4 is not intended to confirm or validate his election or appointment but is designed to leave him in the same status as if no bill such as Assembly Bill No. 44 had been introduced or enacted into law.

FRED B. WOOD,
Legislative Counsel

FBW/mf.

Senate Message.

SENATE CHAMBER, SACRAMENTO, February 23, 1940

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

Assembly Bill No. 105—An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith.

J. A. BEEK, Secretary of Senate

The above reported bill ordered to enrollment.

Reports of Standing Committee (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 7.
And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 61.
Assembly Bill No. 106.
Assembly Constitutional Amendment No. 3.
And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 74.
Assembly Bill No. 75.
Assembly Bill No. 81.
Assembly Concurrent Resolution No. 11.
And reports the same correctly enrolled, and presented to the Governor on this twenty-third day of February, 1940, at ten o'clock a.m.

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 64.
And reports the same correctly enrolled, and presented to the Governor on this twenty-third day of February, 1940, at twelve o'clock m.

CASSIDY, Chairman.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 106—An act making an appropriation to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masston, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—71

NOES—Call—1.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masston, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—71

NOES—Call—1

Title read and approved. Bill ordered transmitted to the Senate.

Resolutions.

House Resolution No. 53.

By the Committee on Attaches:

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the pay roll of the Assembly, to take effect on completion of work February 24, 1940

Rev. Raymond Lull Bailey
Jack Carl Greenburg
David V. Oliver
Wilkie Ogg
C. W. Booth
Albert Day
Mildred Watson
Lillian Larkin
John E. Fitzgerald
Michael Connolly
George Doering
Tom Lyons
William Davies
Ed. Nathan
William Murphy
Harold McKenzie
Louis Desmond
Domingo Correa

VOIGT, Chairman

Resolution read, and adopted

By Committee on Contingent Expenses:

House Resolution No. 54-55.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same

Department of Finance	$ 53 14
Department of State	75
Postal Telegraph Co	1 04
Western Union Telegraph Co	26 35
Bureau of Purchases	478 07
Pacific Tel & Tel Co	82 75
Railway Express Co	5 18
Sacramento Art Studio	9 02
H S. Crocker Co	71 68
Hart's Lunch	36 90
Wobbers, Inc	4 74
Geo N. Hammond Typewriter Co.	141 25
Hub Florists	36 05
Schwabacher-Frey Co (Binders)	127 72
Patrick-Mouse-Klinkner Co (Badges)	30 12
Bureau of Purchases	435 35

HAWKINS, Chairman

Resolution read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—61

NOES—Atkinson, Dills, Heisinger, and Massion—4

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 61—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary adjustments or increases for State officers and employees, and providing that this act shall take effect immediately

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—66.

NOES—Heisinger—1

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—60

NOES—Clarke, Heisinger, Houser, Johnson, Knight, Lyon, Massion, O'Donnell, and Waters—9

Title read and approved Bill ordered transmitted to the Senate

The Speaker in the Chair.

At nine o'clock and thirty-five minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reconsideration of Assembly Bill No. 100.

In compliance with a notice given on a previous day, Mr. Sawallisch moved that the vote whereby Assembly Bill No. 100 was refused passage be reconsidered.

Assembly Bill No. 100 reconsidered by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Call, Cassidy, Clarke, Collins, Corwin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Field, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, King, Knight, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Peek, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Walker, Waters, Weybret, Yorty, and Mr. Speaker—47

NOES—Atkinson, Bashore, Burns, Michael J., Carlson, Crowley, Dills, Donnelly, Gannon, Johnson, Kellems, Kilpatrick, Kuchel, Leonard, Massion, Millington, O'Day, Reaves, Salsman, Sheridan, Thurman, Watson, Weber, Williamson, and Wollenberg—24

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 100—An act to add section 1354 to the Vehicle Code, relating to the taking of bail upon service of warrants.

Bill read third time.

Demand for Previous Question.

Messrs. Reaves, Kellems, Lyon, Corwin and Clarke demanded the previous question.

Demand for previous question sustained by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Donnelly, Doyle, Field, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Knight, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Weber, Weybret, Yorty, and Mr. Speaker—55.

NOES—Atkinson, Burns, Hugh M., Dills, Dilworth, Evans, Kilpatrick, Kuchel, Maloney, O'Day, Tenney, Turner, Waters, Williamson, and Wollenberg—14

The question being on the passage of Assembly Bill No. 100

Assembly Bill No. 100 passed by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Call, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Desmond, Doyle, Field, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Kellems, Kepple, King, Knight, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Peek, Phillips, Poulson, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Weybret, Yorty, and Mr. Speaker—51

NOES—Atkinson, Bashore, Burns, Michael J., Carlson, Crowley, Dills, Donnelly, Johnson, Kilpatrick, Kuchel, Leonard, Massion, O'Day, Pelletier, Reaves, Salsman, Sheridan, Thurman, Waters, Williamson, and Wollenberg—21

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Withdraw Assembly Bill No. 95 from Committee.

In compliance with a notice given on the previous day, Mr. Gilbert moved that Assembly Bill No. 95 be withdrawn from the Committee on Social Service and Welfare and be placed upon the calendar.

Motion to Table.

On motion of Mr. Bashore, the motion to withdraw Assembly Bill No. 95 from committee was laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Desmond, Dilworth, Gannon, Gilmore, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Peek, Phillips, Poulson, Salsman, Sawal-

lisch, Scudder, Sheridan, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—47

NOES—Andreas, Atkinson, Bennett, Dills, Donnelly, Doyle, Gallagher, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, O'Day, Pelletier, Reaves, Richie, Rosenthal, Tenney, Turner, and Voigt—22

Withdrawal and Re-reference of Assembly Bills Nos. 98 and 99.

On motion of Mr. Waters, Assembly Bills Nos 98 and 99 were withdrawn from the calendar, and re-referred to the Committee on Municipal Corporations.

Third Reading of Assembly Bills (Resumed).

Assembly Constitutional Amendment No. 3—Proposed amendment to Article IV, section 26, of the Constitution, relative to State lotteries.

Bill read, and refused adoption by the following vote:

AYES—Cassidy, Collins, Cronin, Crowley, Evans, Gallagher, Gilmore, Hawkins, Leonard, Meehan, Miller, George P., O'Day, Pelletier, Reaves, Sheridan, Thorp, and Williamson—17.

NOES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Call, Carlson, Clarke, Corwin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Field, Gannon, Gilbert, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Massion, Miller, Eleanor; Millington, O'Donnell, Peek, Phillips, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—53.

Report of Standing Committee (Resumed).

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR SPEAKER: Your Committee on Revenue and Taxation to which was referred **Assembly Bill No. 90.**

Respectfully reports the same back with recommendation: Do pass, and be re-referred to Committee on Ways and Means

TURNER, Chairman

The above reported bill re-referred to Committee on Ways and Means.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, February 23, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to sustain the Governor's veto to:

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate

Veto Message of the Governor.

(Copy)

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 23, 1940

To the Honorable Members of the Senate,
Sacramento, California.

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 81, entitled "An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately." My objections are:

As I pointed out in my message to this special session of the Legislature, the curtailment of WPA employment since June 1, 1939, and the operation of other uncontrollable factors have greatly increased the number of cases entitled to State relief. Regardless of this fact, the amount of the appropriation made in this bill of $12,200,000 for the relief of hardship and destitution due to and caused by unemployment and the administration thereof until June 1, 1940, is about 19 per cent below actual expenditures for the same period of 1939. According to the estimates of the State Relief Administrator it will be necessary, if this bill becomes a law, to cut the relief allowances to those now on relief approximately 40 per cent below present budgetary allowances.

Present budget allowances now provide for relief on a mere subsistence basis. I can not approve a bill that will cut those allowances approximately 40 per cent

and deny those dependent upon relief—some 369,000 persons, many of whom are women and children—the minimum necessities of existence.

I point out also that sufficient consideration appears not to have been given to the problems facing the State Relief Administration in the period between now and March 31. Under this bill the State Relief Administration is faced with the problem of not only carrying on relief, but of liquidating approximately 40 per cent of its program. According to the figures of the Relief Administrator, the administrative costs of direct relief in December was 17.1 per cent of about $5,500,000. Without the drastic reductions in the normal relief requirements, which this bill would impose, I would agree, as I recommended in my message, to a 15 per cent limitation on administrative costs. Under the provisions of Senate Bill 81 an increase in the percentage of administrative costs is made necessary although a 15 per cent limitation thereon is made. There are certain costs which can not be eliminated or reduced. In order to keep within that limit it may be necessary to reduce rents and personnel by as much as 50 per cent. Thirty days notice must be given on the cancellation of leases. Property and equipment must be moved in order to contract the program and reduce operating costs.

It may be necessary to serve notices of dismissal on half of the employees. Those who have been with the organization for six months or more are entitled to two weeks notice and accrued vacation time. It will be necessary to give notices of dismissal so that all accrued vacation time will have been paid out of the March pay roll.

The serving of notices of dismissal on 30 or 40 or 50 per cent of the personnel will inevitably cause great confusion. During this confusion and while offices and equipment are being moved, it will be necessary to go through 116,000 case files and adjust them to the new provisions of this act, such as provisions dealing with family budgets, aliens and the ownership of automobiles. It will not only be necessary to make adjustments based on changes in the present law, but it may be necessary to materially reduce the case load as well as to make horizontal cuts in relief budgets of as much as 40 per cent.

Another fundamental objection that I have to this bill is that it would, as intended by its sponsors, defeat this administration's efforts to carry forward a program for the re-employment of persons on relief in public works projects in the establishment of production projects and the development of self-help cooperatives, a program voted for by an overwhelming majority of the people as a sound, constructive method of solving the problem of unemployment relief and eventually doing away with the cash dole system, which places a heavy burden on the State and its tax resources.

As to other provisions of the act that are not related to the amount of the appropriation, sufficient consideration does not seem to have been given to families from other States who have lost their legal residence there, acquired legal residence here, and can not be returned to their State of origin.

Transportation costs may be provided to return those who have not lost their residence elsewhere but no provision is made for subsistence costs en route or subsistence costs while such families are awaiting the result of California's efforts to establish legal residence. The time required by other States to verify residence is a matter over which the relief administration has no control. It sometimes takes over 45 days to obtain verification of residence and consent to return.

It seems to me that any extension of the period of residence requirements should be effective at some future date and as a warning to the unemployed of other States that relief can not be obtained by establishing residence in California for less than the period fixed. Any such provision should be so qualified as not to deny relief to residents and citizens of this State who have become citizens and have been thrown out of employment, or have lost their investments since becoming California residents.

There are provisions in section 15 of the bill which I would strongly approve in any set, particularly subdivisions a, b, d, and 4. Such provisions are now being enforced as administrative policy. But provision c, and particularly provision f, impose restrictions on the rights and civil liberties of employees of the State Relief Administration that are not imposed upon employees of any other branch of the State Government and constitute, it seems to me, a serious interference with their fundamental civil liberties. Subdivision f, for instance, says that it shall be unlawful for any person employed in the relief administration to be an "active" member of political organization, or take an "active" part in political campaigns.

Is it "active" for any employee to attend a meeting of an organization to discuss economic or social questions that are involved in political campaigns? Is it "active" to discuss public issues or otherwise exercise the ordinary political rights of any citizen?

The word "active" is a relative term and may be interpreted to prevent the activity of attending any public meeting at which any public issue is discussed. What is "activity" as used in this bill? Do you know? Does anybody know?

It seems to me that this provision, whatever its purpose, should not be enacted without a definition of the words "active" and "activity."

I would overlook these latter objections in the face of the present relief crisis, but the pronounced inadequacy for cash dole relief and the destruction of hope for reemployment, the loss to the State and to society, in terms of undernourished children, ill health, frustration, demoralization and crime, that this Senate Bill No. 81 would cause, are considerations so serious that I can not bring myself to a decision to approve it, however much I would like to be in accord with the final determination of a two-thirds vote of the Legislature on this or on any other matter

Respectfully submitted

(Signed) CULBERT L. OLSON,
Governor

Consideration of Governor's Veto to Senate Bill No. 81.

Senate Bill No. 81—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately

The question being put: Shall Senate Bill No. 81 become a law notwithstanding the veto of the Governor?

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Kepple moved a call of the Assembly.

Motion carried. Time, ten o'clock and twenty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Further Proceedings Under Call of the Assembly Dispensed With.

At eleven o'clock and thirty minutes p.m., on motion of Mr. Kepple, further proceedings under the call of the Assembly were dispensed with

The roll of absentees was called, and Senate Bill No. 81 became a law notwithstanding the veto of the Governor, by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—56

NOES—Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Donnelly, Evans, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Peek, Pelletier, Reaves, Richie, and Rosenthal—22

Senate Bill No. 81 ordered transmitted to the Senate.

Explanation of Vote by Godfrey A. Andreas on Senate Bill No. 81.

I voted against all restrictions and the small amount contained in the bill continuously. However, I realized that unless Governor Olson's veto was overridden tonight, thousands of families, many with infants and minor children, would have faced want and privation. I continue now, as always, to favor adequate relief for the poor and destitute

GODFREY A. ANDREAS,
Seventy-second District.

Explanation of Vote.

I am voting "no" on this bill because I believe it will entail malnutrition, suffering and disease. It takes civil liberties away from Americans because they are poor. It will increase private and county relief costs. It will cause a scarcity of farm workers and thereby increase farm wages.

S. L. HEISINGER

Explanation of Vote by Assemblyman Thomas J. Doyle.

The reason I voted to override the Governor's veto of Senate Bill No. 81 is that I do not want to see anyone without relief for 24 hours. I am in favor of appropriating a hundred million dollars for making the poor and unfortunate people of this State comfortable

Explanation of Vote.

We voted to override the Governor's veto on Senate Bill No. 81, not because we approved of the bill, nor disagreed with the Governor's veto measure, but because the SRA informed us today that unless the bill becomes law the people will receive no money and many are now without food for themselves and their children

EDWARD F. O'DAY.
DAN GALLAGHER
JOSEPH P. GILMORE.

Reports of Standing Committee (Resumed).

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred
Assembly Bill No. 90.
Respectfully reports the same back without recommendation, as amended

MILLINGTON, Chairman

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred
Assembly Bill No. 107.
Senate Bill No. 50.
Requests the same be amended, and re-referred back to committee.

MILLINGTON, Chairman

The above reported bills ordered on second reading calendar.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 90—An act to amend sections 5, 6 and 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the administration of the act, providing for the designation of a chairman of the California Horse Racing Board and for salaries of the chairman and other members of said board, increasing the amount allocated for administration of the act, and providing for a fund to be expended at the sole discretion of the board for enforcement of the act, and increasing the salary of the secretary of said board.

Committee Amendments to Assembly Bill No. 90.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 2, line 10, of the printed bill, strike out "seven thousand five hundred", and insert in lieu thereof the following: "five thousand".

Amendment No. 2.

On page 2, line 12, of the printed bill, strike out "three thousand", and insert in lieu thereof the following: "two thousand five hundred".

Amendment No. 3.

On page 3, line 32, of the printed bill, strike out "Fifty-five thousand", and insert in lieu thereof the following: "fifty thousand five hundred"

Amendment No. 4.

On page 3, line 44, of the printed bill, strike out "ten", and insert in lieu thereof the following: "twenty-five".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 107—An act making an appropriation for relief of hardship and destitution due to and caused by unemployment, and providing for the expenditure thereof.

Committee Amendment to Assembly Bill No. 107.

The following amendment was submitted by the committee:

Amendment No. 1.

On page 2 of the printed bill, between lines 12 and 13, insert the following:

"SEC. 4.5. If any county under the authority of section 15 of the Relief Expenditure Act of 1940, certifies on and after January 1, 1941, persons for relief in relief camps maintained and operated by the Relief Administrator and the

Relief Commission under subdivisions (c) and (d) of section 3 of the California Unemployment Relief Act of 1935, the charges imposed by the Relief Administrator for the support and maintenance of such persons shall be chargeable, when expended, to the 82 per cent classification provided in section 15.5 of the Relief Expenditure Act of 1940"

Amendment adopted.

Bill read second time, ordered to reprint, and engrossment

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 50—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and providing for the disbursement thereof.

Committee Amendments to Senate Bill No. 50.

The following amendments were submitted by the committee.

Amendment No. 1.

On page 3 of the printed bill, as amended strike out lines 29 to 36, inclusive, and insert in lieu thereof the following

"SEC. 5 Notwithstanding sections 5 and 6 of the Relief Expenditure Act of 1940 and the references therein to rules and regulations of the Relief Commission established under section 8 of the California Unemployment Relief Act of 1935, the Relief Commission may establish rules and regulations in accordance with the other provisions of the Relief Expenditure Act of 1940 (1) for the expenditure of the appropriation made by this act and (11) for the determination of eligibility for relief from the appropriation made by this act, within which rules and regulations, the counties may establish their own standards of relief

Rules and regulations, when established by the Relief Commission under this act for the expenditure of the appropriation made by this act, prevail over rules and regulations established by the Relief Commission under section 8 of the California Unemployment Relief Act of 1935. References in the Relief Expenditure Act of 1940 to rules and regulations of the Relief Commission established under section 8 of the California Unemployment Relief Act of 1935 do not prevent the Relief Commission from establishing rules and regulations under this act for the expenditure pursuant to the Relief Expenditure Act of 1940 of the appropriation made by this act

Rules and regulations when established by the Relief Commission under this act, apply to all persons and circumstances for the purposes of expending the appropriation made by this act in lieu and instead of the rules and regulations established under section 8 of the California Unemployment Relief Act of 1935

SEC 5 3 Notwithstanding section 6 of the Relief Expenditure Act of 1940, none of the money from the appropriation made by this act shall be expended to or used for the relief of persons who on February 18, 1940, were receiving aid from any of the several counties as indigents

SEC. 5 6 Notwithstanding section 7 of the Relief Expenditure Act of 1940, relief, in addition to the maximum of $58.00 per month allowance fixed by section 7, may be granted from the appropriation made by this act (1) only in the form of commodities, services or other forms of relief in kind and (11) only in extraordinary cases, which term "extraordinary cases" shall include within its scope families of extraordinary size

SEC. 5 9 If any reduction in relief expenditures is necessary in order to abide by the appropriation made by this act, such reduction shall be effected by reducing the amount of allowance for each relief case in lieu of denying relief entirely to cases otherwise eligible, under the Relief Expenditure Act of 1940, for relief from the appropriation made by this act"

Amendment No. 2.

On page 3 of the printed bill, as amended, between lines 11 and 12, insert the following

"If any county receives more money from the appropriation made by this act than the amount necessary for the direct and administrative costs of unemployment relief imposed upon it under the Relief Expenditure Act of 1940, the surplus shall be impounded by it and held in trust for the State, subject to any disposition which may hereafter be provided by law."

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Guests Extended Privilege of Assembly Floor.

On request of Mr Corwin, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lieutenant Paul

Herbert, Los Angeles, Lieutenant James R Cranford, Colton; both of U S Army Air Corps, Sacramento Air Depot.

On request of Mr Weber, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Gardner Bullis, Citizens Public Welfare League, Los Angeles.

On request of Mr. Kuchel, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. A. G. Plaehn and Wilma Hack Murphy of Sacramento

On request of Mr Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Paul Ulbrich of Chicago Park.

On request of Mr Doyle, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Joseph Acosta of Los Angeles.

On request of Mrs. Daley and Mr Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Vernon Wahlenmaier, San Diego County president, Workers Alliance, Martha M Jones, secretary, Juanita Kizer, vice president, Local 514, W. L. Badger, executive secretary, Local 514; Frieda Jasmagy, financial secretary, Local 514; all of San Diego.

On request of Mr Miller, George P the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs Ann McKee and the Honorable Roy Bishop, a former member of the Assembly, both from Alameda.

On request of Mr Pelletier, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Emma Peterson of Los Angeles

On request of Mr Kellems, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to W W. Milliken, Commissioner of Public Works, and Leslie S Storrs, news editor of The Evening Outlook, both of the city of Santa Monica

On request of Mr Voigt, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Rev. Eldred Charles, Grand Master of Independent Order of Odd Fellows of California, and General Edward L Prohs of Langmart, California

On the request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Brother N. Arthur, Frank Yee and Brother Harold, all of San Francisco

On request of Mr Gallagher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Frank Muldoon of Stanford University

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Anthony Mecia of Grass Valley.

On request of Mr. Atkinson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs Josephine Fierro de Bright, secretary of the National Congress of Spanish-Speaking People, of Los Angeles.

On request of Messrs Crowley and Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Marian Dunn and Mr. and Mrs James Duffy, all of Oakland.

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to G. G. Glogoski, W. Milton, R. Krous, F. Mahoney, T. Ooghe, E. Ryan, M. Kerrigan, R. McKeon, F Mullen, E Van Derslice, E. Cafferata, J. Bolman and S Fong, students of the Sacred Heart High School of San Francisco.

Adjournment.

At eleven o'clock and thirty-five minutes p m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until one o'clock and thirty minutes p m , Saturday, February 24, 1940

DAVID V OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY
TWENTY-SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Saturday, February 24, 1940.

At one o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch Scudder Sheridan, Stream, Thorp, Thurman Turner, Voigt Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78

Quorum present.

Prayer.

Prayer was offered by Rev. Eldred Charles of Los Angeles, on request of Mr. Voigt.

Reading of the Journal Dispensed With.

On motion of Miss Miller, the further reading of the Journal of Friday, February 23, 1940, was dispensed with

Leave of Absence for the Day.

The following member was granted leave of absence for the day: Mr. Tenney, on motion of Mrs Daley.

Motion to Print Prayer in Journal.

On motion of Mr Lyon, the following prayer by Rev Eldred Charles, pastor of the Palms, and Culver City Christian Church, Los Angeles;

also grand master of the I O O F of California, was ordered printed in the Journal:

Our Heavenly Father, we thank Thee this day for the manifold blessing bestowed upon us as citizens of this great Nation May we ever strive to show our gratitude to Thee and to each other by helping to preserve the peace and liberty which has been ours for so many years Help us to realize where much has been given much will be required

Bless, we pray Thee, the members of this Assembly In the perplexing problems of our social system endow them with wisdom from on high Grant to them direction in every time of need and help us all to understand that "except the Lord build the house, they labor in vain who build it"

As we face the duties of this day, may we do so by Thy guidance, with malice toward none, with charity for all, until that period to which hope looks forward with ardent joy, until misfortune has no wants to relieve and sorrow no tears to dry This we ask with the forgiveness of our sins

Amen

Communication.

From Contra Costa Central Labor Council, opposed to turning over to the counties the administration of unemployment relief

Senate Messages.

SENATE CHAMBER, SACRAMENTO February 24, 1940

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

Senate Concurrent Resolution No. 10—Relative to a fact-finding committee on employment, and defining its powers and duties.

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States to enact S 2212, relating to the development of marketing and marketing service for farm commodities

J A BEEK, Secretary of Senate

By MAITLAND S PENNINGTON, Assistant Secretary

Senate Concurrent Resolution No 10 read first time, and referred to Committee on Rules

Request for Unanimous Consent.

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

Consideration of Senate Joint Resolution No. 6.

Senate Joint Resolution No. 6 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burson, Carlson, Clarke, Collins, Corwin, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller Eleanor; Miller George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Rosenthal, Salsman, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—58

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER SACRAMENTO, February 24, 1940

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

Assembly Joint Resolution No. 21—Relative to memorializing the members of the Congress of the United States from California in connection with losses sustained by poultry feed suppliers in connection with rural rehabilitation programs

J. A. BEEK, Secretary of Senate

By MAITLAND S PENNINGTON, Assistant Secretary

The above reported bill ordered to enrollment

SENATE CHAMBER, SACRAMENTO, February 24, 1940

MR. SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 50—An act to amend sections 2, 23, 24, 25, 26, 27, 28 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2 3, 2 4, 6 5, 10 5, 12 5, 29 5, 39.5,

42 5, 43 3, 43 5, 44 5, 48 5, 53 5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately; And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate
By MAITLAND S PENNINGTON, Assistant Secretary.

Consideration of Senate Amendment to Assembly Bill No. 50.

Assembly Bill No. 50—An act to amend sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal section 76 thereof, and to add sections 2 3, 2.4, 6.5, 10.5, 12 5, 29 5, 39 5, 42.5, 43 3, 43.5, 44 5, 48.5, 53 5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 50?

Amendment No. 1.

On page 4, line 32, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and except where the transfer is:

(a) In trust.
(b) Of a future interest in property.
(c) A transfer by gift as defined in section 37."

Amendment No. 2.

On page 4, line 33, of the printed bill, strike out the following: "(a) In trust"

Amendment No. 3.

On page 4, line 34, of the printed bill, strike out "(b)", and insert in lieu thereof the following: "(a)".

Amendment No. 4.

On page 4, line 35, of the printed bill, strike out the following:

"(c) A transfer by gift as defined in section 37."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 50 by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Carlson, Clarke, Collins, Corwin, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—None.

Assembly Bill No. 50 ordered to enrollment.

Resolutions.

By Messrs. Voigt and Lyon:

House Resolution No. 56.

WHEREAS, The members of the Assembly will desire to have shipped to their various places of residence their bill files, stationery and other printed matter at the adjournment or recess of this extraordinary session; therefore, be it

Resolved, That the Sergeant-at-Arms, Wilkie Ogg, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping same, properly packed, to said members, and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Assembly in favor of said Wilkie Ogg, in the sum not to exceed three hundred fifty dollars ($350), and the State Treasurer is hereby directed to pay the same; and it is further directed that Wilkie Ogg furnish to the Controller vouchers and receipts for all expenditures made by him.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 56, at this time, without reference to committee.

House Resolution No. 56 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Mas-

sion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—63.

NOES—None.

By Messrs Voigt and Lyon:

House Resolution No. 57.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in the sum of eight hundred fifty dollars ($850) in favor of Jack Carl Greenburg, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses, and other incidental expenses in connection with completing the work of the fifty-third (extraordinary) session of the Assembly of the State of California Vouchers and receipts for all expenditures to be furnished to the Controller.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 57, at this time, without reference to committee

House Resolution No. 57 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—65.

NOES—None

By Messrs Voigt and Lyon·

House Resolution No. 58.

Resolved, That the members of this Assembly be furnished with a complete set or file of all bills, binders and daily Journals of Senate and Assembly, and that the Legislative Bill Room be, and it is hereby instructed to have such sets of bills and Journals shipped to the members of this Assembly immediately after adjournment or recess of this Extraordinary Session, and as soon as said printed matter is available.

Request for Unanimous Consent.

Mr Lyon asked for, and was granted, unanimous consent to take up House Resolution No 58, at this time, without reference to committee.

House Resolution No. 58 read, and adopted.

By Messrs. Voigt and Lyon:

House Resolution No. 59A.

Resolved, That Jack Carl Greenburg, Chief Clerk of the Assembly is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and file the same with the Secretary of State as provided by law, subsequent to adjournment or recess of the Extraordinary Session of the Fifty-Third Legislature; and all indexing, correcting, comparing and proof reading, and otherwise preparing the Journal of the Assembly of the Extraordinary Session of the Fifty-Third Legislature, and making the information therein contained readily available for the use of the members of the Legislature, State officers, and the general public as a record of the business transacted during the Extraordinary Session of the Fifty-Third Legislature, and of compiling, preparing and having printed after adjournment, or recess, a calendar of the Legislature's business of the Extraordinary Session of the Fifty-Third Legislature; said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the Extraordinary Session of the Fifty-Third Legislature.

When said Calendar is prepared, the said Jack Carl Greenburg, Chief Clerk, is directed to forward one copy of the History to each public library in the State which may apply for same, and one copy to each member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to employ such clerical assistants as may be necessary to complete the aforesaid work of the Assembly, and the same shall be compensated at the same rate per diem as allowed for clerical and stenographic work during the time the Legislature is in session, provided, however, that no compensation shall be allowed except for services actually performed, and the Chief Clerk is hereby directed to keep a record of all help employed and certified by him to the State Controller as being entitled to compensation and the copy of the same shall be filed with the Committee on Attaches; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the funds provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 59, at this time, without reference to committee.

House Resolution No 59 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Poulson, Reaves, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—61

NOES—None.

By Committee on Contingent Expenses:

House Resolution No. 59B.

Relative to repair of Assembly voting machine.

Resolved by the Assembly of the State of California, That the Chief of the State Bureau of Buildings and Grounds be, and he is hereby directed to, make such repairs on the voting machine in the Assembly of this State as are necessary, and be it further

Resolved, That the sum of $175, or so much thereof as may be necessary, is hereby made available from contingent funds of the Assembly for the expenses of the Chief of the State Bureau of Buildings and Grounds in the premises, to be disbursed after certification by the said chief upon warrants drawn by the Controller upon the Treasurer.

HAWKINS, Chairman.

Request for Unanimous Consent.

Mr. Hawkins asked for, and was granted, unanimous consent to take up House Resolution No. 59, at this time, without reference to committee.

House Resolution No. 59 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

By Mr. Burns, Michael J.:

House Resolution No. 60.

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is hereby authorized and directed to have printed, at the expense of the legislative printing appropriation, not to exceed five hundred copies of Chapter 355 of the Statutes of 1919, entitled "An act relating to baling of hay; defining hay baler; providing regulations governing the baling of hay; providing for the sale of hay by net weight; providing penalties for any violations of the provisions of this act," approved May 18, 1919.

Request for Unanimous Consent.

Mr. Burns, Michael J., asked for unanimous consent to take up House Resolution No. 60, at this time, without reference to committee.

On motion of Mr. Johnson, House Resolution No. 60 was referred to the Committee on Rules.

By Mr. Allen:

House Resolution No. 61.

Relative to Workers' Alliance Day.

WHEREAS, Yesterday's congregation of the Workers' Alliance on the State Capitol grounds was marked by unusual orderliness and by an impressive lack of incident; and

WHEREAS, California's own State Police contributed in no small way to the success of this affair; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby congratulates Frank N. Killam, Chief of State Police, his assistant Captain Joe Beard and the members of their staff for the highly efficient and capable manner in which they conducted themselves in maintaining order among, and providing facilities for, yesterday's visitors, and be it further

Resolved, That suitable copies of this resolution be prepared and transmitted to Mr. Killam.

Request for Unanimous Consent.

Mr. Allen asked for unanimous consent to take up House Resolution No. 61, at this time, without reference to committee.

Mr Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Allen moved that the Rules be temporarily suspended for the purpose of considering House Resolution No 61, at this time

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burson, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Field, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Poulson, Salsman, Sawallisch, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Atkinson, Dills, Evans, Gilbert, Heisinger, Kilpatrick, Lore, and Rosenthal—8.

Consideration of House Resolution No. 61.

House Resolution No 61 read, and adopted

Withdrawal and Re-reference of Senate Bill No. 13.

On motion of Mr. Desmond, Senate Bill No. 13 was withdrawn from the Committee on Governmental Efficiency and Economy, and re-referred to the Committee on Ways and Means.

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Concurrent Resolution No. 16: By Mr. Weber—Relative to calling upon the State Planning Board to make a study of housing needs in California.

Request for Unanimous Consent.

Mr. Weber asked for unanimous consent to take up Assembly Concurrent Resolution No 16, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Atkinson withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. Weber moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 16, at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Dilworth, Doyle, Field.

Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, Pelletier, Poulson, Reaves, Robertson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—56

NOES—Atkinson, Donnelly, Evans, Heisinger, and Kilpatrick—5.

Consideration of Assembly Concurrent Resolution No. 16.

Assembly Concurrent Resolution No 16 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—68.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate

Assembly Concurrent Resolution No. 17: By Mr. Miller, George P.—Relative to veterans, and educational qualifications in the State civil service.

Referred to Committee on Military Affairs

Hon. Charles W. Lyon in the Chair.

At two o'clock and thirty minutes p.m., Hon. Charles W. Lyon, member of the Assembly from the Fifty-ninth District, in the chair.

Resolutions.

By Messrs. Allen, Call, Kuchel, Desmond, Williamson, Houser, Johnson, Lyon, Millington, Gannon, Carlson, Voigt, and Mrs. Daley:

House Resolution No. 62.

WHEREAS, The Honorable Gordon H Garland has served as a member of this Assembly, representing the Thirty-eighth District, during the Fifty-second and Fifty-third Sessions of the Legislature, and during which long period of honorable service he has most ably and consistently demonstrated his outstanding ability and qualifications for the high place in which he now presides, and

WHEREAS, The Honorable Gordon H Garland was elected to the office of Speaker of the Assembly during the Fifty-third (Extraordinary) Session of the Legislature; *and*

WHEREAS, The Honorable Gordon H Garland has presided as Speaker of the Assembly with utmost and impartial fairness to all; and

WHEREAS, It is recognized that his quiet dignity and unfailing courtesy in the stress of legislative storm have kept the ship of State on a true course, now, therefore, be it

Resolved, That the members of this Assembly do hereby express their appreciation and gratitude in recognition of his outstanding service to the State of California; and, be it further

Resolved That the Chief Clerk be and he is hereby instructed to have prepared a copy of this resolution, suitably engrossed, and that such resolution be presented to the Honorable Gordon H Garland as humble but sincere tribute to him and in recognition of the dignified and honorable manner in which he has carried out the mandates of his office as Speaker of the Assembly this Fifty-third (Extraordinary) Session of the California Legislature

Request for Unanimous Consent.

Mr. Allen asked for, and was granted, unanimous consent to take up House Resolution No 62, at this time, without reference to committee

House Resolution No 62 read, and adopted unanimously.

By Messrs. Carlson, Meehan, Allen, Sheridan, Field, Tenney, Voigt, Bennett, Sawallisch, Phillips, Houser, Kuchel, Leonard, Thurman, King, Del Mutolo, Miller, George P, Williamson, and Mrs. Daley:

House Resolution No. 63.

WHEREAS, The Honorable Gardiner Johnson has served as a member of this Assembly, California Legislature, during the Fifty-first, Fifty-second, and Fifty-third Sessions thereof as a distinguished representative of the Nineteenth Assembly District; and

WHEREAS, The Honorable Gardiner Johnson has ably demonstrated his ability, honesty and integrity by the manner in which he has served as a member of this Assembly; and

WHEREAS, The Honorable Gardiner Johnson, during this Fifty-third (Extraordinary) Session of the Legislature, has been elected and has served as Speaker Pro Tempore of the Assembly; and

WHEREAS, The said Honorable Gardiner Johnson has presided as Speaker Pro Tempore during the Fifty-third (Extraordinary) Session of the Assembly with honor, impartial courtesy and dignity in carrying out the duties and mandates of his high office, serving one and all with uniform courtesy and fairness; now, therefore, be it

Resolved, That the Chief Clerk be and he is hereby instructed to have prepared a copy of this resolution, suitably engrossed, and that said resolution be presented to the Honorable Gardiner Johnson as a tribute to him and the admirable manner in which he has performed the duties of his legislative office

Request for Unanimous Consent.

Mr. Carlson asked for, and was granted, unanimous consent to take up House Resolution No. 63, at this time, without reference to committee.

House Resolution No. 63 read, and adopted unanimously.

Third Reading of Assembly Bills.

Assembly Bill No. 7—An act to add section 13109.5 to the Health and Safety Code, relating to the powers and duties of the State Fire Marshal in the furnishing of fire protection and prevention service at the hospitals, institutions and schools in the State Department of Institutions, and making an appropriation therefor

Bill read third time.

Motion to Amend Assembly Bill No. 7.

Mr Gannon moved to amend Assembly Bill No. 7 as follows:

Amendment No. 1.

On page 1, lines 3 and 4, of the printed bill, strike out "salaried assistants at", and insert in lieu thereof the following: "a salaried assistant at each of not more than two of".

Amendment No. 2.

On page 1, line 13, of the printed bill, strike out "all", and insert in lieu thereof the following "the two".

Amendment No. 3.

On page 1, line 21, of the printed bill, strike out "seventy-five", and insert in lieu thereof the following "ten".

Amendments refused adoption by the following vote:

AYES—Allen, Call, Carlson, Clarke, Colwin, Daley, Dilworth, Field, Fulcher, Gannon, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Miller, Eleanor; Millington, Phillips, Scudder, Thorp, Thurman, Walker, Weber, Weybret, and Mr Speaker—26.

NOES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, King, Knight, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Turner, Voigt, and Yorty—41

Bill read third time.

The Speaker in the Chair.

At three o'clock and fifteen minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion to Amend Assembly Bill No. 7.

Mr Voigt moved to amend Assembly Bill No. 7 as follows:

Amendment No. 1.

On page 1 of the printed bill, after line 18, strike out the period, and insert in lieu thereof the following ": provided, that no appointments as assistants shall

be made under temporary appointment or until the State Personnel Board shall have established a list of qualified persons by civil service examination."

Demand for Previous Question.

Messrs. Robertson, Bashore, Lyon, Kilpatrick and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment by Mr. Voigt.

Amendment refused adoption by the following vote:

AYES—Allen, Call, Carlson, Clarke, Desmond, Dilworth, Field, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lyon, Millington, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, and Mr. Speaker—26.

NOES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Collins, Corwin, Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, King, Knight, Lore, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Waters, and Yorty—43.

Assembly Bill No 7 read third time

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. King moved a call of the Assembly.

Motion carried. Time, three o'clock and thirty-five minues p.m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Appointment of Assembly Investigating Committee on Interference with the Legislature.

The Speaker appointed Messrs. Call, chairman; Field, Millington, Burns, Hugh M., Gannon, Bennett and Williamson as a special investigating committee on interference with the Legislature

Reports of Standing Committee (Resumed).

The following reports of standing committee were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940.

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

Assembly Bill No. 90.
Assembly Bill No. 107.

And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940

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

Assembly Bill No. 60.
Assembly Bill No. 82.
Assembly Bill No. 83.
Assembly Bill No. 88.
Assembly Concurrent Resolution No. 7.

And reports the same correctly enrolled, and presented to the Governor on the twenty-third day of February, 1940, at eleven o'clock and thirty minutes a.m

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 2.
Assembly Bill No. 44.
Assembly Bill No. 69.
Assembly Bill No. 105.

And reports the same correctly enrolled, and presented to the Governor on this twenty-fourth day of February, 1940, at eleven o'clock and thirty minutes a.m

CASSIDY, Chairman

Introduction and Reference of Bills (Resumed).

The following bill was introduced:

Assembly Concurrent Resolution No. 18: By Mr. Desmond—Relative to a recess of the Senate and Assembly of the State of California.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No 18, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 18.

Assembly Concurrent Resolution No. 18 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—48.

NOES—Andreas, Atkinson, Bennett, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, O'Donnell, Peek, Pelletier, Reaves, Robertson, and Rosenthal—25

Title read and approved Bill ordered transmitted to the Senate.

Resolutions.

By the Committee on Attaches

House Resolution No. 64.

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

The following for one (1) day only (February 25, 1940):

Rev. Raymond Lull Bailey, Chaplain	$4 00
Jack Carl Greenburg, Chief Clerk	10 00
David V. Ohver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
C. W. Booth, Assistant Chief Clerk	9 00
Albert Day, Journal Clerk	7 00
Mildred Watson, History Clerk	7 00
Lillian Larkin, Stenographer	5 00
John E. Fitzgerald, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
George Doering Assistant Sergeant-at-Arms	5 00
Tom Lyons, Assistant Sergeant-at-Arms	5 00
William Davies, Assistant Sergeant-at-Arms	5 00
Ed Nathan Assistant Sergeant-at-Arms	5 00
William Murphy, Chief Page	3 00
Harold McKenzie, Page	2 50
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50

(as per House Resolution No. 7).

VOIGT, Chairman

House Resolution No. 64 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—69

NOES—None.

By Messrs. Voigt and Lyon

House Resolution No. 65.

Resolved, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the fifty-third session, in employing necessary assistance for the organization of the Assembly for the fifty-third (extraordinary) session, be and the same is hereby ratified and approved and the State Controller is hereby authorized and directed to draw his warrants in favor of the following named persons for the items and the amounts set opposite their respective names, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

David V. Oliver, Minute Clerk.....3 days at $9 per day.
C. W. Booth, Assistant Chief Clerk.....2 days at $9 per day.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 65, at this time, without reference to committee.

House Resolution No. 65 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Third Reading of Senate Bills.

Senate Bill No. 65—An act making an appropriation for the establishment of aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote.

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68

NOES—Atkinson—1.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68

NOES—Atkinson—1.

Title read and approved. Bill ordered transmitted to the Senate.

Hon. Robert Miller Green in the Chair.

At four o'clock and five minutes p.m., Hon. Robert Miller Green, member of the Assembly from the Twenty-eighth District, in the chair.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 90—An act to amend sections 5, 6 and 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the administration of the act, providing for the designation of a chairman of the California Horse Racing Board and for salaries of the chairman and other members of said board, increasing the amount allocated for administra-

tion of the act, and providing for a fund to be expended at the sole discretion of the board for enforcement of the act, and increasing the salary of the secretary of said board.

Bill read third time.

Call of the Assembly.

Pending the announcement of the vote, Mr. Rosenthal moved a call of the Assembly.

Motion carried. Time, four o'clock and fifteen minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Withdrawal and Re-reference of Senate Concurrent Resolution No. 5.

On motion of Mr Burns, Michael J., Senate Concurrent Resolution No. 5 was withdrawn from the calendar and re-referred to the Committee on Revenue and Taxation.

Further Proceedings Under Call of the Assembly Dispensed With on Assembly Bill No. 90.

At four o'clock and thirty minutes p m, on motion of Mr Rosenthal, further proceedings under the call of the Assembly were dispensed with on Assembly Bill No. 90.

The roll of absentees was called, and Assembly Bill No. 90 passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Kilpatrick, King, Lore, Lyon, Maloney, Massion, Meehan, O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Thorp, Turner, Voigt, Weber, Wollenberg, and Yorty—49.

NOES—Carlson, Clarke, Dilworth, Field, Heisinger, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Miller, Eleanor; Phillips, Sheridan, Thurman, Walker, Watson, and Weybret—18.

Title read and approved. Bill ordered transmitted to the Senate.

Resolution.

By Mr. Reaves:

House Resolution No. 66-A.

Urging the enactment of a measure now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor

WHEREAS, The Honorable Lee E. Geyer, Representative of the Seventeenth California Congressional District, has introduced a measure in the House of Representatives which directs the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation connection between San Pedro, Wilmington and Terminal Island, California, including a survey of the route and the cost and benefits of a direct line of connection between San Pedro, Wilmington, Terminal Island and Long Beach, which comprise the harbor district of, and are contiguous to, the city of Los Angeles, California; and

WHEREAS, The enactment of that bill will be of great importance to the State of California and particularly to the city of Los Angeles, the Los Angeles harbor district and the national defense, now, therefore, be it

Resolved by the Assembly of the State of California, That the President and the Congress of the United States are hereby respectfully urged to enact such measure authorizing the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island and Long Beach, California, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives from the State of California in Congress

Request for Unanimous Consent.

Mr. Reaves asked for, and was granted, unanimous consent to take up House Resolution No. 66, at this time, without reference to committee.

House Resolution No. 66 read, and adopted.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 24, 1940.

To the Honorable Members of the Assembly, State of California, Sacramento, California.

GREETINGS: I am returning herewith without my signature Assembly Bill No 105 entitled "An act providing for the expenditure by the Relief Administrator and the Relief Commission through the counties of money appropriated for the relief of hardship and destitution due to and caused by unemployment, establishing the conditions and procedure for the expenditure thereof, specifying the purposes for which the expenditures may be made, defining the persons eligible for relief therefrom, and prohibiting any political activities in connection therewith"

My objections to this bill are as follows

I am convinced that widespread unemployment has now become a permanent, not a temporary, relief problem, the solution of which must be undertaken by the State with a comprehensive reemployment program for placing the employable unemployed at useful and productive work for their own maintenance

Within the past year the tendency of the Federal Government has been to further and further curtail Federal works programs for the unemployed, leaving it to the several States to meet their respective unemployment problems

It would seem obvious to anyone that a works program instead of cash dole relief for the unemployed can not be instituted if the State turns over to the several counties the administration of unemployment relief with each of the counties adopting its own separate methods, programs and practices, with no State regulation, supervision or coordination The problem of unemployment relief has no regard for county lines It can not possibly be solved by the individual counties or by any one of them Only the State as a whole can attack the unemployment relief problem and effectively carry forward a works program

Yet in this bill there is no provision whatsoever for supervision of county administration of unemployment relief by a central State agency

There should be no such thing as competition in relief, which would exist if this bill were to become a law A man eligible for relief in Sacramento County should also be eligible in Los Angeles County, in Kings County or Imperial County. The standard of relief received should be uniform throughout California. If such is not the case, and it need not be under this bill, there would be an inevitable tendency for recipients of relief to leave the counties where low standards prevailed and go where relief allowances are more liberal

Not all counties have low relief standards for their unemployable indigents Those counties, however, which do have low relief standards for their unemployable indigents would probably adopt similar low standards for unemployment relief cases This would result in a shifting of relief population to the counties maintaining the higher standards.

Assembly Bill No 105 not only does not provide for uniform eligibility rules, but invites discrepancies in the standards of relief between the various counties. Section 5 of the bill provides that, subject to certain rules and regulations, the counties may establish their own relief standards

The State Relief Administration and the Federal Surplus Commodities Corporation are now cooperating under contract for the distribution of surplus commodities purchased by the Federal Government to families on relief and to indigent unemployables who are assisted by the counties The Federal Surplus Commodities Corporation requires a continuance of a central State distribution agency and the coordination of this surplus commodity distribution can be accomplished only through a centralized State agency

The several counties have reached the limit of their tax resources for indigent support and for the social welfare aids. In fact, the counties are asking aid from the State to assist them in carrying their part of old age assistance. They can not carry the load for unemployment relief which this bill would inevitably place upon the counties because they can not expect to receive from the State adequate appropriations for them to expend in carrying that load.

At the instigation and under the powerful influence of large financial interests and owners of resources which can only be reached by the State's power of taxation to provide for social welfare needs, this Legislature has already determined to reduce to a level of serfdom existence, those who are compelled to depend upon governmental provision for the relief of hardship and distress caused by unemployment

With responsibility of the administration of relief being turned over to the counties there would naturally follow additional reductions in State appropriations for unemployment relief until the respective counties would be faced with conditions of want and distress on the part of large portions of their population which they could only attempt to alleviate by increasing the burden of taxation on the home owners and local taxpayers who are now carrying all the tax burden that should be placed upon them.

Respectfully, CULBERT L. OLSON, Governor.

Assembly Bill No. 105 ordered on unfinished business calendar.

Introduction and Reference of Bills (Resumed).

The following bill was introduced.

Assembly Concurrent Resolution No. 19: By Mrs. Daley and Messrs. Johnson, Poulson, Millington, Kepple, Houser, Watson, Bashore and Weybret—Relative to Works Projects Administration sewing projects

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 19, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 19.

Assembly Concurrent Resolution No. 19 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Miller, Eleanor, Millington, O'Day, Pelletier, Phillips, Poulson, Reaves, Rosenthal, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—58

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Motion to Print Letter in Journal.

On motion of Mrs. Daley, the following letter was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.
SACRAMENTO, CALIFORNIA, February 24, 1940.

Honorable Jeanette E. Daley,
Assembly Chambers, State Capitol,
Sacramento, California

Subject: *Relief Administration Sewing Projects*
Request: *No. 7777.*

DEAR MRS. DALEY: In answer to your inquiry, this is to inform you that in our opinion the provisions of section 5 of Senate Bill No. 81, as finally enacted into law, permit the expenditure for sewing projects of the money appropriated for the relief of hardship and destitution due to and caused by unemployment.

In section 5 of the bill, there are two classifications expressly provided for the use of the money appropriated, one for 82 per cent and the other for 3 per cent.

Expenditures by way of sponsorship contributions to the Works Projects Administration are chargeable against the 82 per cent classification, so that it is legally possible for the Relief Administrator to use money chargeable against this 82 per cent classification as a sponsorship contribution to the Works Projects Administration for the support of sewing projects maintained by the Works Projects Administration.

If, however, a sewing project is maintained independent of and not in cooperation with the Works Projects Administration, the expenditures therefor are chargeable to the 3 per cent classification. In so far as the 3 per cent classification is concerned, subdivision (c) of section 5 authorizes but does not require the expenditure of one-third of the money therein for production for use projects. This one-third provision is a limitation upon the amount which may be spent for production for use projects. If the total amount permitted to be spent for production for use projects is so expended, there is still remaining within the 3 per cent classification a sum equal to 2 per cent of the total appropriation legally available

for the sewing projects when such projects are sponsored solely by the Relief Administrator.

In any event, it is legally possible for the Relief Administrator to expend funds for sewing projects either as a sponsorship contribution to the Works Projects Administration or as a direct State Relief Administration project.

Yours very truly.

FRED B. WOOD, Legislative Counsel.
By ARTHUR MCHENRY, Deputy.

AMcH/la.

Resolutions.

By Messrs Rosenthal and Peek.

House Resolution No. 66-B.

WHEREAS, That young shining light from Long Beach, Maurice E. Atkinson, who, in this, his first session of the Legislature, has performed the services of an Assemblyman in a most creditable and statesmanlike manner, and

WHEREAS, Assemblyman Atkinson has in this short period of time poured out upon the membership of this body the products of his erudition and his histrionical ability; and

WHEREAS, On or about the thirtieth day of March, 1940, our young colleague will take unto himself Miss Edythe Elaine Holbrook one of the fairest of the fair, and enter into the state of matrimony; now, therefore, be it

Resolved, That this honorable body go on record commending him for taking this laudable step in the hope that his voluble ability in the future may be tempered with sweetness and all his speeches will be made softly and endearingly, and, be it further

Resolved, That on the said date our good colleague will be guilty of matrimony and we here and now, therefore, sentence him and his betrothed to life-long happiness, and be it further

Resolved That the Chief Clerk of the Assembly be and he is hereby directed to have prepared and presented to The Honorable and future Mrs. Maurice E. Atkinson a copy of this Resolution, suitably engrossed

Request for Unanimous Consent.

Mr Rosenthal asked for, and was granted, unanimous consent to take up House Resolution No 66-B, at this time, without reference to committee

House Resolution No. 66-B read, and adopted unanimously.

By Messrs Lyon and Desmond:

House Resolution No. 67.

Relative to the creation of Assembly fact-finding committees and defining their powers and duties

WHEREAS, The Legislature of the State of California is convened in extraordinary session to consider and act upon numerous legislative measures upon subjects set forth in the proclamation of the Governor of the State of California convening the Legislature, the contents of which proclamation are incorporated herein by reference as if set forth at length; and

WHEREAS, In order to enable the Legislature to act intelligently upon this extensive program of proposed legislation it is imperative that all pertinent facts directly or indirectly related thereto be found, assembled, and analyzed and that such facts be reported to the Assembly and the Legislature for consideration by its members, and

WHEREAS, Such facts can best and most expeditiously be ascertained and analyzed and recommendations with reference to the proposed program of legislation be made through the creation of fact-finding committees of the Assembly charged with the study of every phase of the proposed legislative program and matters related, directly or indirectly, thereto during this session of the Legislature and any recesses thereof, reporting to the Assembly and the Legislature as soon as may be; now, therefore, be it

Resolved by the Assembly of the State of California, That a committee designated the "Revenue and Taxation Fact-finding Committee," of 11 members of the Assembly appointed by the Speaker thereof, is hereby created; and be it further

Resolved, That a committee designated the "Governmental Efficiency and Economy Fact-finding Committee," of 11 members of the Assembly appointed by the Speaker thereof, is hereby created; and be it further

Resolved, That a committee designated the "Housing and Slum Clearance Fact-finding Committee," of 11 members of the Assembly appointed by the Speaker thereof, is hereby created; and be it further

Resolved, That the Revenue and Taxation Fact-finding Committee is authorized and directed to gather, assemble, study, and analyze all facts directly or indirectly relating to existing or proposed laws of this State and its political subdivisions with reference to revenue and taxation, the administration of existing laws relating thereto, devising of new methods of taxation, the elimination of burdensome and unfair taxation, the assistance of the owners of common property, the possibilities of new sources of revenue, the extent to which various persons, corporations, organizations, and groups are able to assume the burden of new or additional taxes, and the extent to which a need exists on the part of the State for additional tax revenues; and be it further

Resolved, That the Governmental Efficiency and Economy Fact-finding Committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to the expenditure of public funds, the organization, functions and administration of the State government and of any department, agency, or subdivision thereof, the activities and cost of administration of each and all the various departments and agencies of the State, the extent to which they appear to be operated efficiently or inefficiently, whether or not such departments or agencies are engaged in activities or are making expenditures resulting in waste of the taxpayers' money, the extent to which economies can be effected within the provisions of existing law or by legislation within the scope of the proclamation convening the Legislature in extraordinary session and the extent to which activities or practices of such departments or agencies may be curtailed or eliminated to avoid the need for expending existing appropriations and thus to reduce the amount, if any, required to be raised by additional taxes; and be it further

Resolved, That the Governmental Efficiency and Economy Fact-finding Committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to any and all proposed changes in the administration of State or local government and any and all proposals for the creation or establishment of new governmental agencies or departments pursuant to the subjects set forth in the proclamation convening the Legislature in extraordinary session; and be it further

Resolved, That the Housing and Slum Clearance Fact Finding Committee is hereby authorized and directed to gather, assemble, study, and analyze all facts directly or indirectly relating to existing or proposed laws of this State providing for slum clearance and projects to provide dwelling accommodations for persons of low income, whether in rural or urban areas, the administration of existing laws relating thereto, the need for additional laws relating thereto or for the amendment of existing laws, the extent to which insanitary or unsafe dwellings or conditions of overcrowding or congestion exist in this State, and generally as to the need and desirability for such projects, including the social and economic effects thereof; and be it further

Resolved, That the Speaker of the Assembly shall appoint the chairman of each committee hereby created from the members appointed by him to such committee; and be it further

Resolved, That each committee hereby created shall have the power and duty:

(1) To employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey, and investigation of every phase of the subject or subjects referred to it for consideration and any and all matters directly or indirectly related thereto and to report its findings and recommendations to the Assembly and to the people from time to time and at any time;

(7) To meet at any and all times during this session of the Legislature, whether the Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(8) To summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution, and be it further

Resolved, That each committee, each of its members, and any representative of any such committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths, and all of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof apply to each committee hereby created, and be it further

Resolved, That the Sergeant-at-Arms of the Assembly, or any other person designated by him, is hereby directed to serve any and all subpenas, orders and other process issued by such committees, when directed so to do by the chairman or by a majority of the membership of any committee, and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish such committees and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of each committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way incurred in connection with their services upon such committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of $8 per day, and be it further

Resolved, That the sum of four thousand dollars or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Revenue and Taxation Fact Finding Committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That the sum of four thousand dollars or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Governmental Efficiency and Economy Fact Finding Committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That the sum of three thousand dollars or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Housing and Slum Clearance Fact Finding Committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 67, at this time, without reference to committee.

Demand for Previous Question.

Messrs. Thurman, Kellems, Call, Corwin and Lyon demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 67.

House Resolution No. 67 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Michael J. Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor, Millington, O'Day, Pelletier, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—55.

NOES—Atkinson, Bennett, Collins, Crowley, Dills, Donnelly, Heisinger, Kilpatrick, King, Massion, O'Donnell, Reaves, Richie, and Rosenthal—14

By Mr. Desmond:

House Resolution No. 68.

Resolved by the Assembly of the State of California, That the Speaker of the Assembly be and he is ex officio an additional member of all special fact-finding or investigating committees of the Assembly heretofore or hereafter created at this session of the Legislature

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 68, at this time, without reference to committee.

House Resolution No. 68 read, and adopted.

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940.

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

House Resolution No. 29.

Respectfully reports the same back with the recommendation: Be adopted as amended.

DESMOND, Chairman.

The above reported bill ordered on second reading calendar.

Consideration of House Resolution No. 29.

Committee Amendments to House Resolution No. 29.

The following amendments were offered by the Committee on Rules:

Amendment No. 1.

After the third paragraph of the resolution and in lieu of the fourth paragraph thereof, insert the following:

"WHEREAS, Much needed information could be rapidly obtained at small cost if the committee were authorized to act through subcommittees, and

WHEREAS, It would appear that the activities of certain groups and organizations, which include among their members persons who are either employees of the State Relief Administration or who are receiving unemployment relief, definitely affect policies and procedures in the administration of relief and tend to increase the total cost of unemployment relief to the State; now, therefore, be it".

Amendment No. 2.

After the fifth paragraph of the resolution and in lieu of the sixth paragraph thereof, insert the following:

"*Resolved*, That in addition to the powers and duties heretofore expressly conferred upon the Assembly Relief Investigating Committee, it shall have the power to investigate and report upon the extent to which the activities of groups and organizations, which include among their members persons who are either employees of the State Relief Administration or who are receiving relief, affect the cost of the administration of unemployment relief, and to recommend such legislation in connection therewith as the committee may deem necessary or advisable; and be it further

Resolved, That the sum of three thousand dollars, or so much thereof as may be necessary, in addition to any other funds heretofore made available to the committee, is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee, its subcommittees and its members, and for any charges, expenses, or claims that the committee may incur under this resolution or under House Resolution No. 9, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the Treasurer; and be it further

Resolved, That no witness summoned to appear before the committee shall be entitled to receive either witness fees or mileage in advance but any such witness who appears before the said committee at the time and place designated in the subpena and testifies shall be entitled to receive witness fees and mileage in accordance with the provisions of Standing Rule No. 97 of the Assembly; and be it further

Resolved, That a copy of any transcript of the meeting of the committee held in Los Angeles February 5, 1940, which the committee may order to be prepared and paid for with any of the funds made available to it, shall be transmitted to the Attorney General of the State of California by the chairman of the committee with the request that he prosecute to the full extent permitted by law any witnesses who testified before the committee and who appear to have perjured themselves in their testimony before the committee, and be it further

Resolved, That if the Attorney General determines, after investigation, that it is necessary or advisable to have the district attorney of Los Angeles County prosecute any such witness for any perjury he may have committed before the committee,

he is hereby expressly authorized to certify the facts concerning each such witness to the district attorney of Los Angeles County, in order that the district attorney may take appropriate action in relation thereto."

Amendments adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—51.

NOES—Atkinson, Bennett, Collins, Crowley, Dills, Gilbert, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, O'Donnell, Peek, Pelletier, Reaves, Richie, and Rosenthal—18.

Consideration of House Resolution No. 29, as amended.

House Resolution No. 29 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—53.

NOES—Atkinson, Bennett, Collins, Dills, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, O'Donnell, Peek, Pelletier, Reaves, Richie, and Rosenthal—17

House Resolution No. 29, as Amended.

WHEREAS, The Assembly did, on February 1, 1940, adopt House Resolution No. 9 creating the Assembly Relief Investigating Committee; and

WHEREAS, The first meeting of that committee was held in Los Angeles on February 5, 1940, and the results of that meeting definitely indicated the need for a continuation of the committee's work; and

WHEREAS, The committee was not authorized to act through subcommittees; and

WHEREAS, Much needed information could be rapidly obtained at small cost if the committee were authorized to act through subcommittees; and

WHEREAS, It would appear that the activities of certain groups and organizations, which include among their members persons who are either employees of the State Relief Administration or who are receiving unemployment relief, definitely affect policies and procedures in the administration of relief and tend to increase the total cost of unemployment relief to the State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Relief Investigating Committee is hereby authorized to create subcommittees of one or more members and to delegate to such subcommittees all of the powers, purposes, responsibilities, duties and jurisdiction conferred upon such committee, and that such subcommittees are hereby expressly authorized to administer oaths and to issue subpenas requiring the attendance of witnesses and the production of books, papers and documents, and to do all other acts and things that may be done by the committee as a whole, or that may be delegated to it by the full committee; and be it further

Resolved, That in addition to the powers and duties heretofore expressly conferred upon the Assembly Relief Investigating Committee, it shall have the power to investigate and report upon the extent to which the activities of groups, and organizations, which include among their members persons who are either employees of the State Relief Administration or who are receiving relief, affect the cost of the administration of unemployment relief, and to recommend such legislation in connection therewith as the committee may deem necessary or advisable; and, be it further

Resolved, That the sum of three thousand dollars, or so much thereof as may be necessary, in addition to any other funds heretofore made available to the committee, is hereby made available from the contingent fund of the Assembly for the expenses of the committee, its subcommittees and its members, and for any charges, expenses, or claims that the committee may incur under this resolution or under House Resolution No. 9, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the Treasurer; and, be it further

Resolved, That no witness summoned to appear before the committee shall be entitled to receive either witness fees or mileage in advance, but any such witness who appears before the said committee at the time and place designated in the subpena and testifies shall be entitled to receive witness fees and mileage in accordance with the provisions of Standing Rule No. 97 of the Assembly; and be it further

Resolved That a copy of any transcript of the meeting of the committee held in Los Angeles, February 5, 1940 which the committee may order to be prepared and paid for with any of the funds made available to it, shall be transmitted to the Attorney General of the State of California by the chairman of the committee with the request that he prosecute to the full extent permitted by law any witnesses who testified before the committee and who appear to have perjured themselves in their testimony before the committee, and, be it further

Resolved, That if the Attorney General determines, after investigation, that it is necessary or advisable to have the district attorney of Los Angeles County prosecute any such witness for any perjury he may have committed before the committee, he is hereby expressly authorized to certify the facts concerning each such witness to the district attorney of Los Angeles County, in order that the district attorney may take appropriate action in relation thereto

Reports of Standing Committees (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940

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

House Resolution No. 36.

Requests the same be re-referred to Committee on Federal Relations

DESMOND, Chairman.

House Resolution No. 36 re-referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940

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

House Resolution No. 60.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman.

Consideration of House Resolution No. 60.

House Resolution No. 60 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—65.

NOES—None

House Resolution No. 60.

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is hereby authorized and directed to have printed, at the expense of the legislative printing appropriation, not to exceed five hundred copies of Chapter 355 of the Statutes of 1919, entitled "An act relating to baling of hay; defining hay baler; providing regulations governing the baling of hay; providing for the sale of hay by net weight; providing penalties for any violations of the provisions of this act," approved May 18, 1919

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940.

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

Assembly Concurrent Resolution No. 8.
Assembly Joint Resolution No. 16.
Assembly Joint Resolution No. 19.

And reports the same correctly enrolled, and presented to the Governor on this twenty-fourth day of February, 1940, at eleven o'clock and thirty minutes a.m.

CASSIDY, Chairman.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1940.

MR PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 10.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman

The above reported bill ordered on second reading calendar.

Third Reading of Senate Bills (Resumed).

Senate Concurrent Resolution No. 10—Relative to a fact-finding committee on employment, and defining its powers and duties

Bill read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor, Millington, Pelletier, Phillips, Poulson, Reaves, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—58

NOES—Atkinson, Bennett, Collins, Dills, Donnelly, Heisinger, Kilpatrick, King, Lore, Massion, O'Donnell, Peek, Richie, and Rosenthal—14

Title read and approved. Bill ordered transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With on Assembly Bill No. 7.

At six o'clock and two minutes p.m., on motion of Mr. King, further proceedings under the call of the Assembly were dispensed with on Assembly Bill No. 7.

The roll of absentees was called, and Assembly Bill No. 7 passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Kilpatrick, King, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Turner, Voigt, Waters, Wollenberg, and Yorty—56

NOES—Allen, Call, Carlson, Corwin, Field, Gannon, Johnson, Kellems, Kepple, Kuchel, Leonard, Millington, Scudder, Thorp, Thurman, Walker, Watson, Weber, and Weybret—19.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, February 24, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No. 61.
Senate Bill No. 67.

J. A. BEEK, Secretary of Senate.

Re-reference of Bills.

By order of the Speaker, the following bills were withdrawn from the calendar, and re-referred as follows:

Senate Bill No. 50 re-referred to Committee on Ways and Means.

Assembly Bill No. 107 re-referred to Committee on Ways and Means.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Doyle, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Councilman and Mrs. William A. Spooner of Lodi.

On request of Mr. Millington, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Ben Marlin and Robert Wilson.

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Fred Schroeder and Miss Katherine McClish of Grass Valley.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Georjean Warren and Veelya Warren of Sacramento.

On request of Mr. Poulson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Karla Lentz and Linda Lentz.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Spencer Burroughs and Miss Olga Burroughs.

On request of Mr. Burson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Messrs. Schessler, Taillard, Bassman and Marshall of San Jose.

On request of Mr. Watson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Fanny Noren of Sacramento.

Adjournment.

At six o'clock and ten minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock and thirty minutes p.m., Sunday, February 25, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY
TWENTY-EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Sunday, February 25, 1940

At ten o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gardner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—79.

Quorum present.

Prayer.

On invitation of the Speaker, prayer was offered by Miss Eleanor Miller, Assemblywoman from the forty-seventh district:

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Saturday, February 24, 1940, was dispensed with.

Motion to Print Prayer in Journal.

On motion of Mr. Turner, the following remarks and prayer by Miss Miller were ordered printed in the Journal:

A few years ago, while traveling in the Holy Land I was taken down to a lovely spot called Ain Farah, which is only a short distance from Jerusalem and which is thought to be the place that may have inspired David to write the Twenty-third Psalm.

There are few running streams in Palestine, but here a narrow stream has run through the ages past, between very high rocky banks on either side. To this place the shepherds have led their sheep. At the present time they have harnessed the water in the stream and taken it to Jerusalem as a part of their water supply. Now, at noon of each day, they let the water run through the little

stream bed for an hour or so, and the shepherds bring their flocks down across the rocky heights to drink as of old.

Afterward, each shepherd calls his sheep and leads them away to the "green pastures" that spread out as "a table" before them

I should like to repeat to you this Twenty-third Psalm, which we have known from our childhood, and follow it with the reading of the American Indian's interpretation of the Psalm.

"The Lord is my shepherd: I shall not want
He maketh me to lie down in green pastures;
He leadeth me beside the still waters,
He restoreth my soul,
He leadeth me in the paths of righteousness for His name's sake.
Yea, though I walk through the valley of the shadow of death,
I will fear no evil; for Thou art with me;
Thy rod and Thy staff, they comfort me.
Thou preparest a table before me in the presence of mine enemies:
Thou anointest my head with oil;
My cup runneth over.
Surely goodness and mercy shall follow me all the days of my life;
And I shall dwell in the house of the Lord forever."

The Indian's Twenty-third Psalm.

The various tribes use sign language, more or less universal, which they have evolved, and the Twenty-third Psalm can easily be interpreted by sign language.

"The Great Father above is a Shepherd Chief. I am His and with Him I want not.

He throws out to me a rope, and the name of rope is love.

And He draws me, and He draws me where the grass is green and water not dangerous, and I eat and lie down satisfied

Sometimes my heart is very weak and falls down, but He lifts it up again *and draws me to a good road.*

His name is wonderful.

Sometime, it may be very soon, it may be longer, it may be a long, long time—He will draw me into a place between mountains. It's dark there, but I'll draw back not. I'll be afraid not, for it's between these mountains that the Shepherd Chief will meet me and the hunger I have felt all my life will be satisfied.

Sometimes He makes love rope into a whip but afterward He gives me a staff to lean on

He spreads a table before me with all kinds of food.

He puts His hands on my head and all "tired" is gone.

My cup He fills till it runs over.

What I tell is true. I lie not.

These roads that are 'away ahead' will stay with me through this life, and afterward I will go live in 'Big Tepee' and sit down with the Shepherd Chief forever."

Prayer.

Great Shepherd of us all, we pray that Thou wilt lead us,
"Much we need Thy tend'rest care,
In Thy pleasant pastures feed us,
For our use Thy folds prepare."
And may we be of those who shall dwell in Thy presence forever

—Amen.

Call of the Assembly.

Mr. Houser moved a call of the Assembly.

Motion carried. Time, ten o'clock and thirty-four minutes a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Committee from Senate.

A committee from the Senate consisting of Senators Powers, Breed and McBride informed the Assembly that they were now ready to adjourn for recess.

Senate Message.

SENATE CHAMBER SACRAMENTO, February 25, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 94—An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San Francisco Bay region,

California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and duties and making an appropriation therefor;

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary

Consideration of Senate Amendments to Assembly Bill No. 94.

Assembly Bill No. 94—An act to amend the title and to add sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 94?

Amendment No. 1.

On page 2, line 9, of the printed bill, strike out "$516,266", and insert in lieu thereof the following: "$350,000".

Amendment No. 2.

On page 2, line 28, of the printed bill, after the word "exhibit", insert a comma, and strike out the balance of line 28, and strike out all of lines 29 and 30 down to and including the word "approve".

Amendment No. 3.

On page 3, line 30, of the printed bill, strike out "may", and insert in lieu thereof the following: "must".

Amendment No. 4.

On page 3, line 31, of the printed bill, strike out "$85,000", and insert in lieu thereof the following: "$100,000"

Amendment No. 5.

On page 3 of the printed bill, between lines 35 and 36, insert the following: "Not more than sixty thousand dollars of the amounts appropriated herein shall be used for the entertainment of distinguished guests and others"

Amendment No. 6.

On page 3, line 5, of the printed bill, after the word "authorized", insert a comma and the following: "with the approval of the Department of Finance,".

Amendment No. 7.

On page 3, line 14, of the printed bill, after the word "may", insert a comma and the following: "with the approval of the Department of Finance,".

Amendment No. 8.

On page 3, line 18, of the printed bill, after the word "authorized", insert a comma and the following: "with the approval of the Department of Finance,"

Amendment No. 9.

On page 3, lines 33 and 34, of the printed bill, as amended, strike out "the commission must expend not to exceed $100,000", and insert in lieu thereof the following: "$100,000, if expended by the commission, shall only be expended"

The roll was called and the Assembly concurred in the Senate amendments to Assembly Bill No. 94 by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Sawyer, Scudder, Sheridan, Stream, Thorp, Thurman, Waters, Watson, Weber, Weybret, and Wollenberg—56

NOES—Dills, Houser, and Masson—3

Assembly Bill No. 94 ordered to enrollment

SENATE CHAMBER, SACRAMENTO, February 25, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 72—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately;

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON Assistant Secretary

Consideration of Senate Amendments to Assembly Bill No. 72.

Assembly Bill No. 72—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately.

The question being put Shall the Assembly concur in the following Senate amendments to Assembly Bill No 72?

Amendment No. 1.

On page 2, line 2, of the printed bill, strike out "three", and insert in lieu thereof the following: "six".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 47 to 50, inclusive, and insert in lieu thereof the following.

"SEC 6 For the purpose of carrying out the provisions of this act the sum of two thousand five hundred dollars is hereby appropriated as follows: seven hundred fifty dollars from the contingent fund of the Senate, and one thousand seven hundred fifty dollars from the contingent fund of the Assembly."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 72 by the following vote

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Cronin, Daley Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Johnson, Kepple, King, Knight, Leonard, Lore, Lyon, Maloney, Meehan, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—56.

NOES—Atkinson, Dills, Heisinger, Kilpatrick, and Massion—5

Assembly Bill No. 72 ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 25, 1940

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

Assembly Bill No. 93.

J. A. BEEK, Secretary of Senate

By MAITLAND S PENNINGTON, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, February 25, 1940

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

Assembly Concurrent Resolution No. 18.
Assembly Concurrent Resolution No. 14.
Assembly Concurrent Resolution No. 15.
Assembly Concurrent Resolution No. 19.
Assembly Joint Resolution No. 17.
Assembly Joint Resolution No. 20.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, February 25, 1940

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

Assembly Bill No. 62.

J A BEEK, Secretary of Senate

By MAITLAND S PENNINGTON, Assistant Secretary

The above reported bill ordered to enrollment

SENATE CHAMBER, SACRAMENTO, February 25, 1940.

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

Senate Concurrent Resolution No. 11—Relative to encouraging and aiding the self-help cooperative movement.

J. A. BEEK, Secretary of Senate.
By MAITLAND S. PLUNKINGTON, Assistant Secretary.

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Senate Concurrent Resolution No. 11.

Senate Concurrent Resolution No. 11 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Masson, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Report Ordered printed in the Journal.

On motion of Mr. Johnson, the following report was ordered printed in the Journal.

New Classes Established by the State Personnel Board
January 1, 1939, to February 8, 1940.

Classes Used Primarily by General Fund Agencies.

Class Title	*Salary Range*		
Assistant Chief Deputy Legislative Counsel	$300	(20)	380
Legal and Economic Consultant, Central Valley Project	440	(20)	520
Supervising Electric Utilities Engineer, Central Valley Project	420	(20)	500
Utilities Economist, Central Valley Project	420	(20)	500
Supervising Petroleum Products Inspector	230	(15)	290
Consulting Seacoast Engineer	$25 to $50 per day		
Instructor in Clay Modeling and Pottery Making	130	(10)	170
Assistant Deputy State Controller, Auditing and Disbursing	260	(15)	320
Investment Adviser	320	(20)	400
Institution Diet Cook	110	(10)	150
Control Accountant and Financial Analyst	215	(15)	275
Administrative Adviser, California Toll Bridge Authority	540	(20)	620
Lecturer on Trichinosis	200	(15)	260
Urologist	$25 to $50 per day		
Secretary, Department of Finance	200	(15)	260
Junior Typist-Clerk, State Personnel Board	80	(5)	105
Assistant to Public Information Editor, State Agricultural Society	150		
Institution Field Worker	120	(10)	160
Assistant Superintendent of Public Instruction	340	(20)	420
Assistant Administrative Adviser, Department of Finance	215	(15)	275
Chief, Bureau of Adult Civic Education	290	(15)	350
Supervisor of Extramural Care, Department of Institutions	260	(15)	320
Chief, Division of Exhibits	400	(20)	480
Assistant Supervisor of Motor Vehicle Insurance	215	(15)	275
Coordinator of Informational Activities, Division of Water Resources	320	(20)	400
Student Accountant	100	(10)	140
Junior Public Health Analyst	140	(10)	180
Immigration Inspector	170	(10)	210
Assistant to Lieutenant Governor	200	(15)	260
Chief, Division of Tax Research	340	(20)	420
Electric Power Utility Rate Adviser and Accountant	420	(20)	500
Junior Financial Research Assistant	170	(10)	210
Assistant Financial Research Technician	215	(15)	275

Classes Used Primarily by Special Fund Agencies

Class Title	*Salary Range*		
Statement Analyst and Principal Insurance Examiner	$380	(20)	460
Junior Petroleum Engineering Aid	120	(10)	160
Dairy Laboratory Technician	140	(10)	180
District Franchise Tax Auditor	260	(15)	320
Insurance Accountant	215	(15)	275
Record Clerk, Board of Equalization	140	(10)	180
Investigator, Division of Building and Loan	200	(15)	260
Supervising Investigator, Division of Building and Loan	320	(20)	400
Fresh Fruits and Vegetables Marketing Economist	340	(20)	420
Dried Fruits and Nuts Marketing Economist	340	(20)	420
Citrus Fruits Marketing Economist	340	(20)	420
Milk and Dairy Products Marketing Economist	340	(20)	420
Steam Hammer Operator	Prevailing Rate		
Assistant Marketing Economist	260	(15)	320
Junior Insurance License Investigator	150	(10)	190
Chief, Bureau of Insurance Licenses	300	(20)	380
Junior Tabulating Machine Operator	85	(5)	120
Administrative Officer, Veterans' Home Hospital	180	(10)	220
Associate Highway Traffic Engineer	260	(15)	320
Deputy Director and Administrative Consultant, Department of Social Welfare	400	(20)	480
Associate Chief, Division of Markets	380	(20)	460
Inspector, Board of Funeral Directors and Embalmers	170	(10)	210
Administrative Assistant, Department of Social Welfare	300	(20)	380
Chief, Division of Child Welfare	300	(20)	380
Supervisor of Welfare Personnel Standards	300	(20)	380
Home Economist, Department of Social Welfare	230	(15)	290
Fire Prevention Engineer	275	(15)	335
Hearing Officer	260	(15)	320
Assistant Chief, Bureau of Entomology and Plant Quarantine	340	(20)	420
Special Representative, Department of Public Works	290	(15)	350
Student Research Assistant	100	(10)	140
Research Assistant	140	(10)	180
Junior Socio-Economic Research Technician	170	(10)	210
Assistant Socio-Economic Research Technician	215	(15)	275
Deputy Director, Department of Social Welfare	400	(20)	480
Junior Economic Biologist	140	(10)	180
Supervising Furniture and Bedding Inspector	200	(15)	260

Request to Refer Back to Unfinished Business Calendar.

On request of Mr. Peek, matters on the unfinished business calendar were taken up for consideration.

Motion to Defer Matters on Unfinished Business Calendar.

Mr. Kepple moved that all matters on the unfinished business calendar be deferred until the next legislative day.

Substitute Motion.

Mr Peek moved as a substitute motion that the motion by Mr. Kepple be laid on the table.

Substitute motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Crowley, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Robertson, and Rosenthal—30

NOES—Allen, Bashore, Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Fulcher, Gannon, Green, Houser, Johnson, Kepple, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—35

The question being on the original motion by Mr. Kepple to defer matters on the unfinished business calendar until the next legislative day

Motion to Postpone Indefinitely.

Mr. Peek moved to postpone the motion by Mr Kepple indefinitely.

Motion lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Crowley, Dills, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Robertson, and Rosenthal—28

NOES—Allen, Bashore, Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Fulcher, Gannon, Green, Houser, Johnson, Kepple, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—36

The question being on the original motion by Mr. Kepple to defer all matters on the unfinished business calendar until the next legislative day

Demand for Previous Question.

Messrs Lyon, Johnson, Clarke, Stream and Mrs Daley demanded the previous question

Demand for previous question sustained by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Gannon, Green, Houser, Johnson, Kepple, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—36

NOES—Andreas, Atkinson, Bennett, Collins, Crowley, Dills, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Robertson, and Rosenthal—26.

Motion by Mr Kepple carried by the following vote.

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Gannon, Green, Houser, Johnson, Kepple, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—37

NOES—Andreas, Atkinson, Bennett, Collins, Crowley, Dills, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Reaves, Robertson, and Rosenthal—27

Motion to Expunge Record and Rescind Action.

Mr. Lyon moved to expunge the record and rescind the action whereby House Resolution No. 59A, beginning on page 402 of the Assembly Daily Journal, was adopted

Motion carried by the following vote

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier Phillips, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—63

NOES—None

Resolution.

By Mr Lyon:

House Resolution No. 69.

Resolved by the Assembly of the State of California, That Jack Carl Greenburg, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the extraordinary session of the Fifty-third Legislature, convened on January 29, 1940, and all indexing, correcting, comparing and proofreading and otherwise preparing the Journal of the Assembly of the extraordinary session of the Fifty-third Legislature, and making the information therein readily available to the use of the members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the extraordinary session of the Fifty-third

Legislature, and of compiling, preparing and having printed, after adjournment or recess, a Final Calendar of the legislative business of the extraordinary session of the Fifty-third Legislature, said calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the fifty-third session

When said final calendar is prepared, the said Jack Carl Greenburg, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation, and a copy of the same shall be filed with the Committee on Attaches; and be it further

Resolved, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated to be paid from the unexpended balance of the funds provided for pay of officers and attaches of the Assembly, for the salary and expenses of said Chief Clerk and for such assistants as may be necessary in order to carry out and perform such acts as may be required to be done as provided by this resolution on or before the thirteenth day of May, 1940; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 69, at this time, without reference to committee

House Resolution No. 69 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Peek, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—65

NOES—None

Letter Ordered Printed in the Journal.

On motion of Mr. Peek, the following letter was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, February 25, 1940

Honorable Hugh P. Donnelly,
Assembly Chamber, State Capitol,
Sacramento, California

Subject: *Consideration of bills on daily calendar*

DEAR MR. DONNELLY: You have asked our opinion whether when the consideration of business on the daily calendar is reached in the order of business of the Assembly it is necessary to make an affirmative motion in order to take up a bill on that calendar.

In our opinion it is not.

Assembly Rule 16 provides in part:

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

As we interpret this rule the bill is the property of the House and must be taken up for consideration without further action when reached on the calendar unless a motion is made and adopted to continue the matter on the calendar until the next legislative day as provided by the portion of Rule 16 just quoted.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy.

LGA/rpd.

Resolutions.

By Mr. Lyon:

House Resolution No. 70.

WHEREAS, On June 20, 1939, the Assembly adopted House Resolution No. 215, which is printed in the Assembly Journal for that day at page 3417 thereof, and which directed certain work to be done subsequent to the regular session of the Legislature of 1939; and

WHEREAS, The work referred to in said House Resolution No 215 has been completed; now, therefore, be it

Resolved by the Assembly of the State of California, That House Resolution No. 215, adopted June 20, 1939, is hereby rescinded, annulled, and declared of no further force nor effect; and be it further

Resolved, That no expenditures shall henceforth be made pursuant to said House Resolution No. 215.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 70, at this time, without reference to committee.

House Resolution No 70 read, and adopted by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier Phillips, Poulson Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—62.

NOES—None.

By Mr. Lyon:

House Resolution No. 71.

WHEREAS, On June 20, 1939, the Assembly adopted House Resolution No. 220, which is printed in the Assembly Journal for that day at pages 3418 and 3419, thereof; and

WHEREAS, The preparation of the manual and the other duties and services required by said House Resolution No. 220 are no longer required or desired by this Assembly, and it is the sense of this Assembly that nothing further should be done pursuant to said resolution, and particularly that no further expenditures be made pursuant thereto; now, therefore, be it

Resolved by the Assembly of the State of California, That House Resolution No. 220, adopted June 20, 1939, is hereby rescinded, annulled, and declared of no further force nor effect; and be it further

Resolved, That no expenditures shall henceforth be made pursuant to said House Resolution No. 220.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No 71, at this time, without reference to committee.

House Resolution No 71 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J, Burson, Call, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Salsman, Sawallisch, Scudder Sheridan, Stream Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—60

NOES—None.

By Mr. Atkinson:

House Resolution No. 72.

Relative to the payment of expenses of William Elcomin in connection with his appearance before the Assembly

WHEREAS, William Elcomin voluntarily surrendered to the Sergeant-at-Arms of the Assembly thereby saving the Sergeant-at-Arms the expense of a trip to Los Angeles and return, which would have otherwise been required of him by the provisions of House Resolution No 38; and

WHEREAS, Mr William Elcomin remained in the custody of the Sergeant-at-Arms on February 19th and appeared before this house on February 20th, now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of thirty-seven dollars and sixteen cents ($37 16) is hereby made available from the Contingent Fund of the Assembly for the purpose of paying the traveling expenses and fees of William Elconin, which fees and expenses shall be disbursed after certification by the Chief Clerk by warrant drawn by the State Controller upon the State Treasurer

Request for Unanimous Consent.

Mr Atkinson asked for unanimous consent to take up House Resolution No. 72, at this time, without reference to committee

Mr Phillips withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. Atkinson moved that the Rules be temporarily suspended for the purpose of considering House Resolution No 72 at this time

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Crowley, Dills, Donnelly, Evans, Gallagher, Gilbert, Hawkins, Heisinger, Houser, Kilpatrick, King, Lore, Masson, Meehan, Miller, George P., O'Day, O'Donnell, Peek, Pelletier, Poulson, Reaves, and Rosenthal—27

NOES—Allen, Bashore, Burns, Hugh M., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Fulcher, Gannon, Gilmore, Green, Johnson, Knight Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—37

House Resolution No 72 referred to the Committee on Contingent Expenses.

By Mr. Poulson:

House Resolution No. 73.

Relative to the administration of unemployment relief

WHEREAS, The Legislature is seeking feasible means of limiting the administration expenses of the State Relief Administration, and

WHEREAS, It has been claimed that the method of limiting administration expenses in terms of a percentage of the total appropriation will not necessarily result in efficient and economical administration; and

WHEREAS, The Bureau of Public Administration of the University of California has received a grant of money from the Rockefeller Foundation for the purpose of making studies in the field of public administration, and

WHEREAS, The Bureau of Public Administration of the University of California in pursuance of these studies, has undertaken, with the cooperation of the Relief Administration, to conduct an experiment to determine the most efficient and most economical methods of administering unemployment relief under the California Unemployment Act of 1935; now, therefore, be it

Resolved, by the Assembly of the State of California, That the Bureau of Public Administration of the University of California is hereby respectfully requested to submit to the Assembly as soon as possible its findings and recommendations concerning the administration of unemployment relief, in order that the Assembly may have the benefit thereof in considering relief legislation at the said regular session

Request for Unanimous Consent.

Mr Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 73, at this time, without reference to committee.

House Resolution No 73 read, and adopted

By Messrs Call, Wollenberg, Garland and Lyon:

House Resolution No. 74.

WHEREAS, On many occasions the Legislature has called upon Earl Warren, Attorney General of California, for assistance in the solution of difficult legal problems involved in legislative matters under consideration by it; and

WHEREAS, General Warren and particularly his deputy, Jess Hession, have with consistent courtesy, great industry and meticulous care complied with every request of the members of the Legislature for such assistance, now, therefore, be it

Resolved, That the Assembly of the State of California hereby expresses its thanks and appreciation to the Honorable Earl Warren and to his deputy, Jess Hession; and be it further

Resolved, That a copy of this resolution be suitably prepared and presented to Attorney General Warren and to his deputy, Jess Hession

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 74, at this time, without reference to committee.

House Resolution No. 74 read, and adopted.

By Mr. Fulcher:

House Resolution No. 75.

WHEREAS, The Legislature of this State has been convened in extraordinary session to consider and act upon legislative measures relating to the subjects set forth in the proclamation of the Governor of the State of California convening the Legislature, the contents of which proclamation are incorporated herein by reference as if set forth at length, which subjects include providing revenues and means for the collection thereof, the duties of assessors in connection with the examination of property statements and office records and the assessment value of property, and the amendment of the Health and Safety Code, among the other subjects set forth in said proclamation; and

WHEREAS, It appears necessary and desirable to enact additional legislation amending the Health and Safety Code with reference to the management, control and operation of cemeteries by cemetery authorities as those terms are defined in said code and particularly with reference to the provisions of Chapter 5 of Part 3 of Division VIII of the Health and Safety Code relating to perpetual care funds, the investment and re-investment thereof, the records of such investments and to the taxation of the income from such funds; and

WHEREAS, In order to enable the Legislature to act intelligently upon any legislative proposals relating to the foregoing it is necessary that all pertinent facts directly or indirectly related thereto be found, assembled and analyzed and that such facts be reported to the Legislature for consideration by its members; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby established a fact-finding committee on cemeteries to be known as the Assembly Perpetual Care Committee, which committee is to exercise the powers and perform the duties hereby granted and imposed upon it during the sessions and any recess or recesses of the extraordinary session of the Legislature which convened on January 29, 1940, but in no event beyond the final adjournment thereof; and be it further

Resolved, That the committee shall study, investigate and survey accurately and in detail the entire problem of the administration, operation and control of cemeteries by cemetery authorities and particularly the problem of the administration, management and control of cemetery perpetual care trust funds, investment of such funds and the taxation of the income thereof and any and all pertinent matters directly or indirectly relating thereto, in order that said committee may determine and recommend to the Legislature such legislation as may appear in any way necessary or desirable with relation to said problem and which may be enacted by the Legislature within the scope of any subject or subjects, or combination of subjects as set forth in the proclamation convening this extraordinary session; and be it further

Resolved, That the committee shall consist of three members of the Assembly appointed by the Speaker thereof; and be it further

Resolved, That the Assembly Perpetual Care Investigating Committee hereby created shall have the power and duty

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee,

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee,

(6) To make a complete study, survey and investigation of every phase of the subject or subjects referred to it for consideration in any and all matters directly or indirectly related thereto or connected therewith or affected thereby, and to report its findings and recommendations to the Assembly and to the people from *time to time and at any time*;

(7) To meet at any and all times during this session of the Legislature, whether the Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution,

(8) To summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpenas, *and to take all necessary means* to compel the attendance of witnesses and procure testimony;

(9) To report its findings and recommendations to the Assembly and to the people from time to time and at any time; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths, and all of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Assembly or other officers designated by it, are hereby directed to serve any and all subpenas, orders and other process used by the committee, when directed so to do by the chairman or by a majority of the membership of the committee, and be it further

Resolved, That every department, commission, board, agency officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created, and be it further

Resolved That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of $8 per day, and be it further

Resolved, that the sum of $200, or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

Request for Unanimous Consent.

Mr Fulcher asked for, and was granted, unanimous consent to take up House Resolution No 75 at this time, without reference to committee.

House Resolution No. 75 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M Burns, Michael J., Call, Clarke, Corwin, Cronin, Daley, Desmond, Doyle, Evans, Fulcher, Gannon, Green Houser, Johnson, King, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P, Millington, Pelletier, Phillips, Poulson, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Mr. Speaker—45.

NOES—Atkinson, Bennett, Dills, Donnelly, Gilmore, Heisinger, Masson, O'Donnell, and Rosenthal—9

By Collins and Donnelly.

House Resolution No. 76.

WHEREAS, The legislative halls of the State of California are infested with lobbyists, most of whom represent vested and special interests having objects inconsistent and incompatible with the interests of the people of the State; and

WHEREAS, On numerous occasions those lobbyists have, during this session and at other times used methods making themselves obnoxious and nuisances to the legislators, or at least some of them; and

WHEREAS, The efforts made on the night of February 22-23, 1940, to obtain the forty-one votes necessary to pass the bill returning relief to the counties, were

a particularly glaring and shameful example of the high pressure methods used by the lobbyists; and

WHEREAS, There have been many rumors of illegitimate methods, means, and pressures being exerted on legislators; and

WHEREAS, Such rumors and methods lower the confidence of the people in their legislative representatives and thereby undermine their trust in the government; and

WHEREAS, It is in the public interest that the present conditions be rectified in all practicable ways; now, therefore, it is hereby

Resolved by the Assembly of the State of California, That a committee of five assemblymen, at least two of whom shall be members of this body who voted to make Paul Peek Speaker of the Assembly at the current session, be appointed by the Speaker of the Assembly to thoroughly investigate the lobbyist situation and that after such investigation the committee make a report on the subject matter of this resolution together with recommendations for the remedy of any and all abuses that may be discovered; and it is hereby further

Resolved, That the sum of twenty-five hundred dollars be and the same is hereby appropriated from the Contingent Fund of the Assembly, for the use of such committee in carrying out the duties and mandates hereby imposed upon it.

Request for Unanimous Consent.

Mr. Collins asked for unanimous consent to take up House Resolution No. 76, at this time, without reference to committee.

Mr. Call withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Collins moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 76, at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Atkinson, Bennett, Burns, Michael J., Collins, Cronin, Crowley, Dills, Donnelly, Gallagher, Gilmore, Heisinger, Houser, Kilpatrick, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, and Rosenthal—21.

NOES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Clarke, Corwin, Desmond, Dilworth, Doyle, Fulcher, Gannon, Green, Johnson, Kepple, Knight, Leonard Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Reaves, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

Assembly Concurrent Resolution No. 76 referred to the Committee on Rules.

By Mr. Desmond:

House Resolution No. 77.

WHEREAS, The State Relief Administration insists that it will become necessary to dismiss a portion of its personnel now employed in the administration of the State Relief Administration; and

WHEREAS, It is the sense of the Assembly of the Legislature of the State of California that said dismissals should be upon the basis of efficiency and seniority in so far as such elements can be taken into consideration; now, therefore, it is hereby

Resolved by the Assembly of the Legislature of the State of California, That the State Administrator of the State Relief Commission be advised that it is the sense of said Assembly that such consideration be given to length of service and efficiency ratings of employees of said relief administration if and when it becomes necessary to dismiss said employees.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 77, at this time, without reference to committee.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Desmond moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 77, at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kepple, Knight, Leonard, Lore, Lyon, Maloney, Miller, Eleanor, Millington, O'Day, Pelletier, Phillips, Poulson, Robertson, Salsman, Sawallisch,

Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—45

NOES—Atkinson, Bennett, Collins, Crowley, Dills, Gilmore, Kilpatrick, King, Massion, Meehan, Miller, George P., and Rosenthal—12.

House Resolution No. 77 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kepple, Knight, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—44.

NOES—Atkinson, Bennett, Collins, Dills, Evans, Gilbert, Gilmore, Hawkins, Kilpatrick, Massion, Miller, George P., Pelletier, Reaves, and Rosenthal—14.

By Mr. Weber:

House Resolution No. 78.

Relative to creation of Assembly Committee on Legislative Procedure.

WHEREAS, We have been called into special and extraordinary session to consider legislation deemed of the utmost importance and necessity to the people of this State; and

WHEREAS, If the Assembly is to fulfill its duty of giving proper and complete consideration to each of the proposed subjects of legislation, it must perforce have rules, organization and facilities designed to aid such consideration; and

WHEREAS, In order to enable the Assembly to determine what rules, organization and facilities are best suited to its needs in its consideration of such legislation, it is imperative that all pertinent facts directly or indirectly related thereto be found, assembled and analyzed, and that such facts be reported to the Assembly for consideration by its members; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed by the Assembly through a fact-finding committee of the Assembly charged with the study of every phase of legislative rules, organization and facilities, to sit during this session of the Legislature and any recesses thereof, and to report to the Assembly as soon as may be; now, therefore, be it

Resolved by the Assembly of the State of California, That a committee, designated the "Committee on Legislative Procedure," of three members of the Assembly appointed by the Speaker thereof is hereby created, the Speaker to designate the chairman thereof; and be it further

Resolved, That the committee shall have and exercise the duty and power:

(1) To study the standing rules of the Assembly, the joint rules of the Legislature, the existing organization of the Legislature, questions of economy in the legislative procedure, and the advisability of creating as an adjunct to the Legislature an office or position to be filled by a person qualified to report directly to the Legislature on all matters respecting departmental budgets and personnel assignments in so far as the same may be embraced in matters pending before the Legislature;

(2) To employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To make a complete study, survey and investigation of every phase of all subjects within the scope of its power to consider and to report its findings and recommendations to the Assembly from time to time and at any time;

(6) To meet at any and all times during this session of the Legislature, whether the Assembly be actually then sitting or not, and at any and all places in the State in the performance of its duties and in carrying out the objects and purposes of this resolution;

(7) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and, be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish such committee upon request, any and all such assistance, and information, records and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created; and, be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way incurred in connection with their services upon such committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their

services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of $8 per day, and, be it further

Resolved, That the sum of one hundred dollars or so much thereof as may be necessary is hereby made available from the contingent fund of the Assembly for the expenses of the Committee on Legislative Procedure and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the contingent fund of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent.

Mr. Weber asked for unanimous consent to take up House Resolution No. 78, at this time, without reference to committee

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Weber moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 78 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Knight, Leonard, Maloney, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Phillips, Reaves, Robertson, Salsman, Sheridan, Stream, Thurman, Turner, Waters, Watson, Weber, Wollenberg, and Mr Speaker—43.

NOES—Atkinson, Dills, Kilpatrick, Lore, Massion, Rosenthal, and Sawallisch—7

House Resolution No. 78 read, and adopted by the following vote.

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, King, Knight, Leonard, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Poulson, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—52

NOES—Atkinson, Dills, Donnelly, Heisinger, Kilpatrick, Lore, and Massion—7.

Request to Print Opinions in the Journal.

On request of Mrs. Daley the following opinions were ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, February 24, 1940.

Honorable Jeanette E. Daley,
Assembly Chamber, State Capitol,
Sacramento, California

Subject: *Special Session within a Special Session.*

DEAR MRS. DALEY: This is to confirm my oral statement to the effect that if the Governor calls the Legislature to meet in special session during a recess of the current special session, none of the business thus far transacted and none of the business that may yet be transacted at and during the current session will or can be, from a legal standpoint, affected in any way by the fact of the calling and convening of the second special session.

For example, if the Legislature on February 25, 1940, recesses until some day in May, 1940, each bill, constitutional amendment, and resolution, heretofore introduced during the current session will, upon the day of reconvening in May, be in exactly the same situation and have the same status that it had on February 25th immediately preceding the beginning of such recess

Thus, if at the time of the commencement of such recess a bill heretofore introduced is still in the Assembly Committee to which originally referred, that bill will still be in the custody of that committee when the Assembly reconvenes in May.

Similarly, if a bill which has passed both houses and has been vetoed, has been returned to the house of origin, and is there waiting action upon the question of whether or not the veto should be sustained, that question will be available for consideration by the house of origin when the Legislature convenes in May, just the same as if the recess were merely from one day to the next, or from Friday to Monday

For a second Special Session (a session within the current session) there will have to be a new proclamation (which may, but need not, be the same in its terms and contents as the proclamation issued January 29, 1940) None of the bills, constitutional amendments, or resolutions thus far introduced at this session will, or can, be bills of the second session. The latter will have its own bills, constitutional amendments, and resolutions, just as distinctly and separately as the present

special session has legislative measures which are distinct and separate from those which were introduced during the 1939 regular session

The power of the Legislature to take a recess and the power of the Governor to convene the Legislature during the recess are discussed in our Memorandum of Opinion of February 5, 1940, entitled "Special Session—Power to Recess and Effect Thereof," a copy of which is enclosed herewith

Yours very truly,

FBW mw FRED B. WOOD, Legislative Counsel.

(Copy)

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

February 5, 1940

Special Session—Power to Recess and Effect Thereof

The question has been asked whether the Legislature while convened in extraordinary session may recess for more than three days. The further question has been asked whether, during such a recess, the Governor may call the Legislature to meet in a new extraordinary session.

It is our opinion that both of these questions must be answered in the affirmative. Once the Legislature has been convened in special session pursuant to the Governor's proclamation, we believe it has inherent and unqualified power to consider and act upon the matters within the scope of the call in whatever manner it deems appropriate and to the extent as if sitting at a regular session. It may take such time as it deems proper for the full consideration of the measures before the Legislature. The Constitution places no limit upon the length of the special session nor is there any provision which even implies that such a session must necessarily be continuous. The questions involved here have never been considered by the courts of this State and seldom by the courts of any other State. However, the cases discussed below fully support our conclusion and we have not found any case which conflicts therewith.

The case of *State* v. *Olson* (N. D.) 176 N. W. 528 is authority for the proposition that a "special session of the legislative assembly" pursuant to the Constitution is a "session of the legislative assembly" and that all of the provisions of the *Constitution relating to regular sessions are equally applicable to special sessions*. Obviously, the constitutional provisions relating to the vote required for the passage of various measures, the printing and reading of bills, etc., are applicable to special sessions. We perceive no reason for concluding that section 14 of Article IV is not applicable, and the above case is authority for the proposition that it is applicable. This section provides:

> "Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting."

The only constitutional limitations which appear to be imposed upon special sessions are contained in section 23a of Article IV which limits expenditures for attaches and in section 9 of Article V which limits the power to legislate to subjects specified in the proclamation.

The following quotation from Hughes' American Parliamentary Guide at page 202, in discussing the powers of the Ohio legislature is equally applicable to the Legislature of this State:

> "There is neither constitutional, statutory nor parliamentary law that governs or abridges the right of the assembly to bring to a close its sittings, or session. It may recess, adjourn or dissolve, and in the first two instances it may at its pleasure terminate such recess or adjournment by fixing a time and way for a future convening. It may legally recess five minutes, five months or more, so long as the day fixed is within the constitutional life of the assembly. The constitutions of all the states expressly grant authority to each house of the legislature to make its own rules, as does the national constitution. The laws further fix a time when the assembly shall meet, but nowhere in the Ohio laws (as in a few other states) is the time or manner of suspending business enjoined upon the legislature. It is supposed to be an inherent right of the legislature to decide this matter for itself. We have been unable to find a single instance where any court has passed upon this question, and this fact of itself is a strong argument that the court will not concern itself with deciding purely legislative or parliamentary questions except when the constitution is involved."

Immediately following this quotation Hughes cites the case of *United States* v. *Ballin*, 144 U. S. 5, a leading case sustaining the absolute power of legislative bodies to make their own rules within constitutional limitations. The discussion of this case is followed on page 203 of the American Parliamentary Guide by the following statement:

> "From the foregoing decision of the highest tribunal in the nation, in defining substantially the same provision in our state constitution, it would seem fair to conclude that it lies within the constitutional guarantee for an assembly to prevent its own death by adjournment or recess to a definite fixed time."

Both Houses of this State took an extended recess during the 1933 session, and lengthy recesses of one or both Houses are quite common in Congress

In case of *In re Opinions of the Justices in re Regular and Extra Sessions of the Legislature* (Ala 1931), 132 So. 311 is direct authority for the proposition that the Governor may call the Legislature into special session while it is in recess pending reconvening

Section 9 of Article V of our Constitution provides that the Governor "may, on extraordinary occasions, convene the Legislature by a proclamation, stating the purposes for which he has convened it * * *"

We find nothing in the Constitution which implies that an "extraordinary occasion" may not arise during the time when the Legislature is in recess or at any other time when the Legislature is not in session. On the contrary, it is perfectly possible to conceive of circumstances under which it may be imperative to convene the Legislature in extraordinary session, while it is in recess either during a regular or extraordinary session. It is inconceivable that the power of the Governor to act under such circumstances or of the Legislature to convene pursuant to his proclamation could be in any way suspended so as to make it impossible for it to meet.

The question of the existence of an "extraordinary occasion" is to be determined by the Governor alone in the exercise of his discretion, and this discretion is not subject to challenge or review by the courts *Farrelly v Cole* (Kan. 1899) 56 Pac 492.

FRED B. WOOD.
By LAWRENCE G. ALLYN.

LGA/VW.

Motion to Approve Journals.

On motion of Mr Desmond, the Assembly Journals of Monday, January 29, 1940; Tuesday, January 30, 1940, Wednesday, January 31, 1940; Thursday, February 1, 1940, Friday, February 2, 1940; Monday, February 5, 1940, Tuesday, February 6, 1940; Wednesday, February 7, 1940; Thursday, February 8, 1940; Friday, February 9, 1940; Saturday, February 10, 1940, Monday, February 12, 1940; Tuesday, February 13, 1940, Wednesday, February 14, 1940; Thursday, February 15, 1940, Friday, February 16, 1940, Saturday, February 17, 1940; Monday, February 19, 1940; Tuesday, February 20, 1940; Wednesday, February 21, 1940; Thursday, February 22, 1940; Friday, February 23, 1940, and Saturday, February 24, 1940, were approved as corrected by the Minute Clerk.

Resolutions.

By Messrs. Burns, Hugh M. Green and Pelletier:

House Resolution No. 79.

Resolved, That the Speaker appoint a committee of three to wait upon His Excellency, Hon Culbert L Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors, is ready to recess, and awaits his further pleasure

Request for Unanimous Consent.

Mr. Burns, Hugh M., asked for, and was granted, unanimous consent to take up House Resolution No 79, at this time, without reference to committee.

House Resolution No 79 read, and adopted.

Appointment of Committee.

The Speaker announced the appointment of Messrs. Burns, Hugh M., Green and Pelletier as a special committee in accordance with the above resolution.

By Mrs. Daley, Messrs Desmond and Doyle:

House Resolution No. 80.

Resolved, That the Speaker appoint a committee of three to wait upon the Senate, and inform that body that the Assembly has concluded its labors and ask if the Senate has any further message to deliver to the Assembly

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted unanimous consent to take up House Resolution No. 80, at this time, without reference to committee

House Resolution No 80 read, and adopted.

Appointment of Committee.

The Speaker announced the appointment of Messrs. Desmond, Doyle and Mrs. Daley as a special committee in accordance with the above resolution.

Further Proceedings Under Call of the Assembly Dispensed With.

At eleven o'clock and thirty-five minutes a.m., on motion of Mr. Houser, further proceedings under the call of the Assembly were dispensed with.

Resolutions Ordered Printed in the Journal.

On motion of Mr. Crowley, the following resolution was ordered printed in the Journal:

Resolution Adopted by the Napa Grange in Regular Session Assembled This Twentieth Day of February, 1940.

WHEREAS, Some of our legislators and public officials have in the past, and are now taking money from individuals, firms, and corporations for services rendered, said individuals, firms and corporations; and

WHEREAS, All officers are provided with salaries fixed by law, which were known to said officials when they campaigned for said offices; and

WHEREAS, Many of the officials who hold said positions, have in the past, and are now not working for the best interests of the public but for those who either by direct salary, gift or commission, pay them the extra money referred to; and

WHEREAS, This condition has become so bad that there are officials who spend many times more money in their campaigns to be elected than the total moneys the office pays for the entire term; and

WHEREAS, We believe that officials should serve the public exclusively in the office to which they have been elected; now, therefore, be it

Resolved, That the Napa Grange in the regular session assembled this twentieth day of February, 1940, do hereby go on record asking that if such laws do not now exist, that some be passed making it a criminal offense for a person holding an elective office to accept moneys or valuables as gift or commission for services rendered to individuals, firms or corporations when said services are rendered at the expense of the best interest of the public.

NAPA GRANGE No. 307, P. of H.
CLAYTON GREENE, Secretary.

Article Printed in the Journal.

On request of Messrs. Poulson and Waters the following article was ordered printed in the Journal:

AMERICAN WEEKLY MAGAZINE—February 25, 1940

RUIN IN TAXES BARED.

Wisconsin Industries Crippled.

By MERRYLE STANLEY RUKEYSER

The growing tendency of American government—local, State and National—to confiscate in the form of taxes an increasing proportion of the fruits of ownership raises the question of how private is so-called private enterprise in the United States.

Following basic bookkeeping studies of how the tax garnerer is changing the economic setup in Indiana and in New Hampshire, Wisconsin has completed a noteworthy study of the growing partnership stake of government in the net receipts of business enterprises.

Inherent in the figures collected is a dramatic and vastly important story of the gradual transformation of free American enterprise into a hybrid form combining State Socialism with private business.

Former Under Secretary of the Treasury John Wesley Hanes recently was quoted as saying that government is about a 20 per cent partner in all business, but the probing in Wisconsin indicates that this estimate was a gross understatement.

The over-all picture, as it affects companies operating in Wisconsin, was recently sketched by the Income Tax Division of the Wisconsin Tax Commission in a "special statistical report prepared at the request of Governor Julius P. Heil relative to operations of corporations doing business in Wisconsin."

Taxed Into Operating at Loss.

In the business year 1938, which the study covers, the divvy of the residue after all expenses had been met other than taxes was somewhat as follows:

From the standpoint of the aggregate results for the 6845 corporations that operate solely within the commonwealth, taxes taken by local, State and National govern-

ments absorbed all residue from operations, and ran the corporations into an operating loss.

On the other hand, in the case of the 961 corporations that did business within and without the State, these companies retained a net gain of only 1.1 per cent on their assets.

The Wisconsin survey gives a sample insight into the extent to which business profits have been seized and diverted from their true uses by spendthrifts on the payroll of government.

While the owners of the 6845 corporations operating solely within Wisconsin are left holding the bag, government in the aggregate has taken in taxes from these companies a sum equal to 5.54 per cent on the invested capital. But the capital was furnished by the owners, not by government. And the risk of loss is assumed by the owners, not by the government.

These corporations, plus the 961 which operate both within and outside of Wisconsin, after meeting all expenses before taxes, paid out in taxes to various units of government $112,158,743, which was $20,606,913 more than they earned on operations. There was, therefore, an operating loss after taxes of $20,606,913. Some of these companies had a nonoperating income from outside investments.

355,440 Jobs at Stake.

All of these same companies, including the paper companies of the Fox and Wisconsin River Valleys, the breweries of Milwaukee, the farm implement companies, and the steel converter enterprises, brought into the State in the aggregate jobs for 355,440 wage earners supporting 930,000 persons.

Business analysts, in summing up the situation, drew from the Wisconsin tax figures, *three main conclusions*: (1) *corporations can not be milked for further taxes*; (2) other sources for taxation must be found, and (3) the share of government must be substantially shrunken.

The factual data prepared by the Wisconsin Tax Commission has been reclassified to show the extent to which the modern corporation has become primarily an agency for making more and better goods and for distributing the financial proceeds mainly to workers as wages and to government as taxes, keeping only a small fraction for owners, or as a wage payment for the use of the tools and other assets provided by the investors.

The tabulated figures below are based on combined figures for both State and National corporations operating within the State of Wisconsin. They are well worth your study, as they illustrate what is going on in every State and affect all types of industry and business.

Survey Shows Taxes Leave Firms Little.

This table shows government's share in total income of 6845 corporations operating "solely in Wisconsin" and 961 "within and without" Wisconsin. Note that *government's "tax take" is $20,606,913 more than the corporations' total net operating income of $91,551,830.*

Net sales of products		$1,937,291,335
Cost of purchases, production and sales:		
Wages and salaries	$426,181,666	
Interest paid	24,648,454	
Losses	13,825,255	
Goods and services from others	1,302,984,307	
Depreciation, amortization and depletion	78,099,823	
Total cost of operations		1,845,739,505
Net income before payment of taxes from operations		$91,551,830
Plus "nonoperating income" from (a) investment in stocks, bonds and mortgages; (b) rents; (c) patents; (d) sale of real and personal property		66,965,865
Total net income or earnings before taxes—100 per cent		$158,517,695
Of this total net income before taxes of $158,517,695, "government" took 70 55 per cent in taxes consisting of:		
(a) All Federal taxes of every type	$55,244,031	
(b) Wis. Inc. paid during year	15,873,903	
(c) Real estate ac. or pd. during year	17,731,381	
(d) Personal property ac. or pd. during year	8,791,321	
(e) All other Wisconsin taxes	14,518,107	$112,158,743
Government left to industries only 29.45 per cent		46,358,952
Total		$158,517,695

Report of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No. 50.
Assembly Joint Resolution No. 21.
And reports the same correctly enrolled, and presented to the Governor on this twenty-fifth day of February, 1940, at eleven o'clock a.m

CASSIDY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No. 62.
Assembly Bill No. 72.
Assembly Bill No. 94.
Assembly Concurrent Resolution No. 14.
Assembly Concurrent Resolution No. 15.
Assembly Concurrent Resolution No. 18.
Assembly Concurrent Resolution No. 19.
Assembly Joint Resolution No. 17.
Assembly Joint Resolution No. 20.
And reports the same correctly enrolled, and presented to the Governor on this twenty-fifth day of February, 1940, at eleven o'clock and fifty-five minutes a.m

CASSIDY, Chairman.

Approval of Journal.

On motion of Mr. Desmond, the Journal of Sunday, February 25, 1940, was approved as corrected by the Minute Clerk.

Recess.

At twelve o'clock noon on Sunday, February 25, 1940, in accordance with the provisions of Assembly Concurrent Resolution No. 18, the Honorable Gordon H Garland, Speaker of the Assembly, declared the Fifty-third (extraordinary) Session of the Assembly of the State of California in recess until twelve o'clock noon, Monday, May 13, 1940, unless sooner reconvened in accordance with the provisions of Assembly Concurrent Resolution No. 18

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY
ONE HUNDRED SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, MONDAY, May 13, 1940.

At twelve o'clock noon, pursuant to the provisions of Assembly Concurrent Resolution No. 18, adopted February 24, 1940, the Assembly was called to order

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Poulson, on motion of Mr. Waters.

Mr. Kellems, on motion of Mr. Waters.

Mr. King, on motion of Mr. Evans.

Mr Thorp, on motion of Mr. Scudder.

Mr Salsman, on motion of Mr. Allen.

Mr. O'Donnell, on motion of Mr. Turner.

Leave of Absence for the Balance of the Fifty-third (Extraordinary) Session.

On motion of Mr. Field, Mr Redwine was granted a leave of absence for the balance of the fifty-third (extraordinary) session.

Motion Requesting Rules Committee to Amend Rules to Make Voting by Members Present Mandatory.

Mr. Williamson moved that the Rules Committee submit an amendment to the Standing Rules making it mandatory for all members present to record their vote

Substitute Motion.

Mr. Atkinson moved as a substitute motion that the motion of Mr. Williamson be tabled.

Motion to table lost.

Motion by Mr. Williamson carried and referred to Committee on Rules.

Resolutions.

House Resolution No. 81.

By Mr. Desmond:

Resolved, That the Speaker appoint a Special Committee of Three to notify the Senate that the Assembly has reconvened pursuant to Assembly Concurrent Resolution No. 18, and is ready to proceed with the business of the State with all officers heretofore elected present, to-wit

Hon. Gordon H. Garland ---------- *Speaker*
Hon. Gardiner Johnson ---------- *Speaker Pro Tempore*
Jack Carl Greenburg ---------- *Chief Clerk*
David V. Oliver ---------- *Minute Clerk*
Rev. Raymond L. Bailey ---------- *Chaplain*
Wilkie Ogg ---------- *Sergeant-at-Arms*

House Resolution No. 81 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Youty, and Mr. Speaker—68.

NOES—None.

Appointment of Special Committee.

In accordance with House Resolution No. 81, the Speaker announced the appointment of Messrs. Desmond, Williamson and Gannon as such Special Committee.

House Resolution No. 82.

By Mr. Turner:

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

House Resolution No. 82 read, and adopted.

Appointment of Special Committee.

In accordance with House Resolution No. 82, the Speaker appointed Messrs. Turner, Clarke, Gallagher, Burson and Voigt as such Special Committee.

House Resolution No. 83.

By the Committee on Attaches

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

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set

opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same

Commencing May 13, 1940	*Per diem*
Rev. Raymond L. Bailey, Chaplain	$4 00
Jack Carl Greenburg, Chief Clerk	10 00
David V. Oliver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
C. W. Booth, Assistant Chief Clerk	9 00
Albert Day, Journal Clerk	7 00
Frank Reed, History Clerk	7 00
Lillian Larkin, Stenographer	5 00
John E. Fitzgerald, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
George Doering, Assistant Sergeant-at-Arms	5 00
Tom Lyons, Assistant Sergeant-at-Arms	5 00
William Davies, Assistant Sergeant-at-Arms	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
Lee J. Hoffman, Assistant Sergeant-at-Arms	5 00
William Murphy, Chief Page	3 00
Harold McKenzie, Page	2 50
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50

Resolved, further, That the compensation of the above named attaches be on a six-day per week basis, except the following Chief Clerk, Assistant Chief Clerk, Minute Clerk and Sergeant-at-Arms, who shall receive compensation on a seven-day per week basis

Resolved, further, That compensation to the persons named is to begin on the day following adjournment of the Fifty-Third Second Extraordinary Session

VOIGT, Chairman

House Resolution No. 83 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Walker, Waters, Watson, Weber, Wevbret, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

House Resolution No. 84.

By Mr. Voigt:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the contingent fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the sum of $2,000 said amount being for the purchase of postage stamps to be used by members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding $2,000 in the aggregate, as shall be necessary for the use of the members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one member of the Assembly for official mail shall not exceed the sum of $25

House Resolution No. 84 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wevbret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66

NOES—Bashore—1.

Committee From the Senate.

Senators Breed, Quinn and Nielsen appeared before the bar of the Assembly, and announced that the Senate was now proceeding under the fifty-third extraordinary session

Message From the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 13, 1940.

To the Honorable Members of the Assembly, State of California,
State Capitol, Sacramento, California.

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-ninth day of February, 1940, at 5.40 p.m., Assembly Bills Nos. 62, 81 and 82 were returned without my signature, and, together with a statement of my objections to each, were delivered to Speaker Gordon H. Garland.

Respectfully submitted.

CULBERT L. OLSON,
Governor.

Adjournment.

At twelve o'clock and fifty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock p.m., Tuesday, May 14, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY
ONE HUNDRED SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, May 14, 1940

At two o'clock p m., pursuant to adjournment, the Assembly was called to order.

Hon. Gardiner Johnson, Speaker Pro Tempore, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Love, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Redwine, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—78.

Quorum present.

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Houser, the further reading of the Journal of Monday, May 13, 1940, was dispensed with

Leave of Absence for the Day.

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

Mr. Poulson, on motion of Mr. Waters.

Presentation of Bills for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 120: By Messrs. Kuchel and Watson—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds, to repeal Chapter 17

of the statutes of the first extra session of the Fifty-third Legislature, and to provide that this act shall take effect immediately

Introduction and Reference of Bill.

The following bill was reported back from the Legislative Counsel Bureau, and read the first time

Assembly Bill No. 120: By Messrs. Kuchel and Watson—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds, to repeal Chapter 17 of the statutes of the first extra session of the Fifty-third Legislature, and to provide that this act shall take effect immediately

Request for Unanimous Consent.

Mr. Kuchel asked for, and was granted, unanimous consent to have Assembly Bill No. 120 placed upon the calendar without reference to committee

Assembly Bill No. 120 ordered to print, and on calendar

Recess.

At two o'clock and thirty minutes p.m., on motion of Mr. Miller, George P., the Assembly was declared at recess until the hour of three o'clock p.m., to allow the Golden Gate International Exposition to present a preview of their theme show.

Program of the Preview of the Golden Gate International Exposition Theme Show.

Presented in the Assembly Chamber through the courtesy of the Golden Gate International Exposition Corporation

Master of Ceremonies.....Mr. Earl Darfler
Eccentric Dancer.....Bert Privat
Singer.....Bruce Holden
Impersonator.....Elizabeth Talbot-Martin
Singer.....Lila Dean
Model.....Barbara Dean

Reassembled.

At three o'clock p.m., the Assembly reconvened

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Consideration of Daily Calendar.

Case of Urgency Resolution.

By Mr. Kuchel:

Resolved, That Assembly Bill No. 120 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, and Mr. Speaker—61

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 120, at this time.

Second Reading of Assembly Bill No. 120.

Assembly Bill No. 120—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and

retirement of outstanding district bonds, to repeal Chapter 17 of the Statutes of the first extra session of the Fifty-third Legislature, and to provide that this act shall take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Vogt, Walker, Waters, Watson, Weybret, Williamson, and Mr. Speaker—63.

NOES—None.

Third Reading of Assembly Bill No. 120.

Assembly Bill No. 120—An act to add sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds, to repeal Chapter 17 of the Statutes of the first extra session of the Fifty-third Legislature and to provide that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—Heisinger—1.

Title read and approved. Bill ordered transmitted to the Senate.

Report.

On motion of Mrs. Daley, the following report was received and ordered printed in the Journal:

REPORT OF THE JOINT LEGISLATIVE FACT-FINDING COMMITTEE ON EMPLOYMENT.

May 13, 1940.

To the members of the California Legislature

Your Joint Fact-Finding Committee on Employment, appointed under the terms of Senate Concurrent Resolution No. 10, of the special session, submits herewith the first two parts of its report.

The committee has in its hands a great mass of material, some of the most important of which has only recently been received, and some of which will be supported by statements and figures not yet ready. If we were to wait and submit all parts at one time, it is doubtful if the report could be ready this week.

The committee has decided instead to issue the report in parts, as these are ready. Part I contains the general recommendations of the committee, and Part II contains the general statement. Other parts will follow.

The committee finds that the Legislature faces four alternatives in acting upon employment, unemployment, and relief, in this reconvened special session. These alternatives are as follows:

1. Enactment of a permanent plan for administration and financing of all public assistance. This would include the basic principles of complete integration of all welfare and relief activities into one consolidated program with county administration under limited State supervision, and with joint State-county financing of costs. Enactment of such legislation requires closer cooperation than now prevails between the legislative and executive branches of the State government, the first step of which must be a broadening of the official "call" to permit consideration of this type of legislation. This plan was contemplated when the Legislature adjourned in June 1939, to reconvene in special session.

2. Passage of Assembly Bill 105 over the Executive veto.

3. Enactment of a new bill also based on the county supervision of relief, with such changes as the interim investigation has found desirable.

4. Enactment of a new bill, based upon and extending the main provisions of Senate Bill 81, continuing the present program, together with an appropriation until the Legislature next convenes.

Alternatives 1, 2 and 3 also require a supplemental appropriation bill.

The undersigned members of the committee approve the findings and the recommendations in Parts I and II.

JOHN PHILLIPS, Chairman
CHARLES H DEUEL
JESSE M MAYO
FRANK W MIXTER
ROY J NIELSEN
J I WAGY
CHARLES BROWN
JERROLD L SEAWELL, Ex-Officio
MRS JEANETTE E DALEY, Vice-Chairman
C DON FIELD
FREDERICK F HOUSER
NORRIS POULSON
CLYDE A WATSON
ALBERT C WOLLENBERG
GORDON H GARLAND, Ex-Officio

PART I.

Recommendations.

In presenting its recommendations for a coordinated program the Joint Legislative Fact-finding Committee on Employment—to which was assigned the study of the relief situation in California—makes this preliminary observation.

The complexity of the situation and the rapidity with which it has grown to be the major problem in California, have resulted in what can only be called muddled thinking. We have lost sight of basic principles. Constant reiteration of the gravity of the relief situation has obscured the fact that relief is a single phase of the problem of unemployment.

Removing the now recognized relief difficulties would leave the unemployment problem still unsolved Removing unemployment, on the other hand, would eliminate much of the need for relief, except for indigency due to old age; the loss of one or both parents, disease, and similar conditions preventing self support.

The committee emphasizes that the major question with which the Legislature has to deal is the problem of unemployment.

The committee offers the following recommendations:

I.

Reorganization Program.

The committee advocates the complete reorganization of all functions of State government dealing with employment, unemployment, and State aid of every type Under this program, a director of a new Department of Employment would correlate and direct all these affiliated activities Responsible to him would be division heads in charge of the following divisions:

(a) Division of Aid to the Aged, Blind and Dependent Children;

(b) Division of Employment, including or coordinating the work of the State Employment Service;

(c) Division of Unemployment Insurance, taking over or coordinating the functions of the present California Employment Commission;

(d) Division of Direct Relief, supervising and coordinating the activities of the County Welfare departments if the administration of relief is returned to the counties, or conducting State administration if the State government retains direct relief, and carrying on, in either case, such functions (for example, single men's camps) as may be placed with the department by legislative action.

(e) Division of Cooperatives, supervising all self-help organizations.

Director of Employment.

The Director of Employment must be the most capable man obtainable, and his compensation should be fixed by the Legislature commensurate with the importance of the job he is given to do The committee emphasizes the necessity of finding an executive of exceptional ability and special qualifications. He should be appointed by the Governor, subject to a two-thirds approval by the Senate.

The appointment of a competent Director of Employment would bring the good business management essential in the solution of the unemployment problem

Elimination of Certain Existing Commissions.

With the creation of a Department of Employment, the State Relief Commission, the State Social Welfare Commission and the Unemployment Reserves Commission will go out of existence and their functions, jurisdictions and powers will be transferred to the Director of Employment

Detailed Recommendations Should Be Unnecessary.

The committee could make detailed recommendations relative to changes and improvements in almost every function and division of the State Relief Administration. It is apparent, however, that abolishing the present SRA, which was created as an emergency agency of State government, and placing its functions under regularly established departments, or the creation of the Department of Employment, already recommended, would cure most of these minor difficulties The Legislature has the power to effect such a reorganization It can be done at the next regular session, or with the cooperation of the Administration, it could be done when the Legislature reconvenes on May 13th

Extension of Public Works.

The committee suggests that it should be possible for the State and the counties to create work at a wage fair to the unemployed but not so attractive as wages in private employment

Projects undertaken on this basis would (1) permit the State and counties to acquire physical improvements; (2) benefit the unemployed by providing them with work at wages higher than the dole; (3) benefit private enterprise by stimulating private employment through large scale purchases of material and increased purchasing power of those employed on these projects.

State work should be handled, the committee believes, under the Department of Public Works, the Department of Natural Resources, the Department of Education, the Department of Agriculture, or any regularly constituted department capable of supplying work of this kind. County work should be handled by such county agencies as are provided by law Such work should not be confused with, nor designated as, "relief work."

II.

Mobilization for Employment.

The major factor in solving California's relief problem must be a "Mobilization for Employment."

Mobilization for Employment can be made a reality in California. Business will support such a plan on tangible and practical grounds Research to develop new products, new markets, and consequently new jobs must be expanded, and in this the State, which hitherto has done little or nothing, must become an aggressive leader.

Business must be made to understand the choice is between cooperation and taxation; between mobilization to meet an emergency as serious as war, and moral and financial bankruptcy.

Mobilization for employment can be California's contribution to the solution of an aggravated national problem.

Successful in Another State.

Reports have come to the committee that such a mobilization, started recently in Pennsylvania, is showing successful results Under the direction of the president of one of the State's most successful businesses, the drive to provide jobs, and to interest business men, is reaching into every part of the State No emotional plea, no appeal to sympathies, has been made; it is a cold business-like solution to the problem The committee recommends that the Legislature keep constantly in touch with the Pennsylvania mobilization

III.

Return Relief Administration to the Counties.

The local supervision of direct relief must, under any business-like reorganization, be placed in the hands of the local agencies of government. The committee recommends supervision by the county welfare departments. These departments already handle the categorical aids, under general coordination rules established by the State. Logic suggests that the only phase of individual or family aid now administered by the State, direct relief, also should be turned over to the counties They are equipped to handle it. The California School System, operating under a similar system, has a national reputation

In making this recommendation the first consideration must be the welfare of the unemployed, who benefit from local knowledge and interest but the saving in dollars and cents is important. It is increasingly apparent to the committee also, that only by local supervision will the subversive trends, fostered by the present system, and discussed elsewhere in this report, be halted

In the bill now awaiting action on the Governor's veto, provision is made for local supervision of the administration of relief by the counties. Whether the transfer is made by passing Assembly Bill No 105 over the executive veto or by enactment of a redrafted measure, local supervision should replace centralized administration.

Present Regulations Unsatisfactory.

The statement has been frequently made by those who oppose the idea of local supervision of relief, that this would result in "58 different kinds of relief administration." The committee finds that there is no hard and fast regulation at the present time. The SRA administration imposes its regulations upon its county directors, many of whom interpret these to suit themselves. On the other hand, the committee has heard complaints that the present regulations, as imposed upon case workers, are too severe. In the past a case worker was given a reasonable power of decision in individual cases Thus cases in different areas of the State, could be handled according to conditions in those areas, and some distinction could be made between families accustomed to lower or higher standards of living.

Today, rigorous and inelastic regulations appear to apply at this point, while on the other hand, regulations which might justly be expected to be observed, are administered with great elasticity by directors, district supervisors, and case

workers. This confirms the feeling of the committee that local supervision will bring advantages.

"Employables and Unemployables."

In the opinions of the members of the committee, there is no more meaningless distinction, nor any better evidence of the impracticality of present methods in relief, than the attempt to set an arbitrary line between those who are "unemployable unemployed" and those who are "employable unemployed." Admitting that the distinction grew from the desire of the counties to protect themselves against the responsibility for cases which the State should accept, and thus against increasing taxation, under a permanent plan of meeting the problem of unemployment, this distinction must go.

An unemployed farmer in the metropolitan area may be as "unemployable" as the inexperienced citizen of the city would be on the farm, and the measures of employability must be, first, the physical condition, age, and similar characteristics of the unemployed applicant for help, and second, the availability of work of any kind which the applicant can do. Under a reconstructed system, all unemployed men and women would pass through a well organized intake point, and be assigned or cared for on the factors mentioned above. A simplification of the handling of applicants at the intake is recommended by the committee. Under such a system, not only would all forms of State aid be considered in setting up the standards and limitations of aid to any one family, but the division of costs between county and State would be made on some formula, established by legislative action, and after preliminary trial.

Subvention by the State.

All bills so far discussed in regular or special sessions have contemplated increased State aid to the counties The percentage division between State and county has not been settled, nor can it be settled by this committee. Assurance has always been given that the cost of direct relief, under any plan contemplating local supervision, will not be more than the amount paid by the counties for the present indigent and categorical aids. Adjustments may be necessary; the plan expects economy and good business management in the counties, but certainly, if the committee's suggestions are adopted, employment can be increased, and relief given in California to all who are honestly entitled to public assistance, at materially less cost than at present, and with greater thought for those in need. The committee suggests an experimental period, during which the State will make outright subventions to the counties, with the later adoption of a plan based on the experiences of this experimental period.

The committee recommends that in the adoption of any integrated plan, a definite time limit be set, within which supervision must be returned to the local units.

Limitations of the Proclamation.

The recommendations of this report cover integration, or reorganization of the handling of the employment problem, at both State and county levels. A complete plan is impossible under the terms of the Governor's proclamation of January 29th. It is urged that the administration, realizing the seriousness of the situation, will issue a new proclamation so as to make the more complete reorganization possible. If this is not done, the committee recommends the passage of a bill embodying as many features of the complete plan as can be passed under the present proclamation, with the understanding that the plan will be completed in the next regular session.

An Alternative Plan.

If the Legislature decides that the administration of relief shall remain with the State, even temporarily, the necessary appropriation should be passed and further restrictions placed upon the administration of direct relief by the State, so that the money appropriated for "the relief of destitution due to unemployment" shall reach those for whom it is intended. Some of these restrictions are suggested in the supplement to the committee's report.

IV.

Civil Service.

Under a reorganization program, civil service would apply in the Department of Employment and its divisions.

This does not imply endorsement by the committee of the so-called merit system which the Federal Government, under doubtful authority, is attempting to impose upon the counties at the present time.

The committee subscribes to the principles of local government, under proper State regulation, but recommends extreme caution on the part of the Legislature against being led astray by an argument that State subventions necessarily carry with them State control, or that uniformity can only be secured through strict State "supervision."

A stand must be made against "legislation by regulations," which is contrary to the intent of the State and Federal Constitutions, and against increasing bureaucracy.

The committee recommends legislation authorizing the courts to prevent unwarranted and illegal State interference with local authority

V.

Committee's Work Must Be Continued.

The work of the committee remains unfinished

Numerous questions have not been investigated, because of insufficient time. These are referred to in a separate appendix. The committee should be continued or another similar committee appointed to help complete a practical employment program.

Legislation is the function of the Senate and the Assembly, not of the Governor, nor of any of his department heads. The Legislature should, through its own members keep in touch with the developments of this program, and be advised by its own committees regarding legislative changes and additions.

The committee also places before both houses of the Legislature, the statement that should this committee be discharged, and no similar committee be created, we can expect, from experience, nothing less than unjust demotion and dismissal of many State employees who gave aid in any way to the committee in making the investigation.

The Legislature could also expect the same campaign against the members of both Senate and Assembly who have not accepted the administration's dictatorial program, as was recorded in the Orange County transcript (H-13) and in public addresses by the administration. Unsigned campaign material was issued by the SRA office in Orange County containing entirely erroneous statements, directed against the representatives from that county. The reply of the witness when shown the errors, that he was still of the same opinion, is evidence of what the Legislature may expect.

Prior to the passage of Senate Bill No 81, a public relations division in the SRA had for its purpose a propaganda program of bulletins, circulars, radio speeches and newspaper releases at a monthly cost of thousands of dollars of the taxpayers' money which had been appropriated by the Legislature for the unemployed men and women of California.

Suggestions Considered by Committee.

Citizens and organizations have suggested to the committee various additions to the regulations to be placed in relief bills. These have included publishing or posting the names of recipients of relief, and finger-printing all recipients of relief as a routine matter and for the protection of the applicant as well as for cooperation between the State and its peace authorities.

The plan of requiring relief recipients to turn in their automobile license plates except under extraordinary circumstances, presumably in connection with employment, has also been recommended.

The committee recognizes that these would be severe methods of controlling relief. The committee does not make them as recommendations. It does, however, ask the Legislature to think of the historical fact that no nation has reached the unemployment situation already reached in California, and has attempted to solve it, without eventually taking stronger steps, and in most instances taking the vote from its unfortunate citizens. The committee prefers to believe that the proper administration of relief would make such recommendations unnecessary.

VI.

Continue Study of Alien Problem.

We recommend that the restrictions written into Senate Bill No. 81 regarding aliens be written into subsequent bills passed by the Legislature and that the problem have further study. The seriousness of the problem is indicated by the fact that in January, 1940, 15,508 aliens were on relief, and that in April, 1940, as a result of the restrictions in Senate Bill No. 81 this number had been reduced to 13,447 which represents approximately 16 per cent of the relief case load. The Legislature, in 1937, called attention to the fact that California taxpayers paid $5,000,000 per year for the relief of aliens. It is the belief of the committee that the alien problem is essentially a Federal problem. It has become a State problem largely because of the failure of the Federal Government to assume its responsibility. We need Federal cooperation.

VII.

Establish Five-Year Residential Requirements.

Under an integral program, we recommend that the present rule requiring three years residence in California before direct relief may be granted, be raised to five years This regulation would then conform to the residence requirements for aged aid which has been approved by the Federal Government. Residential requirements for all categorical aids should receive consideration and study in an integral program because we find many instances of abuse and discrepancies.

VIII.

Clear Relief Applications Through Credit Agency.

We recommend to the SRA or to the counties the clearing of accepted applications through private credit agencies in the same manner as commercial or financial credit applications are cleared.

PART TWO.

Explanatory Report.

The members of the Joint Legislative Committee on Employment offer no panacea for unemployment.

Two months work on the part of seventeen legislators in all parts of California emphasizes the complexity of the problem.

There is no easy way out of the difficulty. The problem is shared in varying degrees by every State, but affects California peculiarly because of a proportionately large population of indigent migrants and because California is a proving ground of radical and subversive plans to make political use of unemployed. While the problem is complex, it can and will be solved, not in a day, but more rapidly than had hitherto been believed.

Problem Will Be Solved.

The unemployment problem of California can be solved by a determination to solve it. The solution will not come from those who preach cynical defeatism to further class hatreds, nor from pessimists who view Democracy with despair.

There is little if any indication that a proper solution will come from the present State Administration.

The Administration is using the State Relief Administration for the creation of a partisan political machine. The SRA is being administered under conditions of incompetency, with internal disruption and discord, by men and women in executive positions who are unsuited to the duties assigned them. These officials, many of whom have neither the background nor the ability to administer the positions held, are hampered by political dictation, and morale is low. Political considerations are controlling factors in decisions on SRA policy and personnel.

A Start Has Been Made.

The solution will be founded upon fundamental American traditions of economy, honesty, individual effort, and sincere cooperation in working out a problem of the commonwealth. The Legislature made a start through enactment last February of Senate Bill No. 81

The Committee's belief that emphasis should be placed on employment rather than on relief is supported from a source which the majority of the members of the Legislature have on occasion sharply criticized, the Workers Alliance.

Workers Alliance Confirms Analysis.

Testifying before the subcommittee headed by Assemblyman A. C. Wollenberg, in Monterey, on March 20, 1940, J. W. Patterson, chairman of the grievance committee of the local Workers Alliance, in response to a request made the following general statement: (W-2 page 11, official transcript)

"We have studied this problem from every angle and we feel that the biggest mistake they (the State Relief Administration) made is the fact that they are dealing with it as a social problem. We don't feel that it is a social problem—it is an unemployment problem. I think that ninety per cent of all our trouble is the fact that some of the people try to deal strictly on the basis of a social problem, and it is not.

"If it was approached from that angle * * * there would never be any necessity to have a grievance from any organization."

Again, Mr. Patterson said: (page 12 of transcript)

"It is a problem of unemployment, and they approach it from the social angle, and they are supposed to go into the home and try to rehabilitate a man who has lost a job, and all that kind of stuff * * *.

"This is not a social problem, it is an unemployment problem, and we feel that if they would try to spend time to work it out, it wouldn't be necessary to have this namby-pamby social idea—that is never going to settle the problem of relief."

Mr. Patterson's statement quite evidently does not represent the general viewpoint of the Workers Alliance as an organization, but the Committee submits that volumes could not state the problem more succinctly.

New Approach Is Needed.

Unemployment is a relatively new problem in the United States. Yet no American is unaffected by it. No American interested in the welfare of his government and the preservation of American liberties can ignore its involvements. No American can tolerate the suggestion that the problem is too big to be solved in the American way by the absorption of unemployed men and women into a revitalized American economy.

The committee offers no apologies for its refusal to join those who blandly offer guaranteed "cures" for unemployment. Such schemes are worse than the condition they would fail to correct, because they tend to array class against class.

Subversive Influences at Work.

Proponents of these schemes are deliberately working, more or less openly, toward a revolution. Others, less vicious in their purposes but equally dangerous because of ignorance, unwittingly are lending the cause of revolution their names and reputations. Despite repeated statements to the contrary from the Administration, the SRA is being used for the development of the Communist program.

Under pressure from the Legislature, the SRA has been rid of a few Communists and fellow-travelers, but more remain. The Legislature and the public have been misled into believing that this clean-up was drastic and far-reaching.

Communists, fellow-travelers and the so-called "intelligentsia" still hold responsible positions in the SRA, and exert a disrupting influence that permeates the entire structure.

Through the State, County and Municipal Workers Association of America within, and the Workers Alliance without, the SRA has been subjected to intensive radical pressure. Such pressure has no place in a democracy. These two organizations, sympathetic in viewpoint and objective, enable relief recipient members to obtain preferred treatment, and assist SRA employees who are members to obtain promotions, higher pay and immunity from administrative regulation.

In general, conditions resulting from unemployment have been seized upon by subversive forces to further their cause. The weak handling of the SRA has made this a fertile field.

An Administration Smoke Screen.

Lack of sincerity of the State administration has been shown by its response to the public demand that communistic and subversive influences be eliminated from the SRA. Dismissals have been made with a reluctance that leaves no doubt as to where the sympathies of the Administration actually lie, and even those dropped from one department when the spotlight of publicity makes this necessary, sometimes find themselves comfortably placed in another department.

It is illuminating to read the transcript of the hearings of the Committee on Subversive Activities in the SRA, of which Assemblyman Yorty is the chairman. The testimony of certain radically inclined State employees not only establishes their arrogance and insolence but also their contempt for our form of government and for legislative procedure. No such attitude would have been found on the part of employees who knew that they were responsible to an administration committed to the elimination of radical and subversive activities. The committee members do not like termites in their houses, nor in their government.

Relief Is a Palliative.

Like any medicine which does not remove the cause of the illness, relief is dangerous in itself. Bromides administered over long periods may produce rashes on the patient's body. In the same way, relief is producing red rashes on the body politic. As quickly as possible, and with complete coordination of effort, the cause of the trouble must be attacked and the palliative tapered off.

Relief must continue until the mobilization for employment has proved itself successful. It should be repeated that the dole, which is the form in which relief is extended in California, is not a cure for unemployment. Opinions are sharply divided as to the respective merits of outright grants of cash to those in need and payment only in exchange for work done.

Testimony by informed persons before the committee substantiates the contention that the morale of unemployed men and women is best maintained when they are given a chance to work. Public works projects should be supported as a part of the reemployment program, although the committee has found that immediate costs are often higher than the dole. The burden of financing relief has already brought hardship to taxpayers and has impeded the revival of business. California taxpayers are also in need of relief. The financial costs of these projects must be weighed in light of the ultimate beneficial returns to the State as a whole.

Works Projects Considered.

The State should give maximum cooperation to the Works Progress Administration and urge extension of its activities in California. Every effort must be made to obtain sponsorship for projects to the end that the full WPA quota for the State may be utilized. The committee was astounded to learn, from testimony by the WPA Administrator for Southern California (P-2, pages 46 and 47), that his agency had had an average of over 2,000 jobs monthly which were open to the unemployed, but of which the SRA had never availed itself.

Refusal to Accept Work Condemned.

There can be no difference of opinion as to the gross dishonesty of any SRA official who condones and abets relief recipients in refusing to take work on WPA or similar projects. No relief recipient should be permitted to refuse suitable employment or to delay the acceptance of work. Any relief recipient refusing suitable employment should forthwith be removed permanently from the relief rolls.

Production-For-Use Criticized.

As to the other forms of relief which are loosely grouped under the misleading title of "Production-for-use," the committee offers these observations:

The true cooperatives serve a useful purpose They merit encouragement, but only as a supplementing part of an employment program

"Production-for-use" as described in the recommendations of the Governor's Commission on Reemployment, involves setting up "economic islands" within our general economy, to be inhabited by relief recipients and financed by the State.

There should be no such futile experiments in California because they would leave the relief recipient in the same predicament, an outcast from private employment and dependent on the ability of taxpayers to continue his support.

Long Range Outlook Urged.

This committee, as a result of its work, has arrived at certain conclusions in respect to the problem of unemployment in California.

(A) This problem will prevail, in greater or less degree, until "Mobilization for Employment" has won its objective. While the trend of private business and employment is upward at present, the fact that this is due, in part, to the European war should not be overlooked Recent reports show a 17 per cent improvement in business over a year ago.

(B) Neither the dole nor any of the other methods now employed will overcome unemployment, but the cash dole must remain as the least expensive defense against hardship and destitution until unemployment is overcome. Thus every "public works project" must be subjected to scrutiny, and its values for maintaining morale must be balanced against its cost, its competition with private industry and its ultimate benefit to the State. The administration of relief must be conducted with maximum efficiency, utterly divorced from politics, and with no opportunity afforded communistic and other subversive elements to capitalize on the current economic dislocation.

(C) The State should do all within its power to foster increased employment in private enterprise.

(D) Efficiency, economy and freedom from subversive encroachment will best be served by county administration of direct relief

Welfare workers, county supervisors and other representative citizens interviewed testified to the advantages of county administration. The committee believes that this reflects the opinion of a majority of citizens throughout the State.

(E) The State Relief Administration is so top-heavy, complicated and unwieldy that the only possibility for restoration of good management is to be found in decentralized administration. A department that does not know the details of its own actions until two months after the action has taken place is in need of simplification, in either business or government.

Evidence obtained by the committee definitely demonstrates that justice both to the citizen who pays for relief and to the citizen who must ask for relief will be accomplished by liquidation of the State Relief Administration. The SRA has permitted social service theorists and wishful-thinkers to run riot in California for years with resultant wastefulness, chiseling and inequities. Social service, as evidenced in the SRA in recent months, has presumed that unemployment is permanent and that relief recipients are a permanent class. The SRA social service workers have disregarded the possibilities of reemployment, and have done no good to their own profession.

The committee has respect for altruism, but contends that genuine altruism means employment for every citizen who would work. To this end, social service, as practiced in local and private relief organizations, has performed a noteworthy service.

Social service in the SRA has encouraged a tendency to look to the State for everything and to regard relief as a vested right. This is demonstrated by the attitude which terms the relief recipient a "client," and upon this artificial foundation, some recipients are today asking for credit as "State employees."

Common sense, not a formula, controls effective social service work. In the SRA, social service has been characterized by an exaggerated professional attitude, has been administered by remote control, subject to political manipulation and responsible to subversive influence.

(F) Relief budgets should take standards of living into account, as well as the number of members of a family, and should consider total income from all sources, especially all State aids.

On the one hand families of large size have received more in relief than the bread-winner might earn in private employment. To a considerable extent these are families in which one or more members, usually the parents, are of low standard backgrounds. Many are aliens. Their living habits are usually below the American scale. On the other hand, individuals with smaller families, of native born stock and accustomed to American living standards, are actually getting less than they require for maintenance, when these standards are considered.

This latter group contains many long-time taxpayers in California. Under professionalized social service these Americans find themselves at a disadvantage when compared with alien low-standard groups.

By placing a cash ceiling of $58 a month on the budget of any family, regardless of size, the Legislature made a start toward correcting this inequity.

Despite the obvious intention of the Legislature to place a definite limit on the amount of relief that might be paid to any one family, the SRA apparently has devised a means of circumventing that act through its social service memorandum No. 131 (see Appendix) issued on April 10, 1940. Ever ready to take advantage of the social service attitude prevailing throughout the SRA, the Workers Alliance is reported to be pressuring Emergency Relief Orders for the families of four or more and for Emergency Relief Orders to duplicate rent allowances already made in their budgets.

The committee feels that some method must be devised by which the size of the family is not the principal gauge of the relief budget. If the United States is to follow the leadership of the dictators, and subsidize large families, then let us do it openly and honestly, not through the back door of "relief," opened by some catch-all formula from a professionalized social service manual.

(G) The problem of youth is one of the greatest problems of unemployment.

Young people today are getting married on relief and their children are being born on relief. Little is being done to foster a spirit of initiative and independence characteristic of so many generations of self-reliant American families. This is a problem for both the Legislature and groups responsible for methods of education. Further study is being given this subject and the committee expects to submit a report. There is hope of solution because American youth still wants work, still seeks to be self-reliant.

(H) The California State Employment Service must be built to a place of real importance.

The personnel and activities of the California Employment Insurance Commission have been directed toward paying unemployment benefit checks rather than obtaining employment for the unemployed.

The effort of the Administration to convince the people that the California State Employment Service is functioning efficiently either is an attempt to mislead or is a demonstration of ignorance of the failure of the service to perform its function.

(I) The unemployment problem has been aggravated because thousands, having gained the comparative security of relief, have been reluctant to accept even temporary employment because of having again to qualify for future assistance. Some effort should be made to encourage relief recipients to accept employment even though it may be temporary. This result will be gained by reducing the amount of red tape necessary for readmittance of the deserving to the relief rolls.

(J) Sincerity must prevail in the administration of relief.

The committee affirms that there have been few episodes more shameless, more contemptuous of the rights of the unemployed, than the 40 per cent cut in the relief budgets ordered by the present State Administration following the passage of Senate Bill No. 81.

The Legislature passed Senate Bill No. 81 over the Governor's veto. The law was written to reduce SRA inefficiency and extravagance, but if enforced in a spirit of cooperation the provisions of the act were such as to cause no hardship to any deserving relief recipient.

Arbitrarily the SRA ordered a 40 per cent reduction in all relief allowances. An analysis of the SRA's financial condition at that time, made by Price, Waterhouse & Co., appears as an appendix to the report.

The analysis confirms the earlier charges that this reduction was ordered for one of the two following reasons: First, it was a political move by the State Administration in the hope of embarrassing the economy-minded majority of the Legislature by arousing pressure groups against individual members.

Second, the centralized methods of the SRA are so cumbersome, slow and unworkable that it was difficult for executives of the SRA to know that the restrictions of Senate Bill No. 81 would require no reduction, or even to know the condition of its own balance sheet on that date.

In this connection the committee calls attention to the reduction in SRA rolls following the effective date of this legislation. An anticipated maximum of 122,000 relief cases actually proved to be 116,000 at the time the bill went into effect on February 24, 1940, and quickly dropped to less than 100,000 and by the middle of April to 86,000. The case load as of May 6, 1940, was approximately 81,000.

Elimination of ineligibles, the decision of out-of-state recipients to return home rather than to face scrutiny, and the action of chiselers in dropping themselves from the rolls have already demonstrated the correctness of the Legislature's action in passing Senate Bill No. 81.

(K) Politics has no part in efficient administration of relief.

The State Administration has given the SRA into the hands of politicians, making this important department of government an agency for pay-offs and a dumping ground for those who had to be "taken care of."

Many appointees picked for SRA posts for political reasons have proved themselves incompetent or worse. The SRA contains many honest, sincere and capable people who are helpless to correct abuses that have followed the advent of the spoils system in the SRA.

(L) Federal cooperation is essential to the solution of California's migrant problem.

Thousands of migrants who are now a charge on California taxpayers came here at the implied invitation of the present Governor. He publicly expressed sentiments which could be construed in no other way than as an invitation to indigents in other states to throw themselves on the bounty of California.

Not only has the situation in California been misrepresented to the migrants themselves, but the people of the entire nation have been given a distorted picture. Sentimentality has been substituted for facts.

The Federal Administration, by its encouragement of migrants already in California, and its refusal to accept its obligation for the care of these dust-bowl refugees so encouraged, has apparently determined to make California the poorhouse of the United States. Unless this obligation is assumed by the Federal Government, California will have no choice but to consider legislation to bar from entry into the State those people who are likely to become public charges.

Federal migratory camps, instead of being temporary havens for unfortunate people, actually have developed into "islands" over which neither State nor local authorities have control. They are not used as temporary housing facilities, as they were intended, but as cheap housing accommodations provided to migrants for whom there is no work and for some who are unwilling to work, on a semi-permanent basis.

The absorption of work-desiring migrants into the economy of California would necessarily be part of any long term planning by the State. The problem requires study, a desire to help find a solution, and the immediate ending of the encouragement given subversive and agitating elements by the Federal authorities in charge of this program. It is no proper function of the Federal Government to set up such "islands" and to countenance strike agitation in a State already paying the highest farm wages, to the extent that the sign "Strike Headquarters" was placed at the entrance to at least one of these Federal camps.

(M) The Federal Government must be made to realize that indigent aliens in California constitute a Federal problem.

Until the enactment of Senate Bill No. 81, relief checks to aliens were in the majority of cases more than these families have averaged as earnings during comparable periods. These payments were in addition to medical and dental aid and surplus commodities.

Under Senate Bill No. 81 the State may not provide relief to aliens illegally in this country, but even with this restriction, aliens continue to constitute an important part of the relief load.

The Legislature is asked to set up immediately the machinery to get the necessary cooperation of the Federal Government.

(N) If a State camp program is to be operated, existing evils with attendant waste and inefficiency must be corrected. SRA camps, properly administered, and with the requirement that all single men, with certain exceptions, go to them to receive aid, can be constructive factors in rehabilitation and reemployment.

It has been observed that the Workers Alliance opposes the operation of camps because it removes the relief recipient from the sphere of subversive influence.

How Committee Functioned.

The Joint Fact-finding Committee which submits this report was appointed in the closing days of the February, 1940, special session. It was charged with several functions. One was to continue the investigation, begun more than a year ago, into widespread abuses within the SRA. Another was to submit recommendations for improving California's handling of the entire employment problem. Still another function was to observe the operation of Senate Bill No. 81 with a view to future legislation.

These duties have been performed by the committee to the best of its abilities within the allowed time. Whatever may be the shortcomings of this report, they are due to physical limitations, not to lack of effort. The members of the committee have conducted hearings in every part of California; personally examined documents, inventories, books and records; and have heard scores of witnesses who testified under oath and whose testimony is embodied in official transcripts.

Special Sub-Committee Appointed.

To facilitate the work of investigation, the nine assemblymen and eight senators on the committee arranged for the appointment of sub-committees. Four such sub-committees were designated. They worked on a geographical basis; sub-committees headed by Senators Mixter and Nielsen, and by Assemblymen Houser and Wollenberg, conducted hearings, respectively, in the Central Valley, in Northern California, in Southern California, and in the San Francisco Bay-Central Coast area.

Committee members were designated to prepare special reports to be submitted to the Joint Committee as follows:
Assemblyman Elmer E. Lore, Surplus Commodities;
Senator Frank W. Mixter, The Cooperatives;
Assemblyman Edward O'Day, The Youth Problem;
Assemblyman Norris Poulson, Accounting Procedure in the SRA;
Senator J. I. Wagy, The Migrant Problem;
Assemblyman Clyde A. Watson, The Alien Problem
The committee also arranged for two independent investigations into vital phases of the employment problem.

The national firm of Price, Waterhouse & Co., certified public accountants, was retained by the committee in an advisory capacity. In addition to advising the committee on general phases of SRA accounting, it was asked to establish, from the SRA records, without making a complete audit, the approximate balances in the funds of that department as of February 15, 1940, and March 31, 1940. The firm was also asked to indicate changes in the financial position of the SRA during this period, with certain expenditures segregated It has furnished this information, and other information and comments, which the committee submits as a separate part of this report.

The committee received the cooperation of the State Controller, the Director of Agriculture and the State Relief Administrator

Credit Agencies Investigate Cases.

To ascertain the truth of reports that chiseling is still rife, the Controller, under authority of the Legislature and with the approval of the Director of Finance arranged with private credit agencies to investigate more than 10,000 cases on the SRA rolls. The results of this so-called social audit will be made available to the Legislature in a separate part of this report.

Sampling Method.

The committee, handicapped for time, has made free use of the "sampling" method now in general use by political polls, and by financial, economic and statistical fact-gathering agencies. Obviously the committee could not check every relief case, every transportation order, every reported instance of waste, extravagance, and incompetency. By methods it did use, the committee believes that it secured a true picture of the relief situation.

The previously submitted "Atherton Report" (Senate Journal, January 30, 1940) was submitted officially to the committee (testimony of E. D Hall, Transcript P-3, pages 1-3), and reference has been made to its findings. The same Senate Journal contained the letter of resignation of Dr H Dewey Anderson and reference has also been made to that.

Attention is called to the significant Report and Recommendations of the Legislative Committee of SRA Los Angeles Chapter No. 65, of the California State Employees Association which was printed in the Senate Journal February 6, 1940, pages 136, 137, 138 and 139.

To keep this part of the report within reasonable length, the committee decided not to encumber it with references to the official record, nor to repeat detailed matter set forth in Part III.

We have endeavored to present general findings in respect to the more important phases of employment, together with conclusions which we believe will be helpful to the Legislature.

Minority Report.

On motion of Mr. Lore, the following minority report was received and ordered printed in the Journal:

PART I.

Minority Report of Joint Legislative Fact-Finding Committee on Unemployment.

I concur completely in the statement of the majority members of this committee that emphasis should in the future be placed on the broad subject of unemployment rather than on the single confusing, controversial and annoying aspect of relief.

I am in substantial agreement with the recommendation for consolidation and integration of the present State Department of Social Welfare, Employment and the State Relief Administration. This, however, is a far reaching step and many problems are involved which can not be given adequate consideration at a short special session of the Legislature. The proposed reorganization should be considered as an ultimate goal toward which to work and is worthy of serious consideration by the Governor, members of the Legislature, taxpayers, and all citizens interested in working out a solution of the unemployment problem.

The single suggestion in this connection with which I disagree is the recommendation that the appointment of the proposed Director of Employment must be approved by two-thirds of the Senate, after his appointment by the Governor. Even

the violent opposition of committee members to the present Chief Executive does not in my opinion warrant this unprecedented proposal. The State Senate has no monopoly on good judgment. Committee members who so strongly disapprove of what they call dictatorship in the executive branch place themselves in an inconsistent position when they advocate dictatorship by a single house of the Legislature.

I concur in the recommendations of the committee for the extension of a public works program. In this connection, however, I regret that the committee did not see fit to recommend employment for a part of our relief recipients on production projects.

I shall be glad to cooperate in what the committee has seen fit to call "Mobilization for Employment." I will be inclined to back this proposal with fingers crossed, however, as I fear that the "mobilization" will consist chiefly of conversation and oratory.

Research can unquestionably develop new products, new markets and, eventually, new jobs. Until more jobs are, however, actually developed we should not try to fool ourselves into believing we can make progress by reshuffling old jobs. As long as there are twelve or fourteen workers for every ten jobs, we can make no progress by finding work for those presently unemployed if their employment is to have the ultimate effect of throwing others on relief rolls. Many fundamental economic adjustments may yet be necessary before we can provide employment at reasonably adequate wages for all who are seeking jobs. Mobilization for employment, however, can be effective if the program calls first for serious study of the forces that cause unemployment, and second for dissemination of accurate and unbiased information on the problem.

Although concurring in the committee recommendations for an integrated employment, welfare and relief agency, I am at this time unalterably opposed to the recommendation that unemployment relief be decentralized and administered by the counties. I believe that every authority on the subject will agree that state-wide uniformity in the administration of unemployment relief is vitally necessary. A man who is eligible for relief in Sacramento County should be eligible in Imperial County, Los Angeles County, Tulare County and Siskiyou County. Standards of relief should also be uniform. This does not necessarily mean that exactly the same monetary aid should be paid in each of the several counties. It does mean, however that the money granted will provide comparable standards of living in every section of the State.

Minimum standards of competency should also be established for all employees engaged in the administration of relief.

Under centralized State control the maintenance of uniform standards is comparatively simple. Such uniformity can not be expected under county administration without the most rigid State supervision.

The committee report can be minutely scrutinized from end to end without finding any proposal for adequate control of the county welfare departments that would provide uniform rules of eligibility, uniform relief standards, or minimum personnel standards. Comment in the report on this problem of uniformity appears to be inconsistent and contradictory. Typical of the committee's tendency to assail the State Relief Administration if it does or if it does not are observations on this matter. The report states: "* * * the committee has heard complaints that the present regulations, as imposed upon case workers, are too severe. In the past a case worker was given a reasonable power of decision in individual cases, thus, cases in different areas of the State could be handled according to conditions in those areas, and some distinction could be made between families accustomed to lower or higher standards of living.

"Today rigorous and inelastic regulations appear to apply at this point while, on the other hand, regulations which might justly be expected to be observed are administered with great elasticity by directors, district supervisors and case workers." This statement, according to the committee's report, "confirms the feeling * * * that local supervision will bring advantages." Most students of the relief problem will demand more substantial confirmation of the committee's conclusions than this contradictory statement.

It is true that absolute uniformity of administration does not today exist in SRA. There are minor variations just as there are probably minor variations in the enforcement of the liquor law, which is handled by another State agency.

In a centralized organization, however, operating under a single administrator and State staff, with field representatives constantly in touch with the counties to interpret policies and see that those policies are observed, the tendency is toward uniformity. With relief administered by fifty-eight different sets of supervisors, however, and with only the superficial and half-hearted State control proposed by the committee the natural trend will be toward a lack of uniformity.

It would be interesting to know to what extent the committee would give either the case worker or a board of county supervisors the power to make decisions in individual cases. It might also be pertinent to ask what the committee has in mind when it suggests that conditions in different areas of the State be handled according to conditions in those areas. This sounds too much like an open invitation to each

board of supervisors to establish standards based on the views, idiosyncrasies and prejudices of its individual members.

Lack of uniformity would almost inevitably cause considerable shifting of population from districts with low relief standards to counties where such standards are higher. Since urban districts will usually be more generous than the rural areas, we would probably accelerate the undesirable movement of farm labor into cities now crowded with industrial unemployed.

I completely agree with the majority opinion that the purely artificial distinction between employables and unemployables should be eliminated. Before this step can be taken, however, some definite agreement should be reached as to a formula of financial responsibility between county and State. This is a matter which should receive grave consideration from all interests involved, and it would be unwise to take snap judgment during the short term of a special legislative session.

An interesting insight into the views of the committee is revealed in the section of its report dealing with Civil Service. I believe that whatever agency administers relief should be either under civil service or under some comparable merit system. The committee, however, appears to be very careful not to endorse the principles of civil service for county employees. Its report states that under the proposed reorganized program, civil service would apply in the State Department of Employment. The report, however, is entirely silent on civil service of county employees who would administer the program. The report, in fact, goes out of its way to specify that the committee does not endorse the merit system which the Federal Government is now trying to impose on county welfare departments.

The report subscribes to the principle of local government under "proper" State regulation. The committee's recommendation of caution on the part of the Legislature, "against being led astray by an argument that state subventions necessarily carry with them state control or that uniformity can only be secured through 'strict supervision'," would appear to imply that "proper" supervision means innocuous supervision.

I have no objection to the committee's recommendation to perpetuate itself. I believe that it has served, and can continue to serve, some useful purposes. I take exception, however, to some of the reasons given in the majority report for its continuance.

I challenge the statement that unless it continues to function, employees of the SRA who testified before it as witnesses face danger of discharge or demotion In so far as my own knowledge goes nothing has been heard of reprisals against any employee who appeared before the committee. I would call attention to the fact that the present relief administrator immediately reinstated, during the last special session, employees who had been discharged by a county director for appearing before the Yorty committee.

The committee, in my opinion, is to be highly commended for refusing to recommend such harsh proposals as posting or publishing names of recipients of relief, fingerprinting of applicants, and impounding automobile license plates Although disagreeing with the majority that restrictions relative to aliens in Senate Bill No. 81 be written into subsequent bills, I do concur in the recommendation for further study in this connection. According to the report there were 15,508 aliens on relief in January. This number, it is said, was reduced to 13,447 in April as a result of the provisions of Senate Bill No. 81. Certainly no study of this subject will be complete until it is ascertained what became of the 2,061 individuals who were removed from the relief rolls for the lone reason that they were not born within the territorial limits of the United States. In my opinion it is highly important to determine how these people are existing today. Are they being cared for by private welfare agencies? Have they been driven to panhandling or crime? Are they being cared for by kind neighbors? Are they hungry? Certainly the committee's report can not be considered as complete until it answers these questions.

I must also disagree with the recommendation that five years California residence be required to make an applicant eligible for relief. To attempt to justify this regulation on the ground that it would conform to the residence requirements for aged aid is ridiculous. Those not having the residence requirements for aged aid are cared for by SRA or county on indigent rolls. According to most state laws, a citizen loses residence after an absence of one year from his home State. A five-year residence law would have the effect of making many needy people ineligible for assistance from any quarter whatsoever. The Legislature can only proceed on one of two theories. It can establish the policy of giving aid to those in distress, or it can say that it is interested only in saving money.

If we are to distribute aid on the basis of need, we should grant assistance to applicants whether they have been in the State one year or fifty years. If the only objective is the saving of money, aid might be limited to white, protestant, Nordic, Native Sons, or if relief for those within this classification is still considered too costly it could be limited to albino Negroes. This, of course, would

completely eliminate relief rolls and should appeal to those whose only thought on the subject is, "economy."

I can not concur in the committee's recommendation that applications for relief be cleared through private credit agencies. I am fundamentally opposed to the delegation of the administrative functions of any department of government to any private agency.

Respectfully submitted.

ELMER E. LORE

PART TWO.

Minority Report of Joint Legislative Fact-Finding Committee on Unemployment.

Part Two of the majority committee report is almost pure and unadulterated propaganda. It appears to have been designed to prejudice the public against the present State administration rather than to provide a factual guide for those seriously interested in the problem of unemployment and relief

There are few sections of this part of the report in which I can concur. For several years, I have been a severe critic of the relief administration. I have condemned practices and policies existing under both the Merriam and the Olson regimes. I would be the last to maintain that the organization is today being operated with uniform efficiency. I would be glad to join with the majority of my colleagues on the committee in signing a report of constructive criticism. Their document, however, does not fall within that category.

Since the majority of the committee is determined to go to almost any length to transfer administration of relief to the counties. they start with the premise that "There is little, if any, indication that a proper solution will come from the present State administration." The report. following the pattern of a typical propaganda document, then recites what it calls conditions of incompetence, internal disruption and discord. and would lead readers to believe that the few competent administrators in SRA are completely thwarted by political dictation.

Since the majority report appears to be based on nothing more substantial than the opinions of those who wish to hamper and harrass the present administration, I have no hesitancy in expressing my own opinions on the subject. I believe I am safe in stating that I am personally acquainted with more officials and employees in the State Relief Administration than any other member of the Legislature. It is my conviction based on broad knowledge of their operations that practically all of the personnel of the State Relief Administration are making an honest and conscientious effort to operate an efficient program. I believe that incompetence is the exception and not the rule.

I know from two months' experience in touring the State as a member of this committee that efforts of its members have been devoted primarily to unearthing scandal, isolated instances of incompetence and what the committee report terms evidence of "subversive influences."

No effort has been made to interview and commend any of the thousands of employees in high and low positions who are working long hours to efficiently serve the State of California. Since it was apparently the function of this committee to find sufficient fault with the present State Relief Administration to enable it to turn relief over to the counties, it is not surprising that Part Two of the report deals with glaring exceptions to the general rule of competent administration.

Much is made of the "subversive influences" alleged to be at work within SRA and the report directly charges that "Despite repeated statements to the contrary from the Administration, the SRA is being used for the development of the Communist program"

This charge made by an ordinary citizen, without the cloak of legislative immunity, against another citizen would represent criminal libel. No such fantastic charge can be substantiated by the most biased testimony contained in committee transcripts.

The report has much to say about the State, County, and Municipal Workers of America and the Workers Alliance. It is charged that these two organizations, one working from without and one from within have subjected SRA to radical pressure and the statement is made that "such pressure has no place in a democracy." It should first be cited that these two organizations are nothing new in SRA. Both of them have been exerting their pressures on this organization for several years prior to the advent of the present administration.

Many other groups active in bringing pressure on SRA have also been in existence and still operate. No investigation of "pressure" on SRA would be complete that did not also consider those organizations. The SRA has been, is, and will be under continuous pressure from taxpayers' organizations, from farm groups, from county supervisors, from private welfare agencies, from employers, and even at times from the Legislature. Would the committee deny that pressure from these latter groups has no place in a democracy? To me, it would seem inconsistent to deny organized recipients of relief the right to bring pressure on the relief administration but to permit the same pressure from taxpayers' organizations. Democracy would appear to me to be in serious danger if the Legislature were to decide that one

category of citizens can bring pressure on any agency of government and that this right is denied to another category.

In so far as my knowledge of the committee transcript goes, there is no evidence that Workers Alliance pressure has been effective in loading relief rolls with any substantial number of ineligibles. The cases in which Workers Alliance has been able to have persons of doubtful eligibility accepted for relief are extremely rare. Here again the committee tries to prove a general rule by citing isolated exceptions.

I would not deny the right of the State, County, and Municipal Workers of America to organize employees of the State Relief Administration. There is ample precedent for a union of public employees. For many years, the Railway Mail Clerks have had an organized union in the United States Postal Service It is without doubt true that in certain instances, SCMWA has overstepped the limits of propriety in their zeal to obtain advantages for their members. If the committee would confine its condemnation to these specific instances, I would be glad to join with them in criticism of SCMWA. I am convinced that a preponderant percentage of the members of this organization, however, are efficient and sincere workers, interested primarily in operating a good program.

The State administration is charged with lack of sincerity in its response to the public demand that "Communistic influences" be eliminated from SRA. Since the committee has not seen fit to define the term "Communistic" as it is used in this report, it would be an idle gesture to attempt an answer to this charge. What is a Communist? How can one distinguish with certainty between a Democrat, a Prohibitionist, a Communist, and a Republican. I do not know I do not believe that the committee knows. I believe the test for every employee should be his loyalty to the organization which employs him and competent performance of his duties. No employee who is giving the time and attention necessary to do a good job has any time for the advocacy of revolution.

The transcript of the committee can be searched from end to end without finding any evidence of revolutionary, Communistic control within the State Relief Administration that would be accepted as legal evidence in any court in the land.

The majority report criticizes SRA for not providing a full quota of WPA workers and states that an average of 2000 jobs per month were available for the unemployed in southern California "but of which SRA has never availed itself" No effort in so far as I know was made by the committee to determine whether these jobs were not filled because of failure of local governmental units to provide sufficient funds for sponsorship; whether SRA was unable to provide from its rolls men of the proper classifications and skills or whether it was simply lax in referring eligible clients. Without definite knowledge of the facts in this particular case, I consider the last contingency unlikely.

I agree with the committee that no relief recipient should be permitted to refuse "suitable" employment I might not, however, agree with them on their definition of the word "suitable." Certainly I cannot concur in their recommendation that *any relief recipient refusing suitable employment be permanently barred from* relief rolls. A relief recipient might have many good reasons for refusing employment deemed suitable by an inexperienced or incompetent social worker.

The committee's objection to employment of relief recipients on production *projects is based, in my opinion, on the false premise that the unemployed are sup*porting trade and industry As soon as the Legislature realizes that trade and industry supports the unemployed and not the reverse, I believe opposition to placing relief recipients in a position to support themselves will disappear.

Under the heading "Long Range Outlook Urged" the committee indulges in a hodgepodge of inanities. I offer this section of the majority report with items labeled A to N, inclusive, as evidence of the committee's muddled thinking on the subject of unemployment and relief.

The Social Service Department of SRA is severely criticized for terming a relief recipient a "client" To correct this situation, the committee would turn the administration of relief over to county welfare departments who invented the term some years before the organization of the State Relief Administration and who still so designate the people on their rolls

Social Service is also condemned for taking into consideration the size of families in establishing budgets. It is claimed that to a considerable extent the large families are of low standard backgrounds. It is inferentially stated that native-born Americans are getting less than required for maintenance and the committee boasts that the Legislature has partially solved this problem by putting a $58 ceiling on family budgets regardless of size; and they should have added, regardless of the nativity or economic background of the families involved

In another section of the report, SRA is flayed for the 40 per cent budget cuts inaugurated immediately after the passage of Senate Bill 81 On the basis of present knowledge, this reduction may appear to have been unjustified. This, however, is a case in which hind-sight is much better than foresight.

During the first 47 days of 1940—January 1 to February 16, inclusive—relief funds were expended at the rate of $210,000 a day. Under the provisions of Senate

Bill 81 expenditures for the following 44 days from February 17 to March 31 were limited to $125,000 per day. This was a 40 per cent reduction in appropriations. The Relief Administration could not possibly foresee the rapid reduction of case load which took place.

Case load does not normally start to decline until the second or third week in March. The drop is then usually rather gradual. This year, the case load started to decline during the latter part of February and the decline was much sharper than usual. To reinforce its contention that the cut was unnecessary, reference is made to a report by Price, Waterhouse & Co., showing funds available in excess of the claims of SRA on February 16. Not being an accountant, I do not want to become involved in any controversy between the auditors of Price, Waterhouse and SRA. It should be stated, however, that half a million dollars in assets claimed by Price, Waterhouse were in inventories of materials and supplies which included $10,000 worth of labels. Certainly the position of the committee and its financial experts is not strengthened by the inference that these labels might have been issued to relief clients as a part of their subsistence.

Contentions that the centralized accounting methods of SRA are cumbersome, slow, and unworkable may to some extent be justified. SRA however, uses the same accounting methods required by the Finance Department of all divisions of State government. These regulations were inaugurated by and placed in force and effect years before the present administration arrived on the scene. I would join with the committee in advocating constructive improvements, but not in unqualified condemnation.

The report charges that "thousands of migrants who are now a charge on California taxpayers came here at the implied invitation of the present Governor." Since nothing purporting to carry the text of this "invitation" is included in the report, I challenge the committee to include it in the appendix. Here, as in other points in the report, the committee is inconsistent. Members in public and in committee hearings have alleged that wages for farm labor are higher in California than in any State in the Union. They have spoken with approbation on newspaper comment to this effect. To me, it appears doubtful that the committee can submit any statement of the Governor which might serve as a more effective invitation to California than the claims of high agricultural wages by committee members and by California agricultural organizations.

I could continue at great length with a list of objections and exceptions to the majority report. I could point out what I consider many other inconsistencies. I could enlarge upon the arguments contained herein. In the interests of brevity, however, I am content to state that I am in almost complete disagreement with the entire report.

It is, in my opinion, unworthy to be offered as the recommendation of a legislative fact-finding committee. The few pertinent facts contained are submerged in a sea of propaganda. It is assumed without supporting documentation that since county welfare departments are all good and SRA is all bad, that the entire problem of unemployment relief will be permanently solved by turning administration over to the counties. Neither general public nor open-minded legislators will, I believe, be seriously influenced by the specious reasoning of this report.

Respectfully submitted.

ELMER E. LORE.

Leave of Absence.

Mr. Kepple was granted leave of absence for the balance of this legislative day, on motion of Mr. Kuchel.

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Concurrent Resolution No. 20: By Messrs. Scudder and Thurman—Relative to the intention of the Legislature in using the term "Mackinaw cutthroat trout" in section 619.5 of the Fish and Game Code, as added by Chapter 778, Statutes of 1939.

Request for Unanimous Consent.

Mr. Scudder asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 20, at this time, without reference to print, committee or calendar and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 20.

Assembly Concurrent Resolution No. 20 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley,

Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—69.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Concurrent Resolution No. 21: By Messrs. Desmond, Fulcher, Turner, Waters, Voigt and Kepple—Relative to the definition of the agricultural labor exemption in the Unemployment Insurance Act.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 21, at this time, without reference to print, committee or calendar and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 21.

Assembly Concurrent Resolution No. 21 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—Atkinson, Dills, and Richie—3.

Title read and approved. Bill ordered to print.

Notice of Motion to Reconsider Assembly Concurrent Resolution No. 21.

Mr. Maloney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 21 was this day adopted.

Assembly Concurrent Resolution No. 22: By Messrs. Phillips, Gannon, Tenney, Sheridan, Carlson, Johnson, Allen, Weber, Bashore and Yorty—Relative to the dismissal of certain State employees.

Request for Unanimous Consent.

Mr. Phillips asked for unanimous consent to consider Assembly Concurrent Resolution No. 22, at this time, without reference to print, committee or calendar and that the same be considered engrossed.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Phillips moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 22 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Michael J., Burson, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, King, Knight, Leonard, Maloney, Massion, Miller, Eleanor; O'Day, Phillips, Reaves, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—50.

NOES—Atkinson, Bennett, Cassidy, Collins, Dills, Gilbert, Hawkins, Heisinger, Kilpatrick, Lore, O'Donnell, Pelletier, Richie, and Rosenthal—14.

Consideration of Assembly Concurrent Resolution No. 22.

The question being on the adoption of Assembly Concurrent Resolution No. 22.

Demand for Previous Question.

Messrs. Lyon, Andreas, Hawkins, Thorp and Stream demanded the previous question.

Demand for previous question refused by the following vote:

AYES—Andreas, Burns, Michael J., Burson, Clarke, Corwin, Crowley, Del Mutolo, Gilbert, Hawkins, Kilpatrick, Lore, Lyon, O'Donnell, Pelletier, Reaves, Salsman, Scudder, Sheridan, Stream, Thorp, Turner, and Mr. Speaker—22.

NOES—Allen, Atkinson, Bashore, Bennett, Call, Cassidy, Collins, Cronin, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, George P., O'Day, Richie, Robertson, Rosenthal, Tenney, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—41

Assembly Concurrent Resolution No. 22 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Phillips, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—63.

NOES—Atkinson, Cassidy, Del Mutolo, Dills, Gilbert, Lore, Pelletier, Reaves, Richie, and Rosenthal—10.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Explanations of Vote on Assembly Concurrent Resolution No. 22.

I voted against the creation of this "little Dies" committee but was outvoted and the committee was legally created. If, as charged, these persons summoned before the committee have violated the law the resolution is in order. But if Chairman Yorty is merely running an attack on the Governor then he is despicable and contemptible.

VERNON KILPATRICK.

I am voting for this resolution as I believe Communism should be driven out of State employment, but I have serious misgivings about the Legislature taking into its hands a matter of judicial decision when the courts are always available to punish crime.

S. L. HEISINGER.

I voted no on Assembly Concurrent Resolution No. 22 because I believe that the question of deciding whether or not these witnesses had any lawful excuse in refusing to testify before the Assembly committee is for the courts of this State to decide and not for the Legislature. If the courts find that these witnesses were guilty of contempt in refusing to testify, then they should be punished to the fullest extent of the law.

M. G. DEL MUTOLO.

We voted no on Assembly Concurrent Resolution No. 22 because the committee's report was not available and we did not know its contents.

JOHN B. PELLETIER.
FRED REAVES.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 121: By Messrs. Robertson, Lore, Lyon, Kepple, Andreas, Fulcher, Waters, Massion, Johnson, Williamson, Field, Call, Burns, Hugh M., Phillips, Thorp, Corwin, Gallagher, Bashore, Houser, Weber, Stream, Cronin, Leonard, Heisinger, Miller, Eleanor; Wollenberg, Meehan, Walker, Evans, Burson, Donnelly, Doyle, Carlson, Rosenthal, Reaves, Kuchel, O'Donnell, Dilworth, Sheridan, Sawallisch, Turner, Maloney, Bennett, Burns, Michael J., Watson, Yorty, Weybret, Desmond, Scudder, Miller, George P., Pelletier, Hawkins, Richie, Kilpatrick, Garland, Thurman, Gilbert, Daley and Dills—An act to amend the title and section 34 of an act entitled "An act imposing a tax for the privilege of selling, renting, leasing, producing, fabricating, processing, printing or imprinting tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to sellers of tangible personal property, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof,

prescribing penalties for violation of the provisions hereof, and providing this act shall take effect immediately," to add sections 5.2, 5.3, 5.4, and 31.1 to said act, all relating to the taxation of the privilege of selling, renting, leasing, producing, fabricating, processing, printing, or imprinting tangible personal property.

Assembly Bill No. 122: By Messrs. Green, Fulcher, Walker, Lyon, Call, Phillips, Wollenberg, Weybret, Del Mutolo, Johnson, Crowley, Miller, George P., Meehan and Robertson—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately

Assembly Bill No. 123: By Messrs. Maloney, Williamson, Cronin, Gallagher, Gilmore, O'Day, Collins, Wollenberg and Green—An act to amend section 6.4 of, and to add section 54.1 to, the Alcoholic Beverage Control Act, relating to alcoholic beverages, to take effect immediately

Assembly Bill No. 124: By Mr. Williamson—An act to amend sections 29, 29.5 and 31 of, and to add sections 2.5 and 36.5 to, the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

The Speaker Pro Tempore in the Chair.

At four o'clock and thirty minutes p.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Resolution.

By Mr. Andreas.

House Resolution No. 85.

Relative to improving the "City Creek" road in San Bernardino County.

WHEREAS, The Rim of the World and Big Bear Valley districts constitute the major mountain playgrounds for the year around for the entire Southern California area; and

WHEREAS, The principal highway into said districts, the highway commonly known as the "High Gear" Road, is hopelessly inadequate to care for the traffic entering and leaving said districts, and another main artery of travel is, therefore, urgently required; and

WHEREAS, The so-called "City Creek" Route is the most direct and the most scenic route, which forms a feasible alternative to the "High Gear" route; and

WHEREAS, As the citizens of the City of San Bernardino who make large use of these mountain districts for both business and recreational purposes are justly entitled to consideration, and as the City of San Bernardino constitutes the natural gateway to such districts for the very considerable area of the State of California lying south and east of San Bernardino, it is just, right and proper that the other artery of travel now so urgently needed not only be now constructed but that it follow the route using the City of San Bernardino as a gateway; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly respectfully petitions the Director of the Department of Public Works and the California Highway Commission of the State of California to allocate funds and to proceed with the construction and improvement of such alternate artery of traffic into the Rim of the World and Big Bear Valley districts and to do whatever is necessary to bring the "City Creek" Route up to the proper standard for a secondary State highway in a mountain area where there is snow; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the members of the California Highway Commission and to the Director of the Department of Public Works.

Request for Unanimous Consent.

Mr. Andreas asked for unanimous consent to consider House Resolution No. 85, at this time, without reference to committee.

Mr. Carlson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Andreas moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 85 at this time.

Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Salsman, Sawallisch,

Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Williamson, Wollenberg, and Yorty—63.
NOES—Bashore, and Carlson—2.

Consideration of House Resolution No. 85.
Motion to Refer House Resolution No. 85.

Mr. Stream moved that House Resolution No. 85 be referred to the Committee on Roads and Highways.

Motion lost by the following vote:

AYES—Allen, Burns, Hugh M., Carlson, Knight, Phillips, and Thorp—6.
NOES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Williamson, Wollenberg, and Yorty—59.

House Resolution No. 85 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Williamson, Wollenberg, and Yorty—62.
NOES—Clarke, and Phillips—2.

Notice of Motion to Reconsider House Resolution No. 85.

Mr. Carlson gave notice that on the next legislative day he would move to reconsider the vote whereby House Resolution No. 85 was this day adopted.

Motion to Expunge Record and Rescind Action on House Resolution No. 83.

On motion of Mr. Voigt the record was expunged and the action rescinded whereby House Resolution No. 83 was adopted on May 13, 1940, by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Williamson, Wollenberg, Yorty, and Mr. Speaker—72.
NOES—None.

Further Consideration of House Resolution No. 83.

House Resolution No. 83—Appointing officers and attaches of the Assembly.

Amendment to House Resolution No. 83.

Mr. Voigt moved to amend House Resolution No. 83 as follows:

Amendment No. 1.

Strike out the entire last paragraph beginning with "Resolved, further, That compensation * * *"

Amendment adopted.

The question being on the adoption of House Resolution No. 83, as amended.

House Resolution No. 83, as amended, read and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley,

Daley, Del Mutolo, Desmond, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—71.

NOES—None.

House Resolution No. 83 as Amended.

By the Committee on Attaches:

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

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

Commencing May 13, 1940:	*Per diem*
Rev. Raymond L. Bailey, Chaplain	$4 00
Jack Carl Greenburg, Chief Clerk	10 00
David V. Oliver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
C. W. Booth, Assistant Chief Clerk	9 00
Albert Day, Journal Clerk	7 00
Frank Reed, History Clerk	7 00
Lillian Larkin, Stenographer	5 00
John E. Fitzgerald, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
George Doering, Assistant Sergeant-at-Arms	5 00
Tom Lyons, Assistant Sergeant-at-Arms	5 00
William Davies, Assistant Sergeant-at-Arms	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
Lee J. Hoffman, Assistant Sergeant-at-Arms	5 00
William Murphy, Chief Page	3 00
Harold McKenzie, Page	2 50
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50

Resolved, further, That the compensation of the above named attaches be on a six-day per week basis, except the following: Chief Clerk, Assistant Chief Clerk, Minute Clerk and Sergeant-at-Arms, who shall receive compensation on a seven-day per week basis.

Resolutions.

By Messrs Voigt and Lyon:

House Resolution No. 86.

Resolved, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the fifty-third (first extraordinary) session, in employing necessary assistance for the organization of the Assembly for the fifty-third (first extraordinary) session, be and the same is hereby ratified and approved, and the State Controller is hereby authorized and directed to draw his warrants in favor of the following named persons for the items and the amounts set opposite their respective names, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

Cristel Hastings	15 days at $5 per day
Nina Ronstadt	12 days at $6 per day
Juanita L. Dependener	3 days at $6 per day

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 86, at this time, without reference to committee.

House Resolution No 86 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Donnelly, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder,

Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

By the Committee on Rules:

House Resolution No. 87.

Resolved by the Assembly of the State of California, That Assembly Standing Rule No. 27 of this first extraordinary session, convened on January 29, 1940, is hereby amended to read as follows:

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

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

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

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

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

House Resolution No. 87 ordered printed in the Journal.

By Messrs. Meehan and Kuchel:

House Resolution No. 88.

Relative to the advent of a son to the family of C. Don Field.

WHEREAS, On May 24, 1940, our personable colleague, C. Don Field and his attractive wife, Gladys, will come to the sixth milestone of their life together; and

WHEREAS, The success and pleasant tenor of this marriage is such as to call forth congratulations from all who observe it; and

WHEREAS, Mr. and Mrs. C. Don Field recently have become the proud parents of a baby boy; and

WHEREAS, The enlargement of a family by the addition of a new member is always an occasion for rejoicing; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly does hereby congratulate Mr and Mrs. Field upon the arrival of their son, and commend C. Don Field II upon his good fortune in possessing such lovable parents, and does hereby express its hope and belief that the years to come will not only consummate the tender and beautiful relationship between parents and child, but also deepen and strengthen the bond of love between husband and wife; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to present copies of this resolution, suitably engrossed, to Mr. and Mrs. C. Don Field.

Request for Unanimous Consent.

Mr. Kuchel asked for, and was granted, unanimous consent to consider House Resolution No. 88, at this time, without reference to committee.

House Resolution No. 88 read, and adopted unanimously.

Senate Message.

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate refused to sustain the Governor's veto on:

Senate Bill No. 76—An act making an appropriation for the contingent expenses of the Senate for the Fifty-third (Extraordinary) Session of the Legislature including expenses of committees created at that session and for any and all claims approved by the Senate, and declaring that this act shall take effect immediately.

Herewith is a copy of the Governor's message relative to said bill:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, March 1, 1940.

To the Honorable Members of the Senate, State of California, Sacramento, California.

GREETINGS. I am returning herewith, without my signature, Senate Bill No. 76, entitled: "An act making an appropriation for the contingent expenses of the Senate for the fifty-third (extraordinary) session of the Legislature, including expenses of committees created at that session and for any and all claims approved by the Senate, and declaring that this act shall take effect immediately."

My objections to this bill are as follows:

This bill appropriates $30,000 for the contingent expenses of the Senate for the extraordinary session of the Legislature. The Department of Finance has furnished me with a statement, a copy of which is appended hereto, which shows that the balance on hand from previous appropriations for contingent expenses amounts to $26,915.83. It further shows that before recess the Senate authorized the expenditure of sums totaling some $22,102.77, and further shows that in the event that the entire amounts authorized to be expended are expended, there will be left on hand a balance of $4,813.06, available for expenditures during the balance of the extraordinary session. Inasmuch as the general expenses of the Senate payable from the contingent fund, including the sum of $700 for postage, amounted to only some $1,800, the balance of $4,813.06 would seem to be ample. The amount appropriated by this bill may only be used for the expenses of the extraordinary session, and it would be unwise to appropriate any moneys in excess of the probable needs of the Senate.

Believing the Senate would not wish to appropriate for its contingent expenses more than is necessary, and realizing a future appropriation may be made should an emergency arise, I am taking the action above indicated.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California.

Condition of Contingent Expenses of Senate
Close of Business February 24, 1940.

			Available Balance
Chapter 157, 1937			$44 20
Chapter 18, 1939			6,871 63
Chapter 115, 1939			20,000 00
Total			$26,915 83
Expenditures Authorized by Senate Before Recess:			
Purpose	*Resolution Number*	*Journal Page*	*Amount*
Postage	14	74	$300 00 Paid
Postage	21	180	200 00 Paid
Building and Loan Investigation	22	207	1,000 00 Pt. Paid
Postage	24	244	200 00 Paid
Horse Racing Investigation	29	332	1,500 00
Building and Loan Investigation	31	368	1,000 00
General Expense	34	372	1,102 77
General Expense during Recess	35	373	2,000 00
Packing and Shipping Books	37	376	50 00
Fact Finding Committee, SCR	10	---	15,000 00
Joint Motor Vehicle Committee, AB	72	---	750 00
			$23,102 77
Total paid as indicated (approx.)			1,000 00
Balance Unpaid (approx.)			$22,102 77
Available balance after deduction of expenditures authorized (approx.)			$4,813 06

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

Senate Bill No. 76 ordered on unfinished business calendar.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time

Assembly Bill No. 122: By Messrs. Green, Fulcher, Walker, Lyon, Call, Phillips, Wollenberg, Weybret, Del Mutolo, Johnson, Crowley, Miller, George P., Meehan and Robertson—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately.

Request for Unanimous Consent.

Mr. Green asked for, and was granted, unanimous consent to have Assembly Bill No. 122 ordered placed upon the calendar without reference to committee

Assembly Bill No. 122 ordered to print, and on calendar.

Assembly Bill No. 123: By Messrs. Maloney, Williamson, Cronin, Gallagher, Gilmore, O'Day, Collins, Wollenberg and Green—An act to amend section 6.4 of, and to add section 54 1 to, the Alcoholic Beverage Control Act, relating to alcoholic beverages, to take effect immediately.

Request for Unanimous Consent.

Mr. Maloney asked for, and was granted, unanimous consent to have Assembly Bill No. 123 placed upon the calendar without reference to committee.

Assembly Bill No. 123 ordered to print, and on calendar.

Assembly Bill No. 124: By Mr. Williamson—An act to amend sections 29, 29.5 and 31 of, and to add sections 2 5 and 36.5 to, the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

Request for Unanimous Consent.

Mr. Williamson asked for, and was granted, unanimous consent to have Assembly Bill No. 124 placed upon the calendar without reference to committee.

Assembly Bill No. 124 ordered to print, and on calendar.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Leonard, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Howard E. Coulter and Mrs. Howard E. Coulter of San Jose and Herman J. S. Leonard of Hollister

Adjournment.

At five o'clock and twenty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock p m., May 15, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE

FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, May 15, 1940.

At two o'clock p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Heisinger, the further reading of the Journal of Tuesday, May 14, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. O'Day, on motion of Mr. Gallagher.

Mr. Phillips, on motion of Mr. Carlson.

Mr. Waters, on motion of Mr. Kellems.

Mr. Poulson, on motion of Mr. Kellems.

Senate Message.

SENATE CHAMBER, SACRAMENTO, May 15, 1940.

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

Senate Concurrent Resolution No. 12—Approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of April, 1940.

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

Senate Concurrent Resolution No. 12 read.

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 12.

Senate Concurrent Resolution No. 12—Relative to approving five certain amendments to the charter of the city of Redwood City, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of April, 1940

Senate Concurrent Resolution No. 12 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Speaker announces following changes of committees in place of Mr. Peek:

Revenue and Taxation	C Don Field
Conservation	Nelson Dilworth
Irrigation	Burns, Hugh M
Public Morals	Williamson
Governmental Efficiency and Economy	Kepple
Ways and Means	Mrs Daley
Judiciary General	Phillips, Chairman
Federal Relations	Andreas, Chairman, in place of Phillips

Second Reading of Assembly Bills.

Assembly Bill No. 122—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately.

Bill read second time.

Assembly Bill No. 123—An act to amend section 6.4 of, and to add section 54.1 to, the Alcoholic Beverage Control Act, relating to alcoholic beverages, to take effect immediately

Bill read second time.

Assembly Bill No. 124—An act to amend sections 29, 29.5 and 31 of, and to add sections 2.5 and 36.5 to, the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

Bill read second time, and ordered to engrossment.

Request for Unanimous Consent.

Mr. Green asked for, and was granted unanimous consent to take up Assembly Bill No 122, at this time, without reference to calendar, and that the same be considered engrossed

Consideration of Assembly Bill No. 122.

Assembly Bill No. 122—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately.

Case of Urgency Resolution.

Resolved, That Assembly Bill No 122 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher,

Gallagher, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 122, at this time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Pelletier, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Third Reading of Assembly Bill No. 122.

Assembly Bill No. 122—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Reaves, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent.

Mr. Williamson asked for, and was granted, unanimous consent to take up Assembly Bill No. 123, at this time, without reference to calendar, and that the same be considered engrossed.

Consideration of Assembly Bill No. 123, as Amended.

Assembly Bill No. 123—An act to amend section 6.4 of, and to add section 54.1 to, the Alcoholic Beverage Control Act, relating to alcoholic beverages, to take effect immediately.

Case of Urgency Resolution.

Resolved, That Assembly Bill No. 123 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15 of the Constitution suspended for the purpose of further considering Assembly Bill No. 123, at this time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—None.

Third Reading of Assembly Bill No. 123.

Assembly Bill No. 123—An act to amend section 6.4 of, and to add section 54.1 to, the Alcoholic Beverage Control Act, relating to alcoholic beverages, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Re-reference of Assembly Bill No. 124.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 124 re-referred to Committee on Revenue and Taxation.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notices of motion to reconsider votes on the following bills were continued until the next legislative day:

House Resolution No. 85.
Assembly Concurrent Resolution No. 21.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Clarke, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Berniece C. Jensen, senior adviser, and the following students of the Gustine Union High School, Senior Class of 1940:

Helen Alberti, Floyd Amarante, Manuel Azevedo, Anthony Azevedo, Philbert Borba, Joe Borrelli, Joe Brazil, Celia Clark, Edwina Cordiero, Clarence Costa, Everett Costa, William Engel, Angie Frietas, Angelina Gomes, Jack House, Delores Jacques, Chester Jantz, Edith Juncker, Marion Judd, John Latta, Bernadine Lopes, Angelo Martino, Rose Martino, Anthony Nunes, Clara Pettit, Joe Ranuio, Tena Rodericks, Hilda Rose, Stanley Silva, Stella Smith, Mike Spinelli, Frances Sutton, Rosalie Taglio, Elmer Tosta, Josephine Tucci, Angelina Vesco, Alvin Vierra, Walter Zanini and Lavon Rogers.

Adjournment.

At two o'clock and fifty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p m., Thursday, May 16, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY
ONE HUNDRED NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, May 16, 1940.

At two o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair. Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Colwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76.

Quorum present.

Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

Reading of the Journal Dispensed With.

On motion of Mr. Richie, the further reading of the Journal of Wednesday, May 15, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Desmond, on motion of Mr. Gannon.

Mr. Lyon, on motion of Mr. Houser.

Senate Message.

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

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

Senate Concurrent Resolution No. 14—In honor of Clarence H. Smith, Deputy Controller.

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

Request for Unanimous Consent.

Mr. Houser asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, without reference to committee or calendar.

Senate Concurrent Resolution No. 14 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; O'Day, Pelletier, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

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

Assembly Bill No. 120.
Assembly Bill No. 123.

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

The above reported bills ordered to enrollment.

The Speaker Pro Tempore in the Chair.

At two o'clock and fifty-five minutes p.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Resolutions.

By Messrs. Field, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Redwine, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, Miss Eleanor Miller and Mrs. Daley:

House Resolution No. 89.

WHEREAS, On the sixteenth day of May, 1898, there was born in Lebanon, Missouri, a young American who was destined to a brilliant career in the affairs of the golden State of his adoption, California, and

WHEREAS, It is with genuine pride and pleasure that we, the members of this Assembly, have learned that this date, May 16, 1940, marks the forty-second milestone in the life of our beloved Speaker, The Honorable Gordon H. Garland; now, therefore, be it

Resolved by the members of this Assembly, convened in Extraordinary Session, That we take this occasion to pause in our deliberations to extend to The Honorable Gordon H. Garland, the best wishes of this Assembly, and to wish him many more years of honorable achievement, happiness, good health and prosperity, and be it further

Resolved, That the Chief Clerk is hereby instructed to have prepared a suitably engrossed copy of this resolution and to present same to The Honorable Gordon H. Garland with the unanimous and sincere good wishes of the members of the Assembly.

Request for Unanimous Consent.

Mr. Field asked for, and was granted, unanimous consent to take up House Resolution No. 89, at this time, without reference to committee.

House Resolution No. 89 read, and adopted unanimously.

By the Committee on Attaches:

House Resolution No. 90.

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

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

Commencing May 15, 1940—	*Per Day*
Robert Cross, Assistant Sergeant-at-Arms	$5 00
Robert Gilmour, Assistant Sergeant-at-Arms	5 00
Jack Shafer, Page	2 50
Richard Morgan, Page	2 50

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

VOIGT, Chairman.

House Resolution No. 90 read, and adopted by the following vote:

AYES—Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Heisinger, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—61.

NOES—None.

The Speaker in the Chair.

At three o'clock and twenty minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reconsideration of Assembly Concurrent Resolution No. 21.

In compliance with a notice given on a previous day, Mr. Maloney moved that the vote whereby Assembly Concurrent Resolution No. 21 was adopted be reconsidered.

Assembly Concurrent Resolution No. 21 reconsidered by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Collins, Corwin, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Tenney, Thorp, Thurman, Voigt, Walker, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—Bashore, Clarke, Dilworth, Knight, Stream, Waters, and Weber—7.

Assembly Concurrent Resolution No. 21 ordered on calendar.

Withdrawal and Re-reference of Assembly Concurrent Resolution No. 21.

On motion of Mr. Call, Assembly Concurrent Resolution No. 21 was withdrawn from the calendar and re-referred to the Committee on Revenue and Taxation.

Notice of Motion to Reconsider Continued.

By unanimous consent the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

House Resolution No. 85.

Motion to Print Reports in Journal.

On motion of Mrs. Daley, the following reports were ordered printed in the Journal:

Report.

At the request of Mrs. Daley the following statement was printed in the Assembly Journal preceding the introduction of Part IV of the report of the Joint Legislative Committee on Employment

Part III of the Joint Committee's report is not quite ready for delivery to the Assembly. The committee therefore submits Part IV, which contains the reports of the four Subcommittees on Policies and Personnel in the SRA. The State was divided into four geographic areas, Northern California, Southern California, the Central Valley, and the San Francisco Central Coast regions. Hearings were held in a great many counties. In some instances the supervisors, county welfare directors, and SRA directors of several counties were invited to meet together at the committee's meeting place. These reports follow:

PART IV.

Summary Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the San Joaquin Valley.

Subcommittee.

Senator Frank W. Mixter, Chairman; Senator James I. Wagy, Assemblyman Clyde A. Watson.

Counties.

San Joaquin, Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare and Kern.

Hearings.

Public hearings were held by the subcommittee as follows:

Stockton—Monday and Tuesday, March 18 and 19, 1940.

Modesto—Wednesday and Thursday, March 20 and 21, 1940. Tuolumne County included in Modesto hearings.

Merced—Friday and Saturday, March 22 and 23, 1940. Mariposa County included in Merced hearing.

Madera—Tuesday, April 2, 1940.

Fresno—Wednesday and Thursday, April 3 and 4, 1940.

Hanford—Friday, April 5, 1940.

Visalia—Monday and Tuesday, April 8 and 9, 1940.

Bakersfield—Wednesday and Thursday, April 10 and 11, 1940.

Persons and representatives of groups appearing before and examined by the subcommittee:

County SRA directors and members of personnel staff;
County welfare directors;
Managers of county offices State Division of Employment;
Employers of agricultural labor;
Peace officers;
Justices of the peace;
Representatives of district attorney's offices;
Members of boards of supervisors;
Members of Workers Alliance;
Citizens.

Scope of Examinations of Witnesses Appearing Before the Subcommittee.

County SRA directors were examined as to length of service, previous experience in this type of work, by whom appointed, etc.; and members of personnel staff as to length of service, where performed, qualifications, membership in the SCMWA or other organizations, etc.

County welfare directors testified as to length of service, duties, indigency, categorical aids, percentage cost of administration, etc

Managers of county offices of State Division of Employment were interrogated as to length of service, duties, contacts with the SRA, contacts with potential employers of labor, the laws and regulations under which operations are performed, etc.

Peace officers gave testimony relative to actions of relief recipients and "chiseling."

Justices of the peace supplied information relative to relief recipients haled into court on charges of drunkenness, gambling and other misuses of relief funds.

Representatives of district attorney's offices furnished official evi dence with respect to court actions following arrests of recipients accused of "chiseling."

Members of the Workers Alliance were heard principally for the purpose on their part of entering denials of attempts to use "pressure" or other undue influence.

Citizens testified regarding various matters related to the unemployment problem.

Findings.

The county SRA directors without exception are, in the opinion of the subcommittee, appointed and retained in office as a reward or in recognition of political activity in behalf of the present State administration, and with very few exceptions without qualifications for the positions, so far as training and experience are concerned. Among the exceptions may be noted the county administrators for Kings and Kern counties. In the latter county the present director, while relatively a new man, appears because of business experience to have a good grasp of the situation. The Kings County director (a woman) has been in the position for some length of time and seems to understand her duties. The directors for San Joaquin, Stanislaus, Tuolumne-Calaveras, Merced-Mariposa and Madera counties are all comparatively recent appointees, with little or no previous knowledge of the duties of the positions. The Fresno County director was recently transferred from Kern County where he had served for some time. The Tulare County director has been in his present position for considerable time, has been under fire, and his removal was sought last January by the Tulare County Democratic Central Committee and other citizens. Until a short time before subcommittee hearings in Madera County, both SRA and county welfare activities were handled by the same person, the county welfare director, without cost to the State for quarters or director's salary, only the staff receiving compensation from the SRA. When the SRA Director was appointed, SRA quarters were moved to another location at additional cost to the State of $150 monthly for rent, plus the salary of the director.

SRA Employees.

Staff members of the various county SRA offices were interrogated with respect to their several qualifications, membership and activities in the SCMWA. These persons had apparently been advised as to the way questions should be answered. The testimony indicated that employees in the social service divisions of the several county offices have qualifications for their positions based upon college or university degree and experience in social service work. Employees in the clerical divisions seem to be selected because of ability. Separation from service was, the subcommittee learned from testimony, determined upon the basis of seniority, eligibility and need The subcommittee was, however, unable to learn just how rigidly these points are observed in effecting separations.

The SCMWA is largely represented in the SRA offices of San Joaquin, Fresno, Tulare and Kern counties, while in Stanislaus, Tuolumne, Merced, Madera and Kings counties the evidence indicates little or no such membership. In each office where this union is active, an arrangement exists whereby representatives of the group meet with the director to discuss matters in which they are interested. These appear to be principally questions regarding overtime and working conditions.

The county welfare directors seem to be well qualified by experience and training for the positions they occupy. Much useful and valuable information with respect to indigency and the categorical aids has been secured

State Employment Service.

State employment office managers appeared at the several hearings and the testimony of one was virtually that of all; the unemployed person intending to apply for SRA relief first files an application for employment and then proceeds to the SRA office to make application for relief. Records of actual employment furnished by these offices are incomplete because while each person sent to a prospective job is given a card to be handed the new employer to be signed and returned, few of the cards ever reach the office. This is thought to be due partly to neglect of the employee to hand over the card and partly to neglect on the part of the employer.

The subcommittee urges that regulations under which the State employment offices operate be corrected. That is in regard to the filing of complaints to the effect that a labor dispute exists on a given farm, ranch or other premises where labor is employed. Much evidence was secured to show that many such complaints were lodged against places where no labor was being employed at the time, but which resulted in the designated place being declared a "hot spot" and to which the employment office was forbidden to send labor at a later time.

Other testimony revealed that persons other than labor representatives had filed these complaints with the same result. Most of these complaints filed during the harvest season of 1939 were not cleared until March, 1940, long after the harvest had been completed. In only one case did the subcommittee find evidence of any effort to check the situation. The general statements by the office managers were that they had no authority to verify the truth or falsity of these complaints.

We feel that the result of this regulation is to prevent the employment of many SRA recipients who otherwise could be put into gainful employment.

Workers Alliance.

In almost every county there is evidence of the activity of the Workers Alliance. In Fresno and Tulare counties representatives of this organization appeared before the subcommittee and asked to be heard. Their principal testimony secured was a general denial of attempts to use influence or exert pressure in connection with complaints presented to the county SRA director. It developed that a cer tain day is designated for considering complaints of the Workers Alliance. The directors all disclaimed knowledge of attempts to influence them unduly in their decisions upon questions involved. However, there can be no question as to the extent and activity of this organization. For example, the foreman of the Tulare County Grand Jury testified that in one of the branch offices in Tulare County where surplus commodities are distributed, he and other members of the Grand Jury observed members of the Workers Alliance furnish tickets to certain ones of those who were there to secure portions of the surplus commodities whereby these favored persons obtained positions at and near the head of the line, thereby being in a position to receive preferred attention both as to quantity and variety of the articles issued. Many others, being forced into positions toward the rear of the line, received little or no benefit from the distribution.

Testimony by two justices of the peace, one in Merced County, the other in Fresno County, had to do with the misuse of SRA relief funds for drinking and gambling. In the opinion of these witnesses, relief should not be issued to persons guilty of these offenses

To gain information in regard to action of courts following the filing of complaints on charges of petit theft (chiseling), the district attorneys of Kings, Tulare and Kern counties were requested to furnish the subcommittee with copies of records of action upon such cases. This was done and the information obtained will be filed with this report.

Return Relief to Counties.

Boards of supervisors were invited to attend the hearings of the subcommittee and with two exceptions, those for Fresno and Kern counties, members of these boards were present and exhibited considerable interest in the proceedings. In response to questions relative to transfer of the administration of relief to the counties, these gentlemen were quite frank in their statement of willingness to assume the new responsibility in case the Legislature should make adequate provision for financing by the State for the protection of the counties.

Farm Workers.

Agriculturalists were interviewed during the several hearings regarding workers employed in the production of various crops and in packing houses where fruits, grapes and other agricultural commodities are processed, packed and shipped to markets. In spite of labor difficulties fomented by radical groups, farmers of the San Joaquin Valley have been able, because of the abnormal supply of farm labor, to plant, care

for and harvest their crops during the past few years, with but little interruption of work.

Many of those appearing before the subcommittee testified that the housing facilities on their premises were sufficient, not only for the workers employed by them on a year round basis, but in most cases for seasonal labor as well, and that no charge was made against their employees for these quarters which in all cases included light and water, and in some cases fuel. Moreover, it was found that numerous workers and families performing seasonal labor continued to live in these places after the work was finished, and without cost to themselves. Many farmers producing cotton stated that a considerable percentage of seasonal workers returned to them year after year.

Many farmers testified that they could not depend upon the State Employment Service to furnish workers when needed, notwithstanding heavy SRA relief rolls in the counties. Others testified that complaints of labor disputes on their farms were filed by unauthorized persons, which estopped the local employment office from furnishing workers (and without investigation). Many farmers related experiences with picketing groups; in some cases the workers were intimidated and left their work through fear, part of them returning later. During the orange picking and shipping season during the Fall of 1939, labor agitators appeared in the Tulare County citrus district and as a result of their activities several packing houses and orange groves were picketed and considerable annoyance and delays resulted.

Farm and Packing House Strikes.

It was indicated that some of the employees of packing houses who struck were members of unions in other places and follow various crops around during the vegetable and fruit packing season. They were satisfied with wage and working conditions but feared reprisals if they continued work in a house where a strike had been ordered. The Tulare County situation, like many in other places, was brought about by agitators apparently interested only in proselyting workers. The subcommittee found the farmers were paying workers all they could when prices received for the commodities produced were considered, and testimony showing that farm workers in California are the highest paid of any State in the Union was furnished during the hearings.

A number of circulars, photographs and similar material illustrative of actions of picketing methods and advertising "strike" meetings were gathered by the subcommittee during the hearings. These are attached to and made a part of this summary report. Complete transcripts of the several hearings are available. These have been filed with the Chairman of the Joint Legislative Committee.

(Signed) FRANK W. MIXTER.
CLYDE WATSON.
J. I. WAGY.

Subcommittee for the San Joaquin Valley of the Joint Legislative Committee on Employment.

Summary Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the Southern California Counties.

Subcommittee.

Assemblyman Frederick F. Houser, chairman; Senator Charles Brown; Assemblyman Edward F. O'Day.

Subcommittee Hearings.

Your subcommittee for Southern California on the policy and personnel of the State Relief Administration, which during the past several weeks has been conducting an intensive study and investigation of relief and unemployment, completed its hearings on April 2, 1940. We held public hearings in five different counties located in Southern California. Witnesses testified for more than a week in Los Angeles, the hearings running from Friday, March 15th, to and inclusive of Friday, March 22nd. We then moved on to San Bernardino where public hearings were held on March 25th and to Riverside where hearings took place on March 26th. Witnesses from Orange County were also heard at Riverside. On March 27th the four subcommittee chairmen on policy and personnel of the State Relief Administration met with Senator Phillips for a day in San Francisco in order to compare notes as to progress and make suggestions relative to information which had been brought to the attention of their respective committees. The next day, March 28th, our subcommittee conducted hearings in San Diego, where witnesses from Imperial also appeared. These hearings ran for two days. On April 1st and 2nd we were in Santa Barbara and also heard from Ventura's representatives. April 19th, our subcommittee held a public hearing in Santa Ana, Orange County.

Senator Charles Brown of Shoshone, who represents Inyo and Mono counties, is presenting a supplementary report.

Politics in Relief Increases.

The most important facts disclosed by our subcommittee hearings and investigations can be summarized as follows:

1. Politics in relief has increased by leaps and bounds since Governor Olson took office. For example, in Riverside County about the only qualification for office of the county director was that during the Olson campaign he was in charge of the distribution of political literature. In San Diego the director was the Olson campaign manager during the 1938 election and since his appointment as director no Republicans, no matter how capable, have been appointed to the SRA staff. These examples are merely typical of what we found everywhere and politics exists all the way down from the director to the case aide.

Relief Cases at New High.

2. Case loads have mounted beyond all reason during the year immediately preceding passage of Senate Bill 81, and this in spite of a major pick-up in business conditions and private employment. The average increase had been close to one hundred per cent in one year until the Legislature at its special session enacted Senate Bill 81. From October of 1938 to October of 1939 the case load in one of the counties jumped from 1600 to 3600, an increase of 125 per cent,

and this is likewise typical of the other counties Testimony from numerous witnesses developed the fact beyond all reasonable dispute that the cause of this tremendous increase in case load can be traced almost entirely to a "liberalization of intake." In other words the case aides, case workers and supervisors in charge of intake, acting in accordance with the wishes of the State Administration, have made it a great deal easier to get on the relief rolls and to stay there, since the coming of the Olson regime. The slogan of some of the large department stores, that "the customer is always right" has been really taken to heart by the SRA.

Some of the increase, but only a small percentage, can be traced to a minority of social workers who are selfishly trying to build up the case load in order to insure the continuance of their own jobs, because if there are no "clients" there is no need for social workers.

However, most social workers are sincere but nevertheless the great majority, having lived with the problem all their lives, have a social service "complex" and the case load is bound to increase unless those in administrative positions put their feet down and do a little thinking about the small taxpayer who is trying to pay for his home and his car and support a family on a good deal less in many instances than the cash dole paid to his next door neighbor who is on relief. The SRA executives during the past year have been over-indulgent and have let the social workers run wild.

"Clients" a Favored Class.

3. Under Governor Olson, relief payments have been used to build up the standard of living of those on relief to what is theoretically called a "standard of decency" even though this standard may be considerably higher than the standard of living of the taxpayer who helps to pay the cash dole for his neighbor.

Typical is the cash dole of $138 per month paid an unskilled laborer who had never in private employment earned over $70 per month.

Just how long will this man's "will to work" survive under such conditions or the "will to work" of his neighbor who works 42 hours a week and receives only $80 per month?

The wages of many working people are far too low, but the way to correct this situation is to raise their wages—not by making relief "clients" a privileged class.

Tax Dollars Wasted.

4. Extravagance and waste of the taxpayer's money has been caused largely by inefficiency and over-indulgence rather than by actual graft.

Whenever men are appointed to office because of their politics instead of their capabilities and qualifications then waste runs rampant and this is exactly what has happened in the SRA.

In addition to hearing from witnesses in connection with the policy and personnel of the State Relief Administration, we also heard from a number of county supervisors on the problem of unemployment, which generally, of course, was indirectly connected with the personnel and policy of the State Relief Administration.

The testimony of the various supervisors in the counties which we visited discloses that two important points were disclosed:

Return of Relief to Counties Would Save Money.

First: Practically all of the supervisors thought that a considerable saving to the taxpayers would be effected if the administration of relief should be returned to the counties. Most of them, but not all of them, were in favor of placing definite limitations on the total relief costs to be borne by the counties. Their reason for such a limitation was that they did not wish to increase the present burden on real estate by being compelled to support the unemployed. They were practically all in favor of returning the administration of relief to the counties provided the State would subsidize the entire relief load, including the so-called categorical aids, to the extent that the total cost borne by the counties, after the transfer of the administration of relief to the counties, would be no higher than the total cost borne by the counties today in connection with the support of the so-called categorical aids plus the indigents.

Second: The cost of administering the categorical aids plus indigent aid in the various counties which we visited varies all the way from five per cent to seven and one-half per cent. Practically all of the county welfare directors who testified concerning administrative costs were of the opinion, however, that administrative costs in connection with relief would be considerably higher than the administrative cost for the categorical aids plus indigent aid.

Dated April 20, 1940.

FREDERICK F. HOUSER.
Chairman.

Supplementary Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the Southern California Counties.

Senator Charles Brown, in the following, gives observations, resulting from his own inquiries and those of the subcommittee for southern California, as a supplement to the report of the subcommittee chairman, Assemblyman Frederick F. Houser. The SRA office in Bishop (the only office in these two counties) is administered through the SRA office in Bakersfield. At the time of Senator Brown's investigation it cared for 69 cases, with a personnel of three people.

The ramifications of the State Relief Administration are so complicated that it is hard to get a thorough understanding of any one major activity of it.

Enemies of the Deserving.

The general policy of the administration has been to liberalize the interpretation of the intent of how relief should be extended with the result that thousands who should never have been on the relief rolls, have become recipients and relief-minded. These thousands are enemies of the needy and deserving who have had to come to the State for aid through no fault of their own. They use any method that may be required such as hiding incomes and denying many facts to investigators in order to stay on relief. If they are caught a demand is made for restitution to the State.

The Legislature, in part, is responsible for this condition by its failure to pass legislation to prevent these practices, which have been

so costly to the State, not only through the large increase of relief recipients but also through an increase in personnel that is almost beyond comprehension.

County directors and others holding executive positions in the State Relief Administration can defend the great increase in the relief recipients and personnel, in some instances as much as 125 per cent in one year. None will admit the real cause.

Causes of Increased Relief Costs.

The two major factors which have brought about the increase are: first, the organization of the Workers Alliance into pressure groups which teach individuals who have never thought of relief how to get on the rolls and stay on; second, the liberalization of the intake for relief recipients.

A part of the SRA personnel is organized into what is called the State, County and Municipal Workers of America, a CIO organization which seems to be interested only in holding jobs and making more jobs at the expense of the taxpayers. The union also acts as a pressure group and in some cases has actually dictated the policy of the relief administration in counties where the organization is especially active.

Another reason for the inefficiency of the State Relief Administration is the constant shifting of employees from one job to another. Seldom do SRA workers hold positions longer than four months, although they may have been employed for several years. County directorships seem to be the biggest political plums and little consideration has been given to their eligibility in selecting them.

Other causes that complicate the relief situation include migratory labor, lack of cooperation in the different State departments, political favoritisms in the lower ranks of SRA workers and inadequately trained personnel.

Many leaders of the Workers Alliance and the SCMWA are of political faith that is not American. Neither organization is entitled to consideration which enables it to share money given by taxpayers to relieve hunger and destitution. The Legislature should go as far as possible to correct this situation.

One thing is certain—the relief burden can be made just as large and just as expensive as those who direct the SRA desire unless the Legislature controls the situation with a proper bill which will do justice to the deserving and weed out the chiselers.

Summary Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the San Francisco Bay-Central Coast Area.

The subcommittee charged with the investigation of personnel and policy in the San Francisco Bay-Central Coast area, consisting of Assemblymen C. Don Field, Glendale; Elmer E. Lore, North Hollywood, and Albert C. Wollenberg, San Francisco, reports as follows:

The committee's assignment called for its investigation to be made in nine counties and with the exception of San Benito, the committee held full hearings in all counties.

In the counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara and San Mateo, we found no particular problem to exist other than the general problem of personnel practices. All of these counties, with the exception of Monterey, had directors appointed since September and October of 1939, all having been chosen because of services rendered during the last political campaign. It is also to be noted that subversive groups do not have a great influence in this area, but confine their activities to the urban counties.

With the exception of San Mateo County, we found an apparent cooperation between the county welfare departments and SRA to the end that they were able to coordinate their work particularly as to the cases involving definition of employables. San Mateo has a peculiar situation which we do not believe exists elsewhere in the State of California.

San Mateo County Problem.

San Mateo county, by ordinance, created an unemployment committee which has functioned continuously since its creation many years ago. This committee, acting under an appropriation from the county board of supervisors, has handled continuously the emergency relief orders in the county and has paid for them with county funds. It has also maintained an office, supervising all sponsored projects in the county and has advanced its funds for these projects. Up to the time of the appointment of the present director, this system has been quite successful and no problems have arisen. At the time this report is written, however, the present county SRA director is engaging in a campaign apparently designed to force the county unemployment committee out of the work they have so successfully carried on. Access to files of cases which they need to continue their work has been denied the committee, although we have the assurance of the State Relief Administration that this matter will be quickly settled. The personnel administering State relief in most of these counties are people trained in social work, who have spent considerable time in this type of work, with the exception of county directors and certain other particular individuals.

SRA Political Pressure.

The committee held hearings in San Francisco County and found that during September and October, 1939, the county director felt the pressure of political influence. It was apparently his belief that he was to be removed and that the State Administration was putting employees around him for the sole purpose of securing his discharge. By his own testimony, San Francisco was overstaffed by approximately one hundred sixty employees, and the county director testified before the committee that he attempted continuously to secure the discharge of all unnecessary personnel, but was not permitted to do so by the State Administration. One witness stated that through the influence of two San Francisco assemblymen, fifty superfluous employees were placed on the pay roll within a period of ten days to two weeks: The committee is in possession of letters and statements made by the director to sustain this report.

SRA Works Projects.

During 1939, San Francisco County Administration of the SRA operated works projects. The bookkeeping and accounting on these

projects failed to indicate completely the true condition existing as to costs of their operation; in fact, the committee has evidence showing that the records were deliberately tampered with in an effort to make a good showing on these projects. The best example of this is the case of repair of certain baby high chairs and a small amount of other furniture, at a total cost of approximately $200. The records showed first that two hundred forty hours of work were spent on this small amount of furniture. Another record showed one hundred ninety-four hours, and finally the records showed eighteen to twenty hours work. The county director finally admitted that he could not account for these discrepancies. However, the projects on which these records reflected have been closed for quite a period of time. The county SRA director in San Francisco testified that his personnel is made up of approximately 60 per cent of old employees who have been with him for years. This is contrary to the statement of Mr. Chambers that there has been a general turnover of 80 per cent in the State personnel of the SRA.

"New Philosophy" in Alameda County.

The committee's findings in Alameda County can be summed up in the statement that Alameda County offers one of the best examples of the so-called "New Philosophy." A liberal idea has progressed to the point where members of the Workers Alliance were shown preference in the handling of their cases to the prejudice of nonmembers and where the administration has taken a definite attitude that relief is a right and it is the duty of the administration to do all it can to obtain relief for the applicant rather than to put the burden upon the applicant to justify his entering upon the rolls. Since the visit of this committee to Alameda County there has been a drastic change in personnel. Whether or not this liberal idea will be carried on in the future in that county should be the subject of attention by any future legislative inquiry on this subject.

In Contra Costa County the director is a man appointed solely for political reasons, his sole work experience having been that of an electrician for one of the larger oil companies operating in that county. He apparently has no conception of the problem and is subject to influence of a strongly organized union among his employees. Those who oppose the philosophy of this union were summarily discharged even though they were competent and qualified in their work, while employees with a liberal tendency were kept on the pay roll. The same condition exists today in Contra Costa as in Alameda County.

Justice in Relief.

Finally, it is our opinion that the primary problem in the administration of relief lies in personnel. State employees entrusted with the expenditure of millions of dollars of the State's money must realize that they are charged with a sacred obligation in handling funds of other people and thus not only do justice to the unfortunate on relief, but at the same time justice to the people who must pay the bill.

Respectfully submitted.

A. C. WOLLENBERG,
Chairman.

Summary Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the Northern California Counties.

Subcommittee.

Senator Roy J. Nielsen, chairman

Senator Charles H. Deuel Senator Jesse M. Mayo

Counties.

Alpine	Lassen	Sierra
Amador	Marin	Siskiyou
Butte	Mendocino	Solano
Calaveras	Modoc	Sonoma
Colusa	Napa	Sutter
Del Norte	Nevada	Tehama
El Dorado	Placer	Trinity
Glenn	Plumas	Yolo
Humboldt	Sacramento	Yuba
Lake	Shasta	

Meetings.

Meetings were held as follows:

Date	*Place of meeting*	*Counties present*
March 13, 1940	Jackson, Amador County	Amador Calaveras El Dorado
March 18, 1940	Auburn, Placer County	Placer Nevada Sierra
March 19, 1940	Marysville, Yuba County	Sutter Butte Yuba
March 20, 1940	Willows, Glenn County	Glenn Colusa Tehama
March 21, 1940	Redding	Shasta Trinity Siskiyou
April 17, 1940	Fairfield, Solano County	Yolo Solano Napa
April 18, 1940	Santa Rosa, Sonoma County	Sonoma Marin Lake
April 19, 1940	Ukiah, Mendocino County	Mendocino Humboldt Del Norte
May 2, 1940	Sacramento	Sacramento

The county SRA director of Plumas, Lassen and Modoc counties was interviewed at the meeting of the committee in Redding, March 21, 1940.

Alpine County has no SRA office nor recipients of State direct relief. This county was not investigated. Amador County has no SRA office nor recipients of direct relief from the State.

Conferences with Supervisors.

The committee invited members of county boards of supervisors and county welfare directors to meet for a free and open discussion of all county welfare and relief problems. The supervisors were especially pleased that representatives of the Legislature had been given the opportunity to confer with them, seeking information, offering assistance and giving first hand information in relation to the activities of the Legislature regarding the relief problem of California.

At practically every meeting, supervisors thanked the committee for its visit, stating that this was the first time to their knowledge that a legislative group met at convenient locations, asking boards of supervisors to sit down with them and discuss problems of vital interest to the counties and the State.

Administration Propaganda.

The committee found that members of the board of supervisors in most all counties had been misled by propaganda issued by the Administration to the effect that if relief was returned to the counties, it would increase the local county tax rate. The propaganda issued in telegrams signed by Culbert L. Olson, Governor, was sent to each chairman of the board of supervisors, each telegram stated a definite figure of tax increase. Similar propaganda was sent to the newspapers using the name of the local county SRA director as author of the statements and also using a definite rate of tax increase. In a number of instances, these press releases were made without the knowledge of the county SRA directors. They had not authorized the use of their names and frankly admitted to the committee that they did not issue the statements credited to them in the press articles.

Supervisors Favor Return of Relief.

After a full discussion of the problem of relief, and an explanation of Assembly Bill No. 105, and the attitude of the Legislature in relation to cooperation with the counties, the members of the county boards of supervisors who were present at the meetings were almost unanimously favorable to the return of relief to the counties and so expressed themselves. The committee endeavored to explain every phase of the relief situation. The general expression used by supervisors at all of the meetings was this: "Well, we didn't understand it that way. If that is the situation, as you gentlemen have explained it, then I am for taking relief back and we can administer it through our county welfare departments."

Untrained SRA Directors.

In interviewing the various SRA county directors the committee learned that the majority in the twenty-nine counties were appointed to the positions in the months of September, October or November in 1939. With few exceptions these county SRA directors had no pre-

vious experience in relief, welfare or social service work. Some exhibited a low degree of executive ability and appeared unqualified in other ways for the positions which they hold; while, on the other hand, the majority of them seemed to be conscientiously attempting to do a good job under the handicap of ever changing voluminous rules and regulations of the State Relief Administrator.

SRA Costs High.

County SRA administration cost in the counties investigated will average a minimum of 25 per cent for the calendar year of 1939, although in some counties for certain summer or fall months the administration cost ran up to 40 per cent or in certain counties to 85 per cent; in two exceptional cases the cost of administration during one summer month exceeded the total cost paid to relief recipients.

Figures were obtained from each county welfare director showing the total case-load in the county, the number of employees, the total amount paid out for the categorical aids, and the county's cost of administration. It is safe to say, that the cost of county administration in the twenty-nine counties will average approximately 3 per cent.

SRA Overstaffed.

The committee is of the opinion that county SRA offices are overstaffed and that there is no uniformity of administration throughout the year. In some months there is a greater number of employees in an SRA office with a small case-load than at other times when a considerably greater case-load is handled by fewer employees.

The committee found practically no activity of pressure groups, such as the Worker's Alliance and the State, County and Municipal Workers of America. While in a few counties there had previously existed such pressure groups there apparently is no activity now with the possible exception of some minor agitation in Shasta County.

County Administration Better.

The result of the investigation convinces the committee that the County Welfare Department in these rural counties can administer direct relief efficiently, humanely, and at a considerably smaller administrative cost than the SRA. In many counties it will be necessary to add only one or two more employees to the county welfare staffs.

The committee realizes that there is more detail in handling the SRA case-load than is required in the administration of the categorical aids but county welfare directors, as a whole, expressed opinions that they could do the job for very little additional administrative cost if they were not hindered by red-tape and a maze of arbitrary and unreasonable rules and regulations.

Submitted by:

Subcommittee (Northern California Counties)
Fact Finding Committee on Employment,

(Signed) ROY J. NIELSEN, Chairman.
CHARLES H. DEUEL.
JESSE M. MAYO.

May 10, 1940.

Report.

The following report, representing Part V of the report of the Joint Legislative Fact-Finding Committee on Employment, was received and on motion of Senator Phillips ordered printed in the Journal:

PART V.

A complete audit of the books of the SRA would have cost over $200,000. This estimate was made by a representative of the Department of Finance, before the Joint Committee. It would have taken several times the number of days available in the recess. As stated in Part II (Senate Journal May 13th, 1940, page 404) the committee engaged the accounting firm of Price Waterhouse and Co. to make a limited audit, referring particularly to the condition which existed as of February 15th, and again as of March 31st.

The accountants were also asked to investigate certain special items, including the so-called "revolving fund" of the SRA, and to make comments on procedure.

The date of February 15th was selected for two reasons: This date was used by the Department of Finance to set up a statement of condition, in reply to Assembly House Resolution No. 42, and the State Relief Administration had made its now famous "40 per cent cut" in the checks given to the unemployed men and women of the State. For reasons which will appear later, in the Price Waterhouse report, the committee was justified in questioning the accuracy of the statement made by the Department of Finance, and members of the committee, familiar with balance sheets, were convinced that no cut was justified, from any available figures, at the time.

Assemblyman Norris Poulson, a member of the Joint Committee and an accountant by profession, had been appointed a subcommittee of one to supervise all matters having to do with accounting procedures and conditions in the SRA.

He, together with the chairman, immediately issued a statement, in the name of the committee, indicating that the 40 per cent cut was unjustifiable. The figures on which this statement was based were the same figures used by the SRA in explaining the cut. The cry of "politics" was raised by the administration. It became a question of opposing statements, by interested parties. A disinterested audit was required.

The report of the Department of Finance had indicated that on February 15th, the SRA had only $330,244 on hand, and that this was encumbered to the extent that the SRA actually had a deficit of about $126,138.

The report of Price Waterhouse and Co. shows that the SRA had on hand as of February 15th an actual figure of $2,896,763. And even if we allow the encumbrances which took the Department of Finance's balance from the black into the red, and omitted all of the inventories of food, clothing, and material (over $300,000 of which could well have been used in lieu of cash to care for needy recipients) there was still

more than $2,000,000 available. This supports the committee's contention that no cut of any size could be justified.

It is another argument for simplification, for the dissolution of a topheavy and unwieldy department, and for improvements in methods and procedures. In spite of the ability of its chief accounting officer, and his principal assistant, the department works under difficulties and with procedures and internal disruption which make it impossible for the administrator or any one else to know what has happened in the SRA until two months later.

In presenting the report of Price Waterhouse and Co , which becomes a part of the full report, Asssemblyman Poulson made certain comments on the findings:

PRICE, WATERHOUSE AND COMPANY REPORT.

The Department of Finance is considered the highest authority for all financial information pertaining to State accounting and, due to the fact that the correctness of certain statements coming from this division was questioned by the members of the Legislature, it became necessary to seek the services of one of the largest firms of certified public accountants to determine the correctness of the facts under question. Price, Waterhouse and Company, an international firm of certified public accountants, was selected for this audit.

The report from Price, Waterhouse and Company is being submitted to the committee and the following statements will only contain the highlights of this audit report.

Instead of $330,244 16 available for relief as of February 16th, 1940, there was available $2,896,763, (the differences are explained in the Price, Waterhouse and Company report).

Summarizing briefly the causes for this condition, they are:

Cumbersome accounting procedure set up by the Department of Finance;

Magnitude of SRA state-wide activities;

Accounting error of $264,817 made by the Department of Finance;

Disencumbrance of items which should not have been encumbered.

Approximate amount available at March 31st, 1940, for continuance of relief program, or in other words, unexpended portion of appropriation for the period up to March 31st, 1940—$2,856,000

The approximate amount of relief withheld due to the 40 per cent cut amounts to $1,300,000.

The balance on hand, March 31st, 1940, definitely proves that, not only should there not have been a cut, but also the fact that, if the full amount had been paid, they would still have had available, an amount in excess of $1,000,000.

Material on Hand.

(NOTE: In showing the money available for the unemployed on Feb. 15th neither the Department of Finance nor the SRA took into account supplies of food, clothing and other useful items on hand, and which otherwise they would have to buy)

Inventory of 1002 Santa Fe Avenue, Los Angeles.

Food Products:		
Jams, jellies, etc.	$95,000.00	
Canned vegetables, soups, etc.	75,000.00	
Canned fruits	55,000.00	
Other	49,000.00	
		$274,000.00
Wearing apparel and cloth goods		20,000.00
Soaps, cleaners, etc.		6,000.00
Household furniture		3,000.00
Other, chiefly labels, etc.		10,000.00
		$313,000.00

Other Inventories.

Housekeeping supplies (for camps)	$41,000.00	
Food	25,000.00	
Clothing	23,000.00	
Medical supplies	11,000.00	
Tobacco	5,000.00	
Stationery and office supplies	49,000.00	
Construction stores (chiefly plumbing and hardware)	8,000.00	
Automotive supplies	8,000.00	
Other	15,000.00	
		$234,000.00

Daily Averages.

(NOTE: No better evidence of the money saving to the taxpayers, without hardship to the unemployment, could be given than the following figures from Mr. Poulson's statement. These are the average daily expenditures for relief for equal periods at the end of 1939; the first 46 days of 1940, and, finally, for 46 days after the Legislature passed Senate Bill No. 81. A saving of $66,000 per day is not to be ignored!

The daily expenditures have continued to drop since this figure was computed. The seasonal drop in case load had not yet begun. For comparison, the average salary figures for the same three periods are also shown. There was no corresponding drop. The figures follow:)

Comparative Daily Relief Costs—46-day periods.

Daily average, Nov. 15th to Dec. 31st, 1939	$137,000
Daily average, Jan. 1st to Feb. 15th, 1940	186,800
Daily average, Feb. 16th to Mar. 31st, 1940	120,200

Comparative Daily Salary Costs—46-day periods.

Daily average, Nov. 13th to Dec. 31st, 1939	$19,200
Daily average, Jan. 1st to Feb. 15th, 1940	21,800
Daily average, Feb. 16th to Mar. 31st, 1940	20,500

The total salaries and wages from February 16th to March 31st, 1940, was $1,076,000.

The relief picture condensed for the 46-day period ending March 31st, 1940, would be as follows:

Out of each and every relief dollar expended during this period, only 70 cents was paid in cash relief.

The full relief dollar was divided as follows:

Direct relief	$0.70
Camp and work programs	095
Administrative salaries and wages	.17
Traveling expenses	.015
Telephone	.005
Rent	.005
Other expenses	.01
Total	$1.00

Single Men's Camps.

Seven hundred one thousand five hundred four dollars is invested in single men's camps; the approximate cost per man for care in these camps is $24.15 per month. This does not include any portion of depreciation on the investment in camps. During the last 46-day period, the SRA spent $11,000 for tobacco for the men.

SUPPLEMENTARY REPORT.

(In addition to the Price, Waterhouse & Co. report, the Joint Committee requested the Controller's office for certain information regarding SRA purchases between January 1, 1938, and March 31, 1940. Mr. Poulson's comments on the results of this are:)

SRA Purchases.

The following information was obtained through the Controller's office of the State of California and was taken from paid vouchers and invoices between January 1, 1938, and March 31, 1940.

It was only possible, due to the short time and limited funds, to make spot checks. It could be logically assumed that what applied to the specific items tested would likewise apply to other expenditures. The information obtained applies to both unidentifiable items as well as identifiable items with serial numbers.

Inventories were requested from the State Relief Administration on certain items and they were taken and certified to by the parties in charge of each particular office.

Testimony given by the personnel officers and executives of SRA show that the personnel has increased approximately two thousand during 1939. Supplementing this increase in personnel, attention is called to the fact that many labor-saving devices were purchased during this period; for example:

During past nine months, 57 comptometers	$17,876.79
Since January 1, 1939, 119 Ediphones	22,026.86
(Since each Ediphone is supposed to eliminate 5 persons, that would account for about 600 employees.)	
Stapling machines	3,326.75
(392 were purchased in 1938 and 1,098 purchased since January 1, 1939, at an average cost of $2.50. There are only 2,096 on hand which would show that for all prior years they only had 606, which is not consistent.)	
1 Multilith machine	1,305.50
2 Electric letter opening machines	257.50
761 Typewriters	61,094.78
(Having the serial numbers of the machines purchased, we were able definitely to ascertain the numbers of 22 typewriters purchased in the last two years which are not included in the inventory given by the SRA. Fifteen of these were purchased during 1939. The SRA has on hand, 3009 typewriters, including those still rented. This number would approximately allow one typewriter for every two employees, including truck drivers, clerks, help, etc.)	
Pencil sharpeners	1,285.90

(There were 22 pencil sharpeners purchased in 1938 against 367 purchased in 1939. Attention is called to the fact that the average cost of these pencil sharpeners was $3.30. This price is a wholesale price, the average cost of these sharpeners is above the cost of those found in private offices.)

During the past two years, the SRA has purchased 736 tents for the camps amounting to $38,961. (The inventory, as of March 31, 1940, shows 1,088 on hand, with tents being distributed throughout the State. It must be borne in mind that the tents were used primarily when the camps were first being constructed; at the present time, there are only a few camps using tents. No attempt was made apparently to bring in the tents from camps where they were not being used at present, for redistribution to other camps needing them; instead, the SRA has purchased 175 new ones during the last three months, costing $5,957.20.)

The SRA purchased 55,739 blankets during this two-year period amounting to $110,089.12 (With an inventory of 88,293 blankets, or a ratio of approximately eight blankets to every man based upon their peak load record, they still purchased 7,700 blankets during the last three months which are included in the inventory given).

Reports from the subcommittees showed that unused cots in the different camps were exposed to the elements. The SRA still purchased 504 new ones during the last three months.

The automotive equipment on hand, according to the inventory, was 500 pieces. The SRA purchased 201 pieces of equipment during the past two years amounting to $172,041.65 (Among these purchased was a seven-passenger, model 1939, Buick sedan, which has been turned over to the Governor's Office. The Governor's Office has not paid for this car).

The information shows that the percentage of wrecks for the SRA equipment is higher than any other State department.

The cost of tires and tubes for the past two years has amounted to $37,438.23.

Attention is called to the State Board of Control Rule 150, which should have been enforced by either the Administration or the Department of Finance:

"Use of Telephones and Telegraph. The telegraph and long-distance telephone may be used only in cases of emergency or when there is a specific instruction to use these means of communication and they shall not be used where a letter would be equally effective. Otherwise, the cost of the service may be charged to the official or employee responsible."

The telephone and telegraph bills paid to just three major telephone and two telegraph companies during the past nine months amounted to $163,084.01 (Of this amount, $25,587.24 was paid in February, 1940 and $29,377.18 was paid in March, 1940. A breakdown of the individual charges shows extravagance. Many employees made several calls daily to the same persons in adjoining communities and each charge would be in excess of $1; this was a daily practice. There were calls from all sections of the State, especially from San Francisco to Los Angeles and reverse; these calls range from $5 to $15 per call.

On the basis of these excessive telephone and telegraph charges, it would be assumed that that would have eliminated excessive traveling expenses. To the contrary, we find that, during

March, this expense amounted to.....$54,454.97
In February, it amounted to.....$41,425.28
In January, it amounted to.....$62,686.37

(An analysis of these expenses discloses that they were made chiefly by employees in the higher brackets and not by the low-salaried case-worker. Some of the inconsistencies disclosed in these traveling expenses are that the same trips were made several times daily. An extreme case shows a traveling steward traveling 1,958 miles in his privately owned automobile in ten consecutive days, or an average of 195.8 miles per day. The question can be raised as to how much work this man can do after traveling this number of miles per day. This same employee was recently involved in an automobile wreck).

Another inconsistency is allowing, for example, a field representative with headquarters in Los Angeles and assigned to San Joaquin Valley for several months without break to draw expenses because his duties were away from his home station; this type of expense, of course, is paid in addition to the salary.

Many of these mileage claims cover expense for the use of privately-owned cars which parallel adequate common carrier service which is much cheaper in the cost of transportation. Authorization in permitting employees to make these trips must be signed by the State Relief Administrator, which procedure precludes the State Controller from adjusting these accounts to the less expensive mode of transportation. This is one privilege which has been abused

Contrary to the order issued by Governor Olson that no State employee shall be permitted to lobby, expense accounts submitted by various SRA employees denote that many expenses were incurred in Sacramento, during the recent special session of the Legislature. It was noted that most of these accounts were in favor of Community Relations Department employees of the SRA. This is the Publicity Department which the Legislature dissolved.

Recommendations.

A careful analysis of the mechanical set-up of the State Relief Administration would definitely lead to the conclusion that there must be a disintegration of the SRA.

The practical impossibility of completing records within two months;

The lack of proper control over administrative and also sectional officers;

The excessive telephone bills in attempting to operate this "octopus";

The lack of business coordination in the handling of supplies;

The excessive mileage and expenses of those traveling around the State;

And, not to be overlooked, the erection of a gigantic political machine, evidenced by frequent calls to the different hiring officers throughout the State and the resulting appointments;

all lead to that one inevitable solution, disintegration!

Change in the State Financial Accounting:

Results have definitely proven the urgent need of more adequate accounting records in the State of California.

At present, the highest accounting authority from the standpoint of obtaining financial information concerning the other departments is the Department of Finance. The Legislators have heretofore looked to the Chief of the Division of Budgets and Accounts and his assistants for any and all such information, especially is this true when budgets are presented.

For that reason, special emphasis should be laid on accurate information furnished by them. They must expect that misstatements will create lack of faith and confidence.

Since the 1939 budget was passed, many new positions have been created which were not supposed to have been included therein, according to the representatives of the Department of Budgets and Accounts.

The answer to Senator Metzger's request for the number of automobiles owned by the State of California was not complete. Data relative to certain departments were omitted.

The committee asked for a report on SRA automotive equipment. When confronted as to certain differences in it, the Department of Finance stated that the report had not been checked but had been transmitted from SRA through it.

There was a discrepancy in the amount submitted by the Department of Finance as the telephone bills for SRA and the amount submitted by the Controller's office; this also was explained as a "clerical error." The figure given by the Department of Finance was about $43,000. The correct figure was over $186,000.

Great importance was placed on the February 16th, 1940, report of SRA finances and, realizing, as the department should have, that the Legislature wanted to know what funds were available for relief as of that date, there can be no legitimate reason for approving an incorrect statement.

Therefore, it is recommended that the Legislature create the office of Legislative Auditor. It will be the duty of the Legislative Auditor and his assistants to analyze all budgets and departmental statements, make departmental audits to verify the necessity for the increase in budgets and render any financial information of the State which has been requested by the Legislature.

The Legislative Auditor will serve the Legislature in the capacity of an auditor, the same as the Legislative Counsel now serves the Legislature in the capacity of a legal advisor.

Another suggestion as an alternative of the above recommendation would be that the powers of the Controller be enlarged and it become his duty to make post audits of all departments and submit his reports to both the Governor and Legislature.

NORRIS POULSON.

PRICE, WATERHOUSE & CO., 530 WEST SIXTH STREET,
LOS ANGELES, May 7, 1940.

Joint Senate-Assembly Legislative Fact-Finding Committee of the California Legislature, Sacramento, California

DEAR SIRS: Pursuant to your instructions we have made a limited review of accounting records of California State Relief Administration (hereinafter referred to as the Administration) primarily for the purpose of establishing from such records, without making an audit, the approximate amounts of (1) funds available as of February 15, 1940, and March 31, 1940, from appropriations for the current (91st) fiscal year, and (2) changes in position during the intervening period with expenditures segregated by principal purposes. In so far as we could in the time at our disposal we have obtained certain additional information that we believe may be helpful to the committee in its study of the Administration's financial affairs

The records are so maintained that in order to determine the Administration's position as of any fairly recent date, and its expenditures during any recent period, it is necessary to make certain assumptions. This is due in part to its accounting methods (which we understand follow generally those prescribed by the Department of Finance for all State agencies), but chiefly, we think, to the lapse of time between the incurring of liabilities and the actual recording of such liabilities for payment. To some extent this delay is attributable to the Administration's State-wide activities but much of it could doubtless be obviated by revisions in procedure; for example, with minor exceptions, movements of warehouse materials in one month are not recorded in the accounts until the succeeding month, and utility bills containing disputed items are not recorded until the dispute has been settled which usually involves considerable delay. We believe that the necessary assumptions we have made in arriving at the figures set forth in this report and the attached exhibits are based on valid premises and that the margin of error that may result from these assumptions is not of sufficient relative importance to lead to erroneous conclusions.

In this report and the attached exhibits amounts have been expressed to the nearest thousand dollars except where lesser amounts are involved or where, for identification, more precise amounts seem desirable; cents have been omitted in all instances.

Position as at February 15, 1940.

At the commencement of our review the committee supplied us with a copy of a letter, dated February 21, 1940, addressed to the Assembly by Mr. Fred W. Links, Chief of the Budget and Accounts Division of the Department of Finance, reporting upon a test-check audit of the Administration's funds made under his supervision as of the opening of business February 16, 1940. In the following summary of that letter, the items have been rearranged somewhat:

Assets:	
Cash in treasury, per State Controller's records at opening of business February 16, 1940	$2,716,788
Relief warrants unsold	1,600,000
	$4,316,788

Less—Claims in transit reflected on Administration's books for which warrants had not on that date been drawn by the Controller		$412,005
Actual unapplied cash balance available to meet Administration's expenditures		$3,904,783
Liabilities:		
Unliquidated encumbrances—		
Salaries and wages for February, 1940	$752,762	
Salaries and wages for previous months	325,087	
	$1,077,849	
Emergency relief orders issued or in process of issuance	462,537	
Purchase orders—food for camps	433,878	
Service and expense items—contracts to end of month incurred	640,525	
Miscellaneous encumbrances, WPA and Cooperatives	655,627	
Miscellaneous property and equipment	134,123	
	$3,404,539	
Estimated "back-log" of emergency relief orders in transit from Los Angeles County	170,000	
Aggregate liabilities unpaid		$3,574,539
Uncommitted cash balance available for future commitments in continuance of relief program on and after February 16, 1940		$330,244

Mr. Links' letter added that on February 16 and 17, 1940, cash relief payrolls were written in the amount of $456,382, which established commitments of $126,138 in excess of the available cash of $330,244 shown above.

The Administration's transactions through February 15, 1940, were not posted separately in the general ledger inasmuch as such postings are customarily made in monthly totals. However, we were able to identify the figures in Mr. Links' letter (precisely in some instances and within narrow limits of difference in others) by referring to the Administration's underlying detail records as at February 15, 1940, except as follows:

Emergency relief orders issued and in process of issuance—$462,537:

Records of all but $10,193 of these were in the Administration's San Francisco office, which we did not visit. We inspected a teletype message from that office, dated February 21, 1940, reporting that the records showed encumbrances of $452,344 at February 15, 1940, but it subsequently developed that $13,790 thereof related to the 90th fiscal year and therefore should not have been reported.

Estimated "back-log" of emergency relief orders in transit—$170,000:

This represents an estimate of the amount to be encumbered upon the issuance of emergency relief orders. We were informed that the estimate was calculated as follows:

"Referral forms" (explained below) outstanding at February 15, 1940:

Los Angeles County	$102,950	
San Francisco County	3,000	
Other counties	13,000	
	$118,950	
Relief orders written but not encumbered—"Back-log" approximately five days, and daily average slightly under $10,000	48,000	
	$166,950	
Amount used for estimate		$170,000

"Referral forms" are given to relief beneficiaries who are considered to require medical or dental attention, the cost of which is not known until the doctor, dentist or druggist has been consulted. Estimates of the number of such forms outstanding at February 15, 1940, with respect to Los Angeles County, the average cost that each form would involve, and the resulting totals were:

Forms for	*No.*	*Average*	*Total*
Physicians' and dentists' reports on first visits	15,000	$4 00	$60,000
Medical and dental appliances	500	5 00	2,500
Dental examination and record	1,500	20 00	30,000
Medical prescriptions	11,000	95	10,450
As above			$102,950

It seems to us that outstanding referral forms do not constitute an encumbrance of funds and they are not so treated in the administration's accounting. We have therefore disregarded them in our calculation of the position at February 15 and at March 31, 1940. At the latter date, such outstanding forms did not involve in excess of $10,000 according to estimates made by employees of the accounting department.

Our review of the records disclosed the following with respect to the figures in Mr. Links' letter of February 21, 1940:

1. The amount of $412,005 shown as claims in transit for which warrants had not been drawn by the State Controller represents the net amount of the following:

Claims filed with State Controller but not recorded as disbursements in the administration's records—	
Cash relief	$395,970
Emergency relief orders	50,371
Salaries and wages	268,486
Materials and supplies	189,248
Services and expenses	57,801
Property and equipment	6,203
	$968,079
Less—Warrants in payment of certain of the above claims drawn on or before February 15, 1940 (this item includes $264,817 for salaries and wages mentioned below)	299,398
	$668,681
Less—Abatements collected and warrants redeposited by the administration, not remitted to State Treasurer until after February 15, 1940	$227,092
Abatements receivable at February 15, 1940	29,584
	$256,676
Amount shown as claims in transit	$412,005

2. The amount of $325,087 shown as unliquidated encumbrance for salaries and wages for months prior to February, 1940, erroneously included $264,817 which had been paid by warrants drawn on February 14 and 15, 1940, before the establishment of the Administration's cash balance in treasury, viz, $2,716,788 (see the preceding tabulation).
3. Other unliquidated encumbrances as of February 15, 1940, totaling some $2,327,000, represented in substantial part the difference between amounts that had been encumbered for various purposes by budget estimates and amounts actually expended or owing for such purposes, rather than actual liabilities of the Administration.
4. There was not listed among the Administration's assets any amount for materials and supplies that were on hand or in transit at February 15, 1940, for use in subsequent periods.

In the latter part of February and in March, 1940, the Administration reverted (i.e., disencumbered) about $754,000 that had been included as unliquidated encumbrances in its detailed records at February 15, 1940. At the commencement of our review on April 3, 1940, we ascertained that these detail records still included at March 31, 1940, substantial amounts representing the excess of budget estimates for periods prior to February 15, 1940, over actual expenses. At our request, Mr. E. A. Serafino, Chief Accounting and Financial Officer of the Administration, instructed employees to review the encumbrance records and

as a result additional reversions totaling some $250,000 were made in April, 1940, and further reversions (of salaries and wages) are to be made in amounts not yet determined but estimated by employees at $175,000. These reversions, including the estimate of $175,000, aggregate $1,179,000 and are summarized on Exhibit 1 which shows also a reconciliation of unliquidated encumbrances as at February 15, 1940.

As a result of our review, we believe that the Administration's position at February 15, 1940, with respect to appropriations for the current (91st) fiscal year was approximately as follows:

Assets:	
Cash balance in State treasury as reported by State Controller	$2,716,788
Remittances in transit to State treasury for abatements collected and warrants redeposited	227,091
	$2,943,879
Relief warrants unsold as reported by State Controller (these were sold on February 26, 1940)	1,600,000
Abatements receivable	29,584
Materials and supplies on hand	506,000
	$5,079,463
Liabilities:	
Claims filed but unpaid	$668,680
Unliquidated encumbrances applicable to period prior to February 15, 1940, per Exhibit 1	1,514,020
	$2,182,700
Approximate amount available at February 15, 1940, for continuance of relief program	$2,896,763

The above summary does not reflect certain asset and liability accounts that are carried in the Administration's records; such accounts and the reasons for their exclusion are explained in a separate section of this report.

The amount shown above as available at February 15, 1940, for continuance of the relief program exceeds by $2,566,519 the amount shown in Mr. Links' letter of February 21, 1940; this difference comprises:

Unliquidated encumbrances at February 15, 1940, subsequently reverted by the Administration (including an estimated $175,000 salaries and wages to be reverted) per Exhibit 1	$1,179,423
(Note—The reversions of salaries and wages included in the above amount had the effect of correcting the error of $264,817 referred to previously.)	
Exclusion of encumbrances that related to periods after February 15, 1940 ($708,312) and to the prior fiscal year ($13,790)	720,102
Exclusion of the "back-log" of emergency relief orders in transit, for reasons previously explained	170,000
Approximate amount of materials and supplies on hand at February 15, 1940, not taken into consideration in the letter of February 21, 1940	506,000
Minor differences in figures	(9,006)
	$2,566,519

Changes During Period February 16 to March 31, 1940.

As previously mentioned, the Administration's records were not closed as at February 15, 1940. Although the underlying detail records of encumbrances, and of certain other accounts, are so maintained that

balances as of dates other than month-ends can be ascertained, this condition does not obtain with respect to most of the accounts, particularly those relating to operating expenditures, movements of materials and supplies (which are not recorded until the succeeding month), abatements, etc. Consequently, many complications arose in determining the amounts attaching to the various elements that entered into the changes in position from February 15 to March 31, 1940, and certain estimates and assumptions had to be made in the light of the best available information. There follows a summary of such changes which, we believe, is sufficiently accurate for all practical purposes:

Approximate amount available at February 15, 1940, as shown by the summary on page 6	$2,897,000
Proceeds from sale of relief warrants in March, 1940, as reported by State Controller	5,500,000
(Note—The State Controller reported also the sale on February 26, 1940, of $1,600,000 relief warrants that were included among the available assets as at February 15, 1940.)	
Proceeds of loan from Architecture Fund on March 6, 1940	1,500,000
Repayment of above loan on March 8, 1940	(1,500,000)
	$8,397,000
Operating expenditures applicable to period February 16 to March 31, 1940, per Exhibit 3	$5,532,000
Payments to State employees retirement fund	18,000
Other changes, net	(9,000)
	$5,541,000
Approximate amount available at March 31, 1940, for continuance of relief program	$2,856,000

The composition of the net amount of $9,000 shown above as other changes cannot be ascertained without unreasonable effort but it is known that the principal elements of the amount are:

The excess of actual collections (chiefly for board of WPA workers housed in camps for single men) and relief warrants redeposited after February 15, 1940, over the portion thereof that was applied in reduction of operating expenditures for the period February 16 to March 31, 1940.

Less—

The amount, if any, by which operating expenditures after February 15, 1940, applicable to prior periods exceeded the liabilities established therefor at February 15, 1940, whether by encumbrance or otherwise.

Expenditures in connection with SRA Rehabilitation Training project not reflected in operating expenditures and net advances to Self-Help Cooperatives; these are referred to hereinafter.

The above amount of $2,856,000 comprised the following assets and liabilities as at March 31, 1940:

Assets:	
Cash balance in State Treasury ($3,865,936 reported by State Controller)	$3,866,000
Remittances in transit to State Treasury for abatements collected and warrants redeposited	219,000
Abatements receivable	27,000
Materials and supplies on hand	527,000
	$4,639,000

Liabilities:	
Claims filed but unpaid	$373,000
Accrued salaries and wages (being the amount paid from April 1 to 15, 1940)	633,000
Unliquidated encumbrances applicable to period prior to March 31, 1940, per Exhibit 2	777,000
	$1,783,000
Net assets, as above	$2,856,000

The above summary does not reflect certain asset and liability accounts that are carried in the Administration's records; such accounts and the reasons for their exclusion are explained in a separate section of this report.

Operating Expenditures.

As previously mentioned, the Administration's records of operating expenditures are posted in monthly totals; these totals are posted to underlying detail records as expenditures of the month to which they applied rather than the month in which they were made. Cash relief expenditures are regarded as applicable to the month in which made; with minor exceptions all other expenditures in a particular month, and the recorded movements of warehouse materials, relate to preceding months. Consequently it was necessary to make numerous adjustments to the figures shown by the records in order to ascertain the approximate amount of operating expenditures applicable to the period February 16 to March 31, 1940 (Exhibit 3); the more important of these adjustments are explained briefly below:

The amount of cash relief payrolls for February 16 to 29, inclusive, was determined by listing the claims filed therefor with the State Controller. Relief warrants redeposited and other abatements of cash relief rolls shown in the records as applicable to the month of February were allocated to the periods prior and subsequent to the 15th in the relative proportions of the amounts of claims filed for cash relief rolls.

Expenditures under emergency relief orders for the month of February were reduced by the amount ($449,000) that was treated as encumbered for such purpose at February 15 and such expenditures for March were increased by the amount ($165,000) encumbered at March 31.

The amounts of materials and supplies issued from warehouses in February were applied one-half to the periods prior to February 15; the amounts issued in March (which were not recorded until April) were ascertained from summaries of stores movements and treated as expenditures in March, 1940.

In general, one-half of the amounts of other expenditures recorded as applicable to the month of February were treated as relating to the period after February 15. Records of unliquidated encumbrances for these expenditures were reviewed in such detail as was practicable (and discussed with employees of the Administration's accounting department where that seemed desirable) and the amounts thus determined to be applicable to the period February 16 to March 31 were so treated. In this connection, salaries and wages paid from April 1 to 15, 1940 (about $633,000), were eliminated from unliquidated encumbrances at March 31 and applied to the periods to which they related as shown by the payrolls.

A statement of operating expenditures for the six months ended December 31, 1939, is also submitted as Exhibit 4. The figures therein are as shown by the Administration's detail records of expenditures by periods to which they relate, except that there has been added the amount of unliquidated encumbrances for emergency relief orders at December 31, 1939 (determined from reports to be about $359,000). This was done because expenditures under such orders are treated in the

underlying records as applicable to the month in which made except at the end of a fiscal year; consequently, such expenditures in the early part of the six-month period that applied to (and were encumbered in) the preceding fiscal year were not reflected in the detail records for the 91st fiscal year. By the adjustment referred to, the expenditures for the six-month period are more fairly stated and are made comparable in this respect with expenditures for the period February 16 to March 31, 1940.

We have not prepared a statement of expenditures for the period January 1 to February 15, 1940, in the form of the statements for the subsequent period to March 31, 1940, and for the six months ended December 31, 1939. However, we ascertained totals of the more significant classifications of expenditures applicable to the period January 1 to February 15, 1940, which we believe are comparable fairly with those for the other periods. There follows a tabulation showing significant totals of operating expenditures (expressed in thousands of dollars) and relative percentages; the figures in Column I represent averages for a 46-day period in the last half of 1939 (being one-fourth of the appropriate amounts shown on Exhibit 4 for the six months ended December 31, 1939), those in Column II relate to the 46-day period January 1 to February 15, 1940, and those in Column III are for the 45-day period February 16 to March 31, 1940, as shown in Exhibit 3:

	Column I		*Column II*		*Column III*	
	M$	*%*	*M$*	*%*	*M$*	*%*
Cash relief payrolls, emergency relief orders, etc.	4,899	77.3	6,687	77.8	3,881	70.1
Other relief expenditures	358	5.6	651	7.6	521	9.5
	5,257	82.9	7,338	85.4	4,402	79.6
Administrative expenditures:						
Salaries and wages	882	13.9	1,002	11.7	942	17.0
Equipment and materials	50	.8	44	.5	27	.5
Travel	74	1.2	114	1.3	80	1.4
Rent	26	.4	36	.4	28	.5
Telephone	20	.3	23	.3	21	.4
Other	31	.5	38	.4	32	.6
	1,083	17.1	1,257	14.6	1,130	20.4
Total expenditures	6,340	100.0	8,595	100.0	5,532	100.0

In considering the expenditures for relief and for administration, and the relative percentages, applicable to the period February 16 to March 31, 1940, the following facts should be borne in mind:

The number of persons on cash relief payrolls reached its peak in the week ended February 15, 1940, and was followed by a sharp decline that continued at least through the week ended April 18, 1940, as shown by the statistical information set forth in Exhibit 6.

For a portion of the period February 16 to March 31, 1940, the amounts paid to persons remaining on cash relief payrolls were reduced substantially. In this connection we were informed that on February 24, 1940, all cash relief payrolls were reduced to 60 per cent of the then established budgets, were increased to 70 per cent on March 9 and restored to the original budgets on March 21 at which level they continued through March 31, 1940. In confirmation of this we made tests of payrolls selected by us for San Joaquin and San Bernardino Counties and for three districts in Los Angeles County, three in San Francisco County, and three in Alameda County. Because of the large number of relief cases on these payrolls it was not practicable to extend our tests to each relief case, but by the use of averages developed by us from the respective payrolls and by supplementary tests of a number of

individual cases, we satisfied ourselves that the schedule of adjustments referred to had been given effect.

It is obvious that administrative expenditures could not have been reduced in the period February 16 to March 31, 1940, proportionately to the reduction in relief expenditures because (1) there is necessarily a lag between reductions (or increases) in the relief case load and in administrative costs nor will the changes necessarily be in the same proportions, and (2) reductions (or increases) in amounts paid to persons remaining on cash relief payrolls would have no appreciable effect on administrative expenditures.

We have calculated that the reductions referred to above in payments to persons remaining on the cash relief rolls in the period February 16 to March 31, 1940, amounted to approximately $1,300,000. If such reductions had not been made, relief expenditures for the period would have amounted to about $5,720,000 and total expenditures to $6,850,000, and the percentages would have been: 75.9 per cent cash relief payrolls, emergency relief orders, etc., 7.6 per cent for other relief expenditures, and 16.5 per cent for administrative expenditures, instead of the percentages shown in the preceding tabulation as 70.1 per cent, 9.5 per cent, and 20.4 per cent, respectively.

It will be observed that the percentage of expenditures applicable to relief was higher, and the percentage applicable to administration was lower, for the period January 1 to February 15, 1940 (Column II in the above tabulation), than for the average 46-day period in 1939, or for the period February 16 to March 31, 1940. This is explained by the fact that the peak of the relief load was in the period January 1 to February 15, 1940 (as evidenced by the summary of persons under care shown on Exhibit 6), and therefore the cost of administration for that period, although greater in amount, was a smaller percentage of total expenditures.

All amounts shown in this report and in the exhibits as direct relief and as administrative expenditures are net of the following credits:

Direct Relief.

Relief warrants drawn but not delivered to beneficiaries which were redeposited in the State Treasury.

Abatements, relatively unimportant in amount, which represent chiefly collections from school districts in respect of additional payments (15 per cent of the previously established budget) to relief beneficiaries who act as guards at school crossings; the gross payments to such persons are included in cash relief payrolls.

Administrative.

Actual collections from school districts referred to above are at the rate of 20 per cent of the previously established budget for school crossing guards. The additional 5 per cent is applied in reduction of county administrative salaries and wages; we understand that the school districts were willing to contribute this additional 5 per cent because of added administrative costs resulting from the assignment of crossing guards.

The total amount of abatements credited to administrative expenditures is relatively unimportant.

The expenditures for resident projects (camps for single men) applicable to the period February 16 to March 31, 1940, amounted to $297,000 before deducting abatements of $83,000 which, with minor exceptions, represented collections from W. P. A. employees living at certain of the camps; we were informed that these employees are supposed to pay board at the rate of $20 per month each. The number of man-days for all camps during that 45-day period, segregated between relief beneficiaries and W. P. A. employees, were ascertained from the

Administration's statistical records and these data indicated that the expenditures of $297,000 and the abatements of $83,000 were equivalent, respectively, to about $18 50 and $16.50 per man-month. The man-month costs shown by the Administration's statistical reports for eight months to February 29, 1940, and for the month of March, 1940, are summarized below:

	To February 29, 1940	March, 1940
Food	$11.24	$10.10
Clothing	1.42	.86
Tobacco	.70	64
Medical attention	.92	.91
Cash relief	.96	.73
Operating salaries	4.23	3 99
Fuel, supplies, etc.	4.68	3 04
	$24.15	$20.27

According to these statistical records, the average man-days per month for the eight months to February 29, 1940, were about 239,300 and the man-days in the month of March, 1940, were about 319,400, which explains the reduction in man-month costs reflected in the preceding tabulation. The costs at the thirty-one camps that were operated during March, 1940, ranged from $14.47 at Gigling camp (1,121 man-days) to $35.22 at White House camp (165 man-days).

The Administration's division of planning and research prepares weekly statistical reports showing among other things the number of relief cases and the number of persons under care in each of the counties and in camps for single men. There is submitted as Exhibit 6 a tabulation prepared from such reports for the weeks ending January 4, February 1, February 15, February 29, March 28, and April 18, 1940, showing separately the figures for the ten principal counties.

We understand that the Administration is preparing, and will submit to the committee, statistical information regarding the number of employees for various periods to a recent date; at the time we completed our review current statistics of this nature were not available.

Materials and Supplies.

The amount of $527,000 shown for materials and supplies in the summary of position as at March 31, 1940, represented the general ledger balance for warehouse stocks at that date as adjusted for warehouse transactions in March that are to be recorded in April and for charges relating to the SRA Rehabilitation Training Project referred to hereinafter. The amount of $506,000 shown in the summary of position as at February 15, 1940, was determined in a similar manner and on the assumption that one-half of the warehouse transactions for February (recorded in March) applied to the period after February 15.

The adjusted ledger balance at March 31, 1940, comprised about $313,000 for produced stores and $214,000 for purchased stores. Produced stores are kept in the Administration's warehouse at 1002 Santa Fe Avenue, Los Angeles, and with minor exceptions comprise items produced by self-help cooperative units. We inspected lists of the items comprising produced stores at March 31, 1940, which were said to have

been determined by a physical inventory taken at that date from which we prepared the following summary:

Food products—		
Jams, jellies, etc.	$95,000	
Canned vegetables, soups, etc.	75,000	
Canned fruits	55,000	
Other	49,000	
		$274,000
Wearing apparel and cloth goods		20,000
Soaps, cleaners, etc.		6,000
Household furniture		3,000
Other, chiefly labels, etc.		10,000
		$313,000

Based upon discussions with Mr Serafino, it appears that the stocks of certain items, particularly jams, jellies, etc., are considerably in excess of present requirements.

We were informed that physical inventories of purchased stores were also taken at March 31, 1940. We did not inspect the inventory sheets as they were at the Administration's San Francisco office where records of all purchased stores are summarized; however, available summaries of these inventories indicated that purchased stores at March 31, 1940, comprised:

Housekeeping supplies (for camps)	$41,000
Food	25,000
Clothing	23,000
Medical supplies	11,000
Tobacco	5,000
Stationery and office supplies	49,000
Construction stores (chiefly plumbing and hardware)	57,000
Automotive supplies	8,000
Other	15,000
	$234,000

of which about $155,000 was in the San Francisco area (principally in the Emeryville warehouse) and $79,000 was in the Los Angeles area (principally in the warehouse at 1002 Santa Fe Avenue).

It will be observed that the amount of purchased stores reflected by the inventory summaries exceeded the adjusted ledger balance by about $20,000. This difference is caused by entries in prior months relating to stores transactions of the Administration's Works and Rehabilitation project; accounting department employees are at present analyzing these entries and it is expected that appropriate adjustments will be reflected in the April accounts.

Under present accounting procedures the amounts of warehouse stock losses and gains are apportioned on various bases to stores issues and the amounts of such gains and losses during any period are not readily ascertainable.

Other Asset and Liability Accounts.

Certain assets and liability accounts carried on the Administration's books have been omitted from the summaries of position at February

15 and March 31, 1940. There follows an explanation of these accounts and the reasons for their omission:

Revolving funds.

These funds amounted to $340,000 both at February 15 and March 31, 1940, and were offset by liabilities of $300,000 for borrowings from the State Department of Finance and $40,000 for borrowings from the Administration's unexpended appropriations for prior fiscal years.

Self-Help Cooperatives current account.

The balance in this account was about $446,000 at March 31, 1940, and represented unliquidated advances to the numerous cooperative units; it appears that the amount that may be recovered in respect of these advances is uncertain. The balance as of February 15, 1940, has not been established but it appears unlikely that it differed substantially from the March 31, 1940, balance.

SRA Rehabilitation Training Project.

Charges held in suspense in respect of this project aggregated some $121,000 at March 31, 1940; the balance at February 15, 1940, has not been established but was probably in the neighborhood of $100,000. The project was abandoned by the Administration as of April 1, 1940, and the accounting department is analyzing such charges with a view to making appropriate disposition thereof. We understand that the greater portion of these charges represent operating expenditures.

Abatements receivable.

The abatements that are shown in the foregoing summaries of position at February 15 and March 31, 1940, are carried in the Administration's records as part of its cash balance; we were informed that such treatment followed instructions of the Department of Finance regarding abatements of a particular type

In general, other abatements are not reflected in the accounts until actually collected but an unimportant amount was carried as receivable at March 31, 1940, with an offsetting reserve of about the same amount.

Property and equipment accounts.

These were carried at $2,676,000 at March 31, 1940, with offsetting accounts of $2,508,000 representing the State's investment therein and $168,000 representing equipment purchased with Federal funds.

Property and equipment purchased with Administration funds is reflected also in operating expenditures.

Stores invoices pending.

This account represents the liability (for materials received and charged to stores account) which has not been reported to the State Controller for payment because the vendors' invoices, if received, were in process of being checked. The amounts represented thereby are not eliminated from unliquidated encumbrances (carried in the budgetary accounts—see below) until the invoices are filed for payment with the State Controller; inasmuch as unliquidated encumbrances were considered in calculating the positions at February 15 and March 31, 1940, it was necessary to disregard the balance in stores invoices pending account to avoid duplication of liabilities.

Accounts relating to prior fiscal years.

Unexpended cash balances, operating expenditures, and various other accounts relating to prior fiscal years have been omitted from the tabulations in this report Among such accounts are certain ones which purport to express the Administration's accountability to the State general funds for unexpended appropriations for prior fiscal years. The net of these accounts at March 31, 1940, exceeded by approximately $660,000 the asset balances (chiefly cash and unsold warrants) relating to prior fiscal years. This difference represents non-cash assets, principally inventories of materials at June 30, 1939 (less subsequent withdrawals charged to operating expenditures of prior fiscal years) and unliquidated advances to Self-Help Cooperatives, plus abatements collected after June 30, 1939, that applied to prior years. We were informed that State agencies are accountable to general funds only for unexpended cash and unsold warrants from prior years' appropriations.

Budgetary accounts.

These are carried in a separate ledger and have been omitted except in so far as unliquidated encumbrances, which are carried only in the budgetary accounts, have been considered in establishing the Administration's approximate position at February 15 and March 31, 1940.

Trust accounts.

These are also carried in a separate ledger and comprise the Administration's accounting with the Federal Government for surplus commodities, borrowed equipment, and the related small cash transactions.

We have the following further comments to offer regarding certain of the accounts referred to above:

Los Angeles office revolving fund—$65,000.

We understand that the purpose of establishing the office revolving fund was to provide a means for making disbursements that would not permit of the delay involved in the procedure of filing claims with the State Controller for payments by warrants. The disbursements from the fund have comprised chiefly advances to employees for expenses, salary payments pending approval by the appropriate State departments of the creation of positions and of pay schedules, salary payments upon termination of employment, and purchases of postage. The fund is operated on the imprest system and is reimbursed (1) by recovery from employees (usually by endorsement under power of attorney of warrants payable to employees) of advances for traveling expenses and of salary payments, and (2) by warrants after claims filed in support of disbursements from the fund have been approved. Mr. Serafino is the custodian of the fund, the transactions of which are audited monthly—in recent months by Mr. W. J. McKeand, Finance Auditor of the Administration.

We inspected reports prepared by Mr. McKeand which showed the composition of the fund at the close of the months listed to have been as follows:

	December 1939	*January 1940*	*February 1940*	*March 1940*
Cash in banks	$17,421	$34,060	$27,217	$43,991
Travel advances	18,120	18,094	17,787	10,663
Salary payments	16,696	2,050	5,327	1,753
Other expenditures awaiting reimbursement, for which—				
Claims had been filed	9,254	7,758	8,538	8,058
Claims had not been filed	3,509	3,038	6,131	535
	$65,000	$65,000	$65,000	$65,000

Mr. McKeand's reports also show the amounts of pending claims for traveling expenses, the warrants for which could presumably be endorsed under power of attorney and applied in reduction of the employees travel advances; such claims at the close of December, 1939, January, February and March, 1940, totaled, respectively, $4,620, $9,877, $10,797 and $6,514.

The Administration maintains detail records of travel advances to individual employees. We made a cursory review of such records and

submit the following list of balances amounting to $300 or more at the close of the months shown:

Name	Department	Balances at close of December 1939	January 1940	February 1940	March 1940
Bambrick, E. J.	Administration	$335	$335	$190	$240
*Blatz, F. A	Public Relations	300	50	150	----
Chambers, Walter	Administration	1,120	1,072	824	493
Heinick, F. R.	Works and Re-employment	400	(19)	----	49
Jones, D. C.	C.C.C. Enrollment	280	324	280	100
Mather, R.	Social Service	314	138	103	99
Parker, F C.	County Admin.	344	378	378	(9)
Piercy, S. W	Finance	50	150	300	83
*Thompson, A. E.	Works and Re-employment	470	134	95	----
*Voshell, R. E	Finance	300	334	299	299
Wilford, B. C.	Administration	287	327	111	202
Totals listed		$4,200	$3,223	$2,730	$1,556
Total advances		$18,120	$18,094	$17,787	$10,663

* Employment terminated prior to March 31, 1940.

The changes during the three months ended March 31, 1940, in advances to the individuals listed above comprised:

Advances at December 31, 1939		$4,200
Advances, three months ended March 31, 1940		3,471
		$7,671
Collections by application of warrants for—		
Expenses	$3,483	
Salaries	2,632	
		6,115
Advances at March 31, 1940		$1,556

and particulars of such changes are shown in the following tabulation:

	Collections by applying warrants for Expenses	Salaries	Additional advances
Bambrick, E J.	875	$320	$300
Blatz, F. A.	200	420	320
Chambers, Walter	502	1,250	1,125
Heinick, F. R.	570	----	219
Jones, D. C.	343	----	163
Mather, R.	285	----	70
Parker, F. C.	293	260	200
Piercy, S. W.	267	----	300
Thompson, A. E.	375	95	----
Voshell, R. E.	35	287	321
Wilford, B. C.	538	----	453
	$3,483	$2,632	$3,471

It is evident from the foregoing tabulation that advances were not always restricted to amounts required for traveling and we observed the following instances of this condition where the amounts involved were less than $300:

Grant Friel, Works and Reemployment department:

Advances in January, February and March, 1940, totaling $150 were collected—$50 in February, $50 in March and $50 in April, 1940, by application of salary warrants.

James Layton, County Administration:
Advances in October, 1939, and January, 1940, totaling $100 were collected in March, 1940, by application of salary warrants.
Ralph Michener, County Administration:
Advance of $75 in November, 1939, collected in April, 1940, by application of salary warrant
Phyllis Barteau, County Administration:
Advance of $25 in February, 1940, partly collected by remittance of $12.50 in March, 1940
O. L. Able, Commodity Distribution department:
Advance of $50 in February, 1940, partly collected by remittance of $45 in March, 1940.
Eloise Rathbone, Community Relations department:
Advance of $50 in December, 1939, partly collected in February, 1940, by remittances of $37.50; a further advance of $50 was made in April, 1940.

According to Mr. McKeand's audit reports, unreimbursed salary payments from the revolving fund involved about 150 persons at December 31, 1939, and nine persons at March 31, 1940. Some of these payments represented salaries upon termination of employment but for the most part they represented salaries paid to employees prior to approval of the creation of their positions and of their salary rates; as such approval was obtained, claims were filed with the State Controller and the revolving fund was subsequently reimbursed. The salary payments for which reimbursement had not been received at March 31, 1940, comprised:

Works and Reemployment department:	*Period covered*	*Amount*
Edwards, Chas. S.	Dec 1, 1939 to Feb 29, 1940	$600
Schwartz, Herman L	Jan. 1, 1940 to Feb. 29, 1940	275
Sutton, Frank E	Dec. 1, 1939 to Feb. 29, 1940	735
Other departments:		
Six persons	Various	143
		$1,753

Apart from travel advances and salary payments, the lists of expenditures from the revolving fund that were awaiting reimbursement at the close of December, 1939, January, February, and March, 1940, consisted chiefly of payments for postage and for street car tokens or tickets; a few payments were for purchases of materials and we inspected the underlying documents relating to the major items in that category and found that in each instance the purchases were subject to cash discounts that perhaps could not have been taken if the invoices had been placed in the usual channels for payment.

Revolving fund for Federal Surplus Commodity Corporation food stamps—$275,000.

This fund is maintained $200,000 in Los Angeles and $75,000 in San Francisco; according to reports from the custodians, the composition of the fund at March 31, 1940, was:

	Los Angeles	*San Francisco*
Cash in banks	$22,972	$49,444
Deposits in branch banks on March 30, 1940, not credited on bank statement until April 1, 1940	20,274	------
Cash on hand at stores where food stamp books are sold	3,131	48
Value of unsold stamp books purchased from F.S.C.C. and on hand	153,628	25,504
Defective book returned to F.S.C.C. for refund	------	4
Overage	(5)	------
	$200,000	$75,000

We inspected letters from Federal Surplus Commodities Corporation stating that stamp books of the value of $153,628 in the Los Angeles fund were counted by their representatives at the close of business on March 31, 1940, and that stamp books of the San Francisco fund were counted at the close of business on March 27, 1940, and were in agreement with accountability records of Federal Surplus Commodities Corporation as of that date.

We were informed that responsibility for custody of the stamp funds was transferred in April, 1940, from the accounting department to the Administrator's office so that the accounting department may hereafter function in an auditing capacity with respect to the funds.

Self-Help Cooperatives.

It is our understanding that Self-Help Cooperative units have been formed by groups of persons (sometimes few in number) who meet certain requirements laid down by the Administration, which requirements do not necessarily include eligibility to receive cash unemployment relief benefits. The Administration finances these units in the production or processing of certain commodities with the understanding that the proceeds, in cash or kind, resulting from such activities will be turned over to the Administration in liquidation, at least in part, of the advances made.

At March 31, 1940, the unliquidated advances to units then operating amounted to $446,000 The following figures were summarized from statements, prepared by the Administration's Bureau of Self-Help, which we understand represent transactions since the establishment of the several units:

Total advances to March 31, 1940	$1,782,000
Recovered in the form of commodities	1,146,000
	$636,000
Unliquidated advances to defunct units, written off	190,000
Unliquidated advances	$446,000

The statement referred to shows also that $122,000 of advances were not due at March 31, 1940, and that finished goods at units amounted to $53,000, leaving an indicated net deficit at March 31, 1940, of $271,000, comprising 37 units with indicated deficits totaling $281,200 and 6 units with surpluses totaling $10,200 (of which 2 units accounted for $8,600). Information relating to the ten largest units is summarized on Exhibit 5.

We were informed that the commodities recovered from units are priced from lists established, or approved, by the Bureau of Purchases of the Department of Finance. Substantially all of the commodities so recovered are delivered to the Administration's warehouse at 1002 Santa Fe Avenue, Los Angeles; these commodities formed all but a minor portion of the inventory of produced stores which amounted at March 31, 1940, to $313,000 or nearly one-third of the total amount assigned to commodities recovered from units, some of which have been operating since the latter part of 1935 as shown in Exhibit 5.

We have not had an opportunity to inquire into the procedures followed by the Administration with respect to commodities recovered

from the units including comparability of the quality of products with that contemplated by the prices established by the Bureau of Purchases.

Property and equipment accounts.

The Administration maintains detail records of property and equipment accounts; these records reflect the equipment number, description of the item, cost, location, date acquired, etc.

We were informed that present State procedure requires that all items of a "non-expendable" category costing $5 or more shall be reflected in the accounts as property and equipment and that until fairly recently all such items costing $2.00 or more were so recorded. An adjustment was made in February, 1940, reducing the property accounts and the State's investment therein by $101,082 in respect of items costing less than $5 that had previously been capitalized.

A summary of the property and equipment balances at March 31, 1940, by principal segregation is shown below:

State and regional offices:		
Building improvements and equipment	$31,162	
Office furniture and fixtures	207,882	
Office machinery and equipment	163,337	
Other	32,369	
		$434,750
County offices:		
Office furniture and fixtures	$199,984	
Office machinery and equipment	128,406	
Other	28,020	
		356,410
Commodity distribution		54,654
Resident projects (camps for single men)		701,504
Self-Help Cooperatives		237,987
Automotive		323,744
Equipment loaned to other agencies, chiefly WPA		423,088
Other		144,105
		$2,676,242

Changes in the property and equipment accounts for the three-month period ending March 31, 1940, are shown below:

Balance at December 31, 1939	$2,630,922
Additions	84,159
Retirements, etc.	(26,343)
Adjustment explained above with respect to items costing less than $5 which had been capitalized in prior periods	(101,082)
Adjustment in March resulting from appraisals made of resident project camp buildings, etc., in an attempt to reflect the asset at its true cost (at the time certain camps were constructed proper segregations of costs were not maintained and only a portion of the cost was reflected as property and equipment)	88,586
Balance at March 31, 1940	$2,676,242

We were informed by Mr. Serafino that until recent months supervisory employees were requested to submit lists of equipment to the accounting department from time to time but that this procedure proved unsatisfactory and the Administration recently engaged employees known as equipment inspectors to inventory the major items of property and equipment; also, that the equipment inspectors will probably complete their initial inventory within the next month or so

and thereafter will be continuously engaged in accounting for items of property and equipment.

We understand that adjustments for known retirements, or for items known to be missing, are not recorded until approval of the Department of Finance has been obtained as required by State procedure. Mr. Serafino has expressed the opinion that the amounts involved in such adjustments are relatively insignificant.

* * *

We received the cooperation and assistance of Mr. Serafino, Chief Accounting Officer, and members of his staff in the conduct of our review and we were assured that consideration would be given to oral suggestions we made for revising procedures in certain respects so as to shorten the interval between the occurrence of transactions and the recording of them.

Our review of the Administration's accounting records has necessarily been limited but we trust that the information in this report and the accompanying exhibits will be helpful to the committee in its study of the Administration's financial affairs. We shall be pleased to confer with the committee at its convenience if that is desired.

Yours very truly,

PRICE, WATERHOUSE & CO.

INDEX TO EXHIBITS.

	Exhibit
Reconciliation of unliquidated encumbrances at February 15, 1940	1
Summary of unliquidated encumbrances at March 31, 1940	2
Expenditures applicable to the period February 16 to March 31, 1940	3
Expenditures for the six months ended December 31, 1939	4
Unliquidated advances to Self-Help Cooperative units	5
Number of persons under care at January 4, February 1, February 15, February 29, March 28 and April 18, 1940	6

CALIFORNIA STATE RELIEF ADMINISTRATION

Reconciliation of Unliquidated Encumbrances at February 15, 1940

Exhibit 1

	Total	Salaries and wages	Emergency relief orders	Materials and supplies: For camps	Materials and supplies: Other	Services and expenses	Property and equipment
Amounts shown by letter of F. A. Links, dated February 21, 1940, as encumbrances to February 29, 1940	$3,404,539	$1,077,849	$462,537	$133,878	$655,627	$640,525	$134,123
Add (deduct):							
Amounts included as encumbrances in the Administration's records that were considered applicable to March, 1940, and subsequent months and were therefore disregarded in preparing the figures shown above	1,408,271	1,186,310	------	------	------	221,961	------
Encumbrances relating to the previous (90th) fiscal year	(13,790)	------	(13,790)	------	------	------	------
Minor differences	9,006	------	------	3,147	5,710	1,450	(1,301)
Unliquidated encumbrances per Administration's detail records at February 15, 1940	$4,808,026	$2,264,159	$448,747	$137,025	$661,337	$863,936	$132,822
Deduct—Amounts subsequently reverted by Administration (see footnote):							
February 16 to March 31, 1940	$753,625	$294,172	$79	$74,651	$81,368	$299,094	$4,261
April 1 to 25, 1940 (including an estimated $175,000 salaries and wages)	425,798	175,000	------	59,076	41,228	53,793	96,701
	$1,179,423	$469,172	$79	$133,727	$122,596	$352,887	$100,962
Leaving a balance, as adjusted	$3,628,603	$1,794,987	$448,668	$303,298	$538,741	$511,049	$31,860
Of which there has been estimated to relate to subsequent periods	2,114,583	1,398,995	------	85,000	380,000	230,588	20,000
Unliquidated encumbrances applicable to operations through February 15, 1940	$1,514,020	$395,992	$448,668	$218,298	$158,741	$280,461	$11,860

NOTE:

The amounts of salaries and wages reverted in the period February 16 to March 31, 1940, had the effect of correcting the error of $264,817 (commented upon in the attached report) in arriving at the amount of $1,077,849 shown in the letter of February 21, 1940.

It is not possible without unreasonable effort to prepare an analysis of the amounts reverted after February 15, 1940, with respect to materials and supplies, services and expenses, and property and equipment. The following general statements regarding such reversions are based upon a review of some of the principal budget estimates and the relative actual expenditures.

Materials and supplies for camps—chiefly staple groceries, fresh meats, and clothing.

Other materials and supplies—textiles for WPA manufacturing projects about $70,000, supplies for State administrative department $25,000, and other supplies $27,000.

Service and expenses—traveling about $275,000, rent $50,000, telephone $15,000, and miscellaneous $13,000.

Property and equipment—14 Chevrolet sedans (less 13 trade-ins) $8,060, 34 Chevrolet sedans (no trade-ins) $24,000, 72 trucks and 5 station wagons (less 77 trade-ins) $56,785, and other property and equipment $12,117. The Chevrolet sedans were intended for administrative departments and the trucks for the commodity distribution department; the encumbrances of funds for their purchases were made in December, 1939.

Exhibit 2

CALIFORNIA STATE RELIEF ADMINISTRATION.
STATEMENT OF UNLIQUIDATED ENCUMBRANCES AT MARCH 31, 1940.

Services and expenses incurred, chiefly in March, 1940, the bills for which had not been rendered or were pending settlement:

	Administrative		*Relief projects*	*Estimated amounts*
	State	*County*		
Travel	$20,000	$56,000	$5,000	$81,000
Rent	4,000	22,000	15,000*	41,000
Telephone	2,000	17,000	3,000	22,000
Utilities	----	5,000	14,000	19,000
Service contracts	10,000	9,000	32,000*	51,000
Other	1,000	7,000	23,000	31,000
	$37,000	$116,000	$92,000	$245,000

*These items relate chiefly to commodity distribution.

Materials and supplies received prior to March 31, 1940, the bills for which had not been rendered or were pending settlement:		
Camps, chiefly foodstuffs	$172,000	
WPA projects, chiefly textiles	100,000	
Other	70,000	
		342,000
Emergency relief orders issued but unpaid at March 31, 1940		165,000
Salaries and wages, chiefly for March, 1940, which had not been paid at April 15, 1940, because authorizations for the establishment of positions had not then been obtained from the Department of Finance		25,000
		$777,000

Note:

Estimates resulting in the above amounts were made in the light of the best available information after discussion with employees of the Administration's accounting department.

The amounts of unliquidated encumbrances shown by the records at March 31, 1940 (after adjustment for reversions made and to be made in April, 1940), exceeded the amounts shown above, such excess represented encumbrances for (1) materials and supplies that had not been received at March 31, 1940, but for which purchase orders may have been issued in some instances, and (2) services to be rendered after March 31, 1940

Exhibit 3

CALIFORNIA STATE RELIEF ADMINISTRATION

Statement of Expenditures Applicable to the Period February 16, 1940, to March 31, 1940

(to the nearest thousand dollars)

	Percentages to total	Total expenditures	Relief pay rolls, etc	Principal classifications of services and expenses: Salaries and wages	Materials and supplies	Property and equipment	Services and expenses	Travel	Rent	Telephone	Utilities	Postage	Other
RELIEF EXPENDITURES:													
Cash relief pay rolls	67.1	$3,714,000	$3,714,000	----------	------	-----	------	------	------	------	------	------	------
Emergency relief orders for medical and other services	2 8	155,000	155,000	----------	------	-----	------	------	------	------	------	------	------
Miscellaneous direct relief expenditures	.2	12,000	1,000	----------	$11,000	-----	------	------	------	------	------	------	------
Medical bureaus	.5	30,000	----------	$26,000	3,000	-----	$1,000	------	------	------	------	------	$1,000
Resident projects (camps for single men), less $83,000 abatements (Note 1)	3 9	214,000	----------	61,000	142,000	$1,000	10,000	------	------	$1,000	$5,000	$1,000	3,000
Community distribution	1.7	92,000	----------	46,000	18,000	-----	28,000	$4,000	$14,000	3,000	2,000	1,000	4,000
Advances to Self-Help Cooperatives	.4	22,000	----------	----------	3,000	2,000	17,000	------	------	------	3,000	------	14,000
Contributions to production projects of Works Progress Administration (Note 2)	3.0	163,000	----------	1,000	151,000	-----	11,000	------	8,000	------	1,000	------	2,000
Total relief expenditures (Note 3)	79.6	$4,402,000	$3,870,000	$134,000	$328,000	$3,000	$67,000	$4,000	$22,000	$4,000	$11,000	$2,000	$24,000
ADMINISTRATIVE EXPENDITURES:													
State	4 0	$221,000	----------	$170,000	$11,000	$1,000	$39,000	$22,000	$5,000	$3,000	------	$3,000	$6,000
County and local	16 4	909,000	----------	772,000	15,000	-----	122,000	58,000	23,000	18,000	$6,000	11,000	6,000
Total administrative expenditures (Note 3)	20 4	$1,130,000	----------	$942,000	$26,000	$1,000	$161,000	$80,000	$28,000	$21,000	$6,000	$14,000	$12,000
	100 0	$5,532,000	$3,870,000	$1,076,000	$354,000	$4,000	$228,000	$84,000	$50,000	$25,000	$17,000	$16,000	$36,000

NOTES

(1) With minor exceptions, the abatements of $83,000 credited to resident projects and applied in reduction of materials and supplies represent collections from WPA employees who live at certain of the camps The gross expenditures for materials and supplies, $225,000, comprised: food, $157,000; clothing, $16,000; tobacco, $11,000, household supplies $13,000; fuel, $11,000, all other, $17 000

(2) Materials and supplies contributed to WPA projects comprised mainly textiles for use by relief beneficiaries in the manufacture of clothing

(3) Expenditures relating to resident projects and commodity distribution include salaries and wages of certain employees in the field (such as supervisors and assisant supervisors, clerks, etc) whose duties might be regarded as administrative Based on a limited review of pay rolls it is believed that the total amount of such salaries for the period shown would not exceed $30,000. If this amount, and expenditures of $8,000 for travel and telephone, had been treated as administrative expense instead of direct relief, the relative percentages of expenditures would have been 78.9% for direct relief and 21.1% for administration

Exhibit 4

CALIFORNIA STATE RELIEF ADMINISTRATION

Statement of Expenditures for the Six Months Ended December 31, 1939

(to the nearest thousand dollars)

	Percentages to total	Total expenditures	Relief pay rolls, etc.	Principal classifications of services and expenses: Salaries and wages	Materials and supplies	Property and equipment	Services and expenses	Travel	Rent	Telephone	Utilities	Postage	Other
RELIEF EXPENDITURES													
Cash relief pay rolls	73.0	$18,519,000	$18,519,000	----------	------	-----	------	------	------	------	------	------	------
Emergency relief orders for medical and other services	4.0	1,007,000	1,007,000	----------	------	-----	------	------	------	------	------	------	------
Miscellaneous direct relief expenditures	3	67,000	18,000	----------	$49,000	-----	------	------	------	------	------	------	------
Medical bureaus	.5	124,000	----------	$91,000	19,000	$6,000	$8,000	$2,000	$2,000	$2,000	$1,000	------	$1,000
Resident projects (camps for single men), less $320,000 abatements (Note 1)	2 9	732,000	----------	213,000	458,000	12,000	49,000	1,000	2,000	6,000	23,000	$5,000	12,000
Commodity distribution	1.4	346,000	----------	173,000	76,000	6,000	91,000	12,000	44,000	12,000	7,000	2,000	14,000
Advances to Self-Help Cooperatives	.3	91,000	----------	----------	31,000	47,000	13,000	------	------	------	3,000	------	10,000
Contributions to production projects of Works Progress Administration (Note 2)	.5	141,000	----------	6,000	111,000	-----	24,000	------	16,000	1,000	4,000	------	3,000
Total relief expenditures (Note 3)	82.9	$21,027,000	$19,544,000	$483,000	$744,000	$71,000	$185,000	$15,000	$64,000	$21,000	$38,000	$7,000	$40,000
ADMINISTRATIVE EXPENDITURES:													
State	3 2	$816,000	----------	$586,000	$30,000	$49,000	$151,000	$82,000	$18,000	$13,000	$2,000	$10,000	$26,000
County and local	13 9	3,516,000	----------	2,940,000	88,000	36,000	452,000	212,000	85,000	67,000	22,000	35,000	31,000
Total administrative expenditures (Note .3)	17.1	$4,332,000	----------	$3,526,000	$118,000	$85,000	$603,000	$294,000	$103,000	$80,000	$24,000	$45,000	$57,000
	100.0	$25,359,000	$19,544,000	$4,009,000	$862,000	$156,000	$788,000	$309,000	$167,000	$101,000	$62,000	$52,000	$97,000

NOTES:

(1) With minor exceptions the abatements of $320,000 credited to resident projects and applied in reduction of materials and supplies represent collections from WPA employees who live at certain of the camps The gross expenditures for materials and supplies, $778,000, comprised. food, $476,000; clothing, $64,000; tobacco, $29,000; household supplies, $68,000; fuel, $30,000; building repairs and alterations, $64,000; all other, $47,000

(2) Materials and supplies contributed to projects of the Works Progress Administration comprised mainly textiles for use by relief beneficiaries in manufacturing clothing.

(3) As explained in Note (3) to Exhibit 3, certain expenditures that might be regarded as relating to administration have been treated as direct relief expenditures. The amounts of these expenditures in the period covered by the above summary have not been ascertained because they are relatively unimportant.

CALIFORNIA STATE RELIEF ADMINISTRATION

Exhibit 5

Summary of Unliquidated Advances to Self-Help Cooperative Units—March 31, 1940

Location of unit and commodities produced or processed	Commencement of operations	Amounts advanced to March 31, 1940	Credit for commodities recovered	Unliquidated advances at March 31, 1940	Less—Credits considered by Bureau of Self-Help			Indicated deficit (surplus) after such credits	No. of participants at March 31, 1940 (Note 1)	
					Advances not due	Finished goods at units	Together		Relief beneficiaries	Total incl relief beneficiaries
Cannery units:										
Los Angeles (fruits and vegetables)	Sept., 1935	$301,800	$210,500	$91,300	$11,700	$32,000	$43,700	$47,600	33	54
Bell (jams, jellies, fruits, etc.)	Sept., 1935	171,400	172,900	(1,500)	400	3,700	4,100	(5,600)	32	44
North Hollywood (soups, spaghetti, pickles, etc.)	Aug., 1935	55,700	30,600	25,100	12,200	(Note 2)	12,200	12,900	11	28
Industrial units:										
Pasadena (soap)	Sept., 1935	95,000	96,900	(1,900)	1,100	100	1,200	(3,100)	3	9
Maywood (syrups, spices, etc.)	Nov., 1935	45,500	34,300	11,200	3,900	500	4,400	6,800	15	20
Venice (paste products)	Aug., 1935	35,500	15,200	20,300	------	200	200	20,100	11	15
Farm units:										
Burbank (dairy products and alfalfa)	Mar., 1936	69,400	53,900	15,500	7,800	100	7,900	7,600	12	21
Whittier (hogs, goat's milk and alfalfa)	Apr., 1936	40,000	20,800	19,200	500	3,700	4,200	15,000	19	28
Yucaipa (hogs, barley and alfalfa)	May, 1936	32,400	(3,800)	36,200	22,100	100	22,200	14,000	15	15
Los Angeles textile unit: (shirts)	Nov., 1935	35,100	20,700	14,400	6,600	100	6,700	7,700	16	40
Other units (33 in number)		478,300	262,100	216,200	55,700	12,500	68,200	148,000	198	319
TOTALS (Note 3)		$1,360,100	$914,100	$446,000	$122,000	$53,000	$175,000	$271,000	365	593

NOTES

1 The number of participants was obtained from statistical records of the Bureau of Self-Help; the number varies seasonably in some units

2 No statement of finished goods on hand at March 31, 1940, was submitted by the operating unit; the amount has been estimated to be $5,600

3 The totals do not include advances of $421,900 to defunct units, the credit of $232,000 for commodities recovered therefrom, or the unliquidated advances of $189,900 from these units which amount was written off as uncollectible in prior fiscal years.

Exhibit 6

CALIFORNIA STATE RELIEF ADMINISTRATION

Number of Persons Under Care

	As shown by reports of planning and research division at						Decrease from Feb 15, 1940, to				% of total at	
	Jan 4, 1940	Feb 1, 1940	Feb 15 1940	Feb 29, 1940	Mar 28, 1940	Apr 18, 1940	Mar 28, 1940 Number	Mar 28, 1940 %	Apr 18, 1940 Number	Apr 18, 1940 %	Feb 15, 1940	Apr 18, 1940
In counties:												
Los Angeles	123,880	134,641	137,703	136,101	123,743	111,280	13,960	10.1	26,423	19.2	38 0	41.3
Alameda	22,251	22,236	21,931	21,082	18,942	16,634	2,989	13.6	5,297	24.2	6.1	6.2
San Francisco	22,475	21,091	21,712	20,086	17,435	16,322	4,277	19.7	5,390	24.8	6.0	6.1
Tulare	17,223	20,277	20,619	20,416	19,581	17,845	1,038	5 0	2,774	13.5	5 7	6.6
Kern	15,375	17,013	16,746	16,264	14,198	12,473	2,548	15 2	4,273	25.5	4.6	4.6
Fresno	13,254	16,001	15,930	15,823	14,283	12,104	1,647	10.3	3,826	24 0	4.4	4 5
San Bernardino	12,911	14,499	14,061	13,442	10,902	9,934	3,159	22.5	4,127	29.4	3.9	3.7
San Diego	10,972	11 256	11,082	10,640	9,252	8,406	1,830	16.5	2,676	24 1	3.0	3.1
Orange	9,384	10,469	10,718	10,115	7,923	6,311	2,795	26.1	4,407	41.1	3.0	2.3
San Joaquin	8,963	9,684	10,284	9,405	8,745	7,052	1,539	15.0	3,232	31 4	2 8	2.6
All other counties	68,038	80,331	81,409	77,133	65,470	51,080	15,939	19.6	30,329	37.3	22.5	19 0
Totals	324,726	357,498	362,195	350,507	310,474	269,441	51,721	14.3	92,754	25.6	100.	100.
Comprising:												
State residents	318,072	350,264	355,238	344,137	305,609	266,539	49,629	14.0	88,699	25 0	98.1	98.9
Transients—												
Los Angeles County	3,419	3,631	3,750	3,600	2,889	1,745	861	23.0	2,005	53.5	1.0	.7
Other counties	3,235	3,603	3,207	2,770	1,976	1,157	1,231	38.4	2,050	63.9	.9	.4
	324,726	357,498	362,195	350,507	310,474	269,441	51,721	14.3	92,754	25.6	100.	100.
*In resident project camps:**												
State residents	7,267	7,676	7,562	7,683	6,578	4,576	984	13.0	2,986	39.5	70.5	58.0
WPA security-wage workers	2,933	3,019	3,168	3,262	3,272	3,321	(104)	(3.3)	(153)	(4 8)	29.5	42.0
* Totals	10,200	10,695	10,730	10,945	9,850	7,897	880	8.4	2,833	26.6	100.	100.

* Exclusive of Federal transients who varied in number as follows: 57 at January 4, 39 at February 15, 11 at March 28 and 3 at April 18, 1940

Motion to Print Communication in Journal.

On motion of Mr. Atkinson the following communication was ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.
Sacramento, California, May 16, 1940.

Honorable Jack C. Greenburg, Chief Clerk of the Assembly,
Assembly Chambers, Sacramento, California.

Subject: Assembly Bill No. 127—*Relating to public assistance and employment.*

DEAR SIR: We have examined this measure, pursuant to Assembly Standing Rule No. 14, and report that in our opinion it appears to be without the scope of the first proclamation, dated January 26, 1940.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By ARTHUR MCHENRY, Deputy.

Copy to:
Honorable Jeanette E. Daley,
Field, Garland, Houser, Poulson, Watson, Wollenberg.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 125: By Mr. Donnelly—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Assembly Bill No. 126: By Mrs. Daley and Messrs. Burns, Michael J., Leonard, Stream, Evans, Atkinson, Watson, Scudder and Dilworth—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance, and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Assembly Bill No. 127: By Mrs. Daley and Messrs. Field, Garland, Houser, Poulson, Watson and Wollenberg at the request of the Joint Fact-Finding Committee on Employment—An act establishing an integrated program for State and County Public Assistance and Employment Activities, creating a California Department of Employment for the coordination thereof, defining the scope of the powers and duties of the State and the counties in regard thereto, providing for the administration thereof, apportioning funds for the cost thereof, determining eligibility for relief, authorizing a works program, prohibiting political activities, penalizing persons violating its provisions, defining the purposes for which money appropriated for relief activities may be expended, transferring the powers and duties of the Relief Commission, Relief Administrator, the Department of Social Welfare, the Social Welfare Board, the Director of the Department of Social Welfare, the State Department of Employment and the California Employment Commission to the California Department of Employment and the counties and repealing acts and parts of acts specified herein.

Assembly Bill No. 128: By Messrs. Dills, O'Donnell, Donnelly, Lore and Turner—An act to add section 5 18 to the Retail Sales Tax Act of 1933, and section 4 11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption, to repeal chapter 6 of the statutes of the first extraordinary session of the Fifty-third Legislature and to declare that this act shall take effect immediately.

Assembly Bill No. 129: By Messrs. Collins, Crowley, Cassidy, Gilbert, Atkinson, Reaves, Dills, Tenney, Richie, Heisinger, Sawallisch, Cronin, Burns, Hugh M., Gannon, Williamson, Thurman, Robertson, Rosenthal, Gallagher, Lore, Green, Maloney, Meehan, Miller, George P., Fulcher, Del Mutolo, Donnelly, Gilmore, Doyle, Johnson, Sheridan, Phillips, Hawkins, Burson, Bashore, Kilpatrick, Salsman, Thorp, King, Leonard, Evans, Allen, Pelletier, Bennett, Massion, Miss Miller and Mrs. Daley—An act to submit to the people at the general election on November 5, 1940, a proposed amendment to the Constitution of this State, relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, and to provide that this act shall take effect immediately.

Assembly Bill No. 130: By Messrs. Robertson, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy,

Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty and Garland—An act to add section 2.5 to the Retail Sales Tax Act of 1933 and section 2.5 to the Use Tax Act of 1935, relating to the definition of "sale" and "purchase" respectively, declaring the legislative intent as to the construction of said acts with respect to transactions involving the sales of newspapers and providing when this act shall become effective.

Introduction and Reference of Bills.

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

Assembly Bill No. 125: By Mr. Donnelly—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and *declaring the urgency of this act.*

Referred to Committee on Agriculture.

Assembly Bill No. 126: By Mrs. Daley and Messrs. Burns, Michael J., Leonard, Stream, Evans, Atkinson, Watson, Scudder and Dilworth—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance, and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Referred to Committee on Conservation.

Assembly Bill No. 127: By Mrs. Daley and Messrs. Field, Garland, Houser, Poulson, Watson and Wollenberg at the request of the Joint Fact-Finding Committee on Employment—An act establishing an integrated program for State and County Public Assistance and Employment Activities, creating a California Department of Employment for the coordination thereof, defining the scope of the powers and duties of the State and the counties in regard thereto, providing for the administration thereof, apportioning funds for the cost thereof, determining eligibility for relief, authorizing a works program, prohibiting political activities, penalizing persons violating its provisions, defining the purposes for which money appropriated for relief activities may be expended, transferring the powers and duties of the Relief Commission, Relief Administrator, the Department of Social Welfare, the Social Welfare Board, the Director of the Department of Social Welfare, the State Department of Employment and the California Employment Commission to the California Department of Employment and the counties and repealing acts and parts of acts specified herein.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 128: By Messrs. Dills, O'Donnell, Donnelly, Lore and Turner—An act to add section 5.1S to the Retail Sales Tax Act of 1933, and section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption, to repeal Chapter 6 of the statutes of the first extraordinary session of the Fifty-third Legislature and to declare that this act shall take effect immediately.

Referred to Committee on Live Stock and Dairies.

Assembly Bill No. 129: By Messrs. Collins, Crowley, Cassidy, Gilbert, Atkinson, Reaves, Dills, Tenney, Richie, Heisinger, Sawallisch, Cronin, Burns, Hugh M., Gannon, Williamson, Thurman, Robertson, Rosenthal, Gallagher, Lore, Green, Maloney, Meehan, Miller, George P., Fulcher, Del Mutolo, Donnelly, Gilmore, Doyle, Johnson, Sheridan, Phillips, Hawkins, Burson, Bashore, Kilpatrick, Salsman, Thorp, King, Leonard, Evans, Allen, Pelletier, Bennett, Massion, O'Day, Miss Miller and Mrs. Daley—An act to submit to the people at the general election on November 5, 1940, a proposed amendment to the Constitution of this State, relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, and to provide that this act shall take effect immediately

Referred to Committee on Constitutional Amendments.

Assembly Bill No. 130: By Messrs. Robertson, Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert,

Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty and Garland—An act to add section 2.5 to the Retail Sales Tax Act of 1933 and section 2.5 to the Use Tax Act of 1935, relating to the definition of "sale" and "purchase" respectively, declaring the legislative intent as to the construction of said acts with respect to transactions involving the sales of newspapers and providing when this act shall become effective.

Referred to Committee on Revenue and Taxation.

Assembly Joint Resolution No. 22: By Messrs. Voigt and Gannon—Relative to defense of the California coast.

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 22, at this time, without reference to committee, print or calendar.

Consideration of Assembly Joint Resolution No. 22.

Assembly Joint Resolution No. 22 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Joint Resolution No. 23: By Messrs. Kuchel, Atkinson, Phillips, Burson, Watson, Dills and Doyle—Relative to protesting the proposed attack upon the title of the State of California to its tide, submerged and overflowed lands.

Request for Unanimous Consent.

Mr. Turner asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 23, at this time, without reference to committee, print or calendar.

Consideration of Assembly Joint Resolution No. 23.

Assembly Joint Resolution No. 23 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Waters, Watson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Motion to Strike Out Words and Substitute.

On motion of Mr. Kilpatrick, by unanimous consent, the last line of a statement on page 464 by him was stricken out, and the following substituted:

"On the other hand if questions have been asked which were irrelevant to the subject for which the committee was created, then those individuals were justified in refusing to answer such questions."

Recess.

At three o'clock and fifty-five minutes p.m., on motion of Mr. Field, the Assembly was declared at recess until four o'clock p.m., for the purpose of presenting a birthday present to Speaker Garland.

Reassembled.

At four o'clock the Assembly reconvened.
Speaker Garland in the chair.

Recess.

At four o'clock and five minutes p.m. the Assembly was declared at recess for five minutes to hear from Hon. John J. McGrath, former Congressman, and at present Commissioner of Immigration and Housing for the Northern District of California.

Reassembled.

At four o'clock and ten minutes p.m. the Assembly reconvened.
Speaker Garland in the chair.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Gannon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Paul Brady.

On request of Mr. Del Mutolo, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Congressman John J. McGrath.

Adjournment.

At four o'clock and fifteen minutes p.m., on motion of Mr. Houser, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p. m., Friday, May 17, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY
ONE HUNDRED TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, May 17, 1940.

At two o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68.

Quorum present.

Prayer.

Upon invitation of the Speaker prayer was offered by Rev. Alfred Tonnes, executive secretary, Church Council of Sacramento.

Reading of the Journal Dispensed With.

On motion of Mr. Robertson, the further reading of the Journal of Thursday, May 16, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Evans, on motion of Mr. Doyle.
Mr. Sheridan, on motion of Mr. Leonard.
Mr. Miller, Geo. P., on motion of Mr. Johnson.
Mr. Kilpatrick, on motion of Mr. Bashore.
Mr. Atkinson, on motion of Mr. Dills.
Mr. Del Mutolo, on motion of Mr. Leonard.
Mr. Williamson, on motion of Mr. Cronin.
Mr. Richie, on motion of Mr. Dills.
Mr. Gannon, on motion of Mr. Millington.
Mr. Phillips, on motion of Mr. Carlson.

Reports of Standing Committees.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 120.
Assembly Bill No. 123.
And reports the same correctly enrolled, and presented to the Governor on this seventeenth day of May, 1940, at eleven o'clock a.m.

CASSIDY, Chairman.

On Conservation.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Conservation, to which was referred:
Assembly Bill No. 126.
Respectfully reports the same back with the recommendation: Do pass.

KNIGHT, Chairman.

The above reported bill ordered on second reading calendar.

On Live Stock and Dairies.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Live Stock and Dairies, to which was referred:
Assembly Bill No. 128.
Respectfully reports the same back with the recommendation: Do pass.

WEYBRET, Chairman.

The above reported bill ordered on second reading calendar.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Senate Bill No. 13.
Requests the same be amended, and re-referred back to committee.

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 126—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance, and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State park maintenance and acquisition fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 128—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption, to repeal Chapter 6 of the statutes of the first extraordinary session of the Fifty-third Legislature and to declare that this act shall take effect immediately.

Bill read second time, and ordered to engrossment.

Second Reading of Senate Bills (Out of Order).

Senate Bill No. 13—An act to amend section 70 of the State Civil Service Act, relating to salary adjustments of civil service employees, declaring the urgency thereof, and providing that this act shall take effect immediately.

Committee Amendments to Senate Bill No. 13.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 13 to 23, inclusive; and in line 24, strike out "higher salaries", and insert in lieu thereof the following:

"When there is money available to make salary adjustments, then the employee or employees receiving salaries of less than $150 per month shall receive salary adjustments in preference to those other employees who are paid from the same fund or appropriation and who receive higher salaries. When salary adjustments are made to any employee or employees from any fund or appropriation, those receiving the lowest salaries shall receive adjustments first in order."

Amendment No. 2.

On page 2, line 33, of the printed bill, as amended, strike out "Salary adjustments not", and strike out all of lines 34 to 38, inclusive.

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 48 and 49; and in line 50 thereof, strike out "it is now possible for some", and insert in lieu thereof the following: "ever it is now possible for".

Amendments adopted.

Bill read second time, ordered to reprint, and third reading.

Report of Standing Committee.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred: **Assembly Bill No. 130.**

Respectfully reports the same back with the recommendation: Do pass.

TURNER, Chairman

Request for Unanimous Consent.

Mr. Robertson asked for, and was granted, unanimous consent to consider Assembly Bill No 130, at this time, without reference to calendar, and that the same be considered engrossed.

Consideration of Assembly Bill No. 130.
Case of Urgency Resolution.

By Mr. Robertson: .

Resolved, That Assembly Bill No. 130 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No 130, at this time.

Second Reading of Assembly Bill No. 130.

Assembly Bill No. 130—An act to add section 2.5 to the Retail Sales Tax Act of 1933 and section 2.5 to the Use Tax Act of 1935, relating to the definition of "sale" and "purchase" respectively, declaring the legislative intent as to the construction of said acts with respect to transactions involving the sales of newspapers and providing when this act shall become effective.

Bill read second time

Third Reading of Assembly Bill No. 130.

Assembly Bill No. 130—An act to add section 2.5 to the Retail Sales Tax Act of 1933 and section 2.5 to the Use Tax Act of 1935, relating to the definition of "sale" and "purchase" respectively, declaring the legislative intent as to the construction of said acts with respect to transactions involving the sales of newspapers and providing when this act shall become effective.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—None.

Title read.

Motion to Amend Title to Assembly Bill No. 130.

Mr. Robertson moved to amend the title to Assembly Bill No. 130 as follows:

Amendment No. 1.

In line 3 of the title of the printed bill, after "respectively," insert the following: "including but not limited to".

Amendment adopted.

Title, as amended, read and approved. Bill ordered transmitted to the Senate.

Resolution.

By the Committee on Attaches:

House Resolution No. 91.

MR. SPEAKER: Your Committee on Attaches respectfully begs to report that it has carefully considered the application for the position hereinafter stated and desires to submit the following resolution:

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly upon a six-day per week basis, and the Controller is hereby directed to draw his warrants in favor of the said person for the said respective amount, and the Treasurer is hereby directed to pay the same:

Commencing May 17, 1940—

Per day

Robert Finnie, Jr., Assistant Sergeant-at-Arms.....$5 00

VOIGT, Chairman.

House Resolution No. 91 read, and adopted by the following vote:

AYES—Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—61.

NOES—None.

Leave of Absence.

Mr. Allen was granted leave of absence for the balance of this legislative day, on motion of Mrs. Daley.

Resolution.

By Mr. Robertson:

House Resolution No. 92.

WHEREAS, In the process of the enactment of legislation for this sovereign State it becomes necessary for the members of this house and certain guests on the floor thereof to utilize the Assembly cloak room for various purposes; and

WHEREAS, Said cloak room lacks all semblance of convenience, comfort and aesthetic appeal, and is badly in need of refurnishing, repainting, replastering, remodeling, carpeting and installation of window shades and curtains; and

WHEREAS, The cost thereof including the installation of settees, chairs and cigar trays will cost $1,575.25; now, therefore, be it

Resolved, That the sum of $1,575.25, or as much thereof as may be necessary, be and the same is hereby appropriated out of the Contingent Fund of the Assembly to Frank M. Killam, Chief of the Bureau of Buildings and Grounds, to be expended by him in refurnishing, repainting, replastering, remodeling, carpeting and furnishing window shades and curtains for the Assembly cloak room in the State Capitol, Sacramento, California; and be it further

Resolved, That the Controller is hereby directed to draw his warrant on the contingent fund of the Assembly in favor of Frank M. Killam in said sum, or as much thereof as may be necessary, to carry out the provisions of this resolution.

House Resolution No. 92 ordered to Committee on Rules.

Special Committee Appointments.

The Speaker announced that the following appointments to special committees have heretofore been made:

Relief Investigating Committee (H R. 9 and 29)—Yorty (Chairman), Bashore, Gannon, Phillips and Tenney.

Investigating Committee on Interference with the Legislature (H.R. 46 and 49)—Call (Chairman), Burns, Hugh M, Field, Millington, Williamson, Bennett and Gannon.

Joint Fact-Finding Committee on Employment (S.C.R. 10)—Daley (Vice Chairman), Field, Houser, Lore, O'Day, Poulson, Watson and Wollenberg.

Revenue and Taxation Fact-Finding Committee (H.R. 67)—Turner (Chairman), Call, Desmond, Kellems, Kepple, Lyon, Maloney, Millington, Scudder, Voigt and Waters.

Governmental Efficiency and Economy Fact-Finding Committee (H.R. 67)—Allen (Chairman), Corwin, Doyle, Green, Johnson, Kuchel, Leonard, Salsman, Sheridan, Thurman and Williamson.

Housing and Slum Clearance Fact-Finding Committee (H.R. 67)—Knight (Chairman), Allen, Andreas, Dilworth, Hawkins, Miller, Eleanor; Pelletier, Thorp, Walker, Weber and Weybret.

Joint Committee on Motor Vehicles (Chap. 25, Stats. 1940)—Sawallisch (Chairman), Fulcher, Burson, Cronin, Bashore and Stream.

Perpetual Care Committee (H.R. 75)—Fulcher (Chairman), Field and Lyon.

Committee on Legislative Procedure (H R. 78)—Weber (Chairman), Lyon and Millington.

Notice of Motion to Reconsider Continued.

By unanimous consent the consideration of notice of motion to reconsider votes on the following bill was continued until the next legislative day:

House Resolution No. 85.

Re-reference of Bills.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Senate Bill No. 13 re-referred to Committee on Ways and Means.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 131: By Mr. Donnelly—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Assembly Bill No. 132: By Messrs. Houser, Salsman, Bennett, Dills, Kepple, Kuchel, Waters, Poulson and Rosenthal—An act to amend the title and to add sections 1e, 1f, 1g, and 1h to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessments," approved June 6, 1913, Statutes of 1913, Chapter 247, as amended by Statutes of 1940, Chapter 35, approved February 29, 1940, relating to districts, political corporations, public corporations and unincorporated territory or any combination thereof, authorized by law to construct such public improvements; relating to the acquiring of legislative jurisdiction therefor; providing that such proceedings shall be subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931; and providing that this act shall take effect immediately.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 131: By Mr. Donnelly—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Referred to Committee on Agriculture.

Assembly Bill No. 132: By Messrs. Houser, Salsman, Bennett, Dills, Kepple, Kuchel, Waters, Poulson and Rosenthal—An act to amend the title and to add sections 1e, 1f, 1g, and 1h to an act entitled "An act to provide for the acquisition,

installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessments," approved June 6, 1913, Statutes of 1913, Chapter 247, as amended by Statutes of 1940, Chapter 35, approved February 29, 1940, relating to districts, political corporations, public corporations and unincorporated territory or any combination thereof, authorized by law to construct such public improvements; relating to the acquiring of legislative jurisdiction therefor; providing that such proceedings shall be subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931; and providing that this act shall take effect immediately.

Referred to Committee on Municipal Corporations.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Frank Singley, V. J. LaChusa, George Peck, Manuel Cordova, Clifford Singley and Adam Costello, Indians of the California Indian Reservation.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Patricia O'Hara, Margaret Moak and Catherine McBride.

Adjournment.

At four o'clock and forty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p.m., Monday, May 20, 1940

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY
ONE HUNDRED THIRTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, May 20, 1940.

At two o'clock and thirty minutes p m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Friday, May 17, 1940, was dispenesd with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gallagher, on motion of Mr. Maloney.

Mr. O'Day, on motion of Mr. Maloney.

Mr. Gannon, on motion of Mr. Doyle.

Appointment of Special Committee.

On motion of Mr. Rosenthal, the Speaker appointed Messrs. Rosenthal, Kellems, Burns, Hugh M., Maloney, and Pelletier as a committee to arrange the affairs of the late Assemblyman Fred Reaves.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notice of motion to reconsider votes on the following bill was continued until the next legislative day:

House Resolution No. 85.

Adjournment.

At two o'clock and forty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Assemblyman Fred Reaves, who this day passed away, until ten o'clock a.m., Tuesday, May 21, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY
ONE HUNDRED FOURTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, May 21, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—75.

Quorum present.

Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

Reading of the Journal Dispensed With.

On motion of Mr. Dilworth, the further reading of the Journal of Monday, May 20, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gilbert, on motion of Mr. Hawkins.

Mr. Gannon, on motion of Mr. Millington.

Reports of Standing Committees.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1940.

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

Assembly Bill No. 126.

Assembly Bill No. 128.

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

On Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1940.

MR. SPEAKER: Your Committee on Municipal Corporations, to which was referred: **Assembly Bill No. 132.**

Respectfully reports the same back with the recommendation: Do pass.

KUCHEL, Chairman.

Second Reading of Assembly Bill No. 132.

Assembly Bill No. 132—An act to amend the title and to add sections 1e, 1f, 1g and 1h to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessments," approved June 6, 1913, Statutes of 1913, Chapter 247, as amended by Statutes of 1940, Chapter 35, approved February 29, 1940, relating to districts, political corporations, public corporations and unincorporated territory or any combination thereof, authorized by law to construct such public improvements; relating to the acquiring of legislative jurisdiction therefor; providing that such proceedings shall be subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931; and providing that this act shall take effect immediately.

Bill read second time, and ordered to engrossment.

Senate Message.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

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

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate

By MAITLAND S. PENNINGTON, Assistant Secretary.

Senate Bill No. 90 read first time, and referred to Committee on Social Service and Welfare.

Motion to Print in Journal.

On motion of Mrs. Daley, the following report by the Assembly Legislative Fact-finding Committee on Employment was ordered printed in the Journal:

PART VI.

Social Audit.

The Joint Legislative Fact-Finding Committee on Employment submits this report with the hope that the findings will benefit future legislation. The committee's primary desire is to see that the needy receive their full share of relief, but to accomplish this, it is necessary to prevent the undeserving from taking from the deserving.

In fairness to regular case workers, the committee acknowledges that access has been had to certain records not available to them. In this connection, the committee in Part I of its report (Assembly Journal, May 14, 1940, page 452, Recommendation VIII), advocated "the clearing of accepted (SRA) applications through private credit agencies in the same manner as commercial or financial credit applications are cleared."

10,000 Cases Studied.

Every effort has been made to be conservative in classifying the 10,000 SRA cases included in this audit and as a result many apparent ineligible cases have been listed as borderline cases. The social audit conducted by Social Welfare Commission disclosed that in the Holly-

wood area of Los Angeles the ineligible cases were approximately 12 per cent against 13 per cent borderline cases. This audit shows only 1.05 per cent ineligible cases and 21.17 per cent borderline cases. Analysis of the borderline cases indicates a relative high proportion of ineligibility.

The audit was undertaken in representative cities and counties and the results are set forth in tabulations that follow. The cases were checked without any knowledge, on the part of the investigators, of information shown on the case records. The cases were selected at random from relief payrolls in the Controller's office. The counties in which the inquiry was made are San Francisco, Alameda, Sacramento, Stanislaus, Los Angeles, Riverside, San Bernardino, and San Diego, and the cities, San Jose and Glendale.

Ineligibles Evade Inquiry.

This audit demonstrates definitely that the great exodus of recipients from the rolls after February 15th was caused by the Legislature establishing necessary restrictions and determining to eliminate the undeserving.

There is little doubt but that clever chiselers are classed as borderline or wrong-address cases in the tabulations These cases require intensive investigation, not permitted by the time and funds available to the committee. However, several Los Angeles cases were examined exhaustively and definite evidence of fraud was obtained in two. Only a few of the many wrong-address cases found by the investigators could be scrutinized in the available time but these indicated a relative high ineligibility ratio.

The figures obtained by the analysis confirm the findings of the sub-committees that there is a direct relationship between the inefficiency of SRA offices and the percentage of ineligibility. The Southern California sub-committee, of which Mr. Houser is the chairman, reported, for example, that San Bernardino County has one of the more efficient SRA offices and Riverside, one of the less efficient. This social audit disclosed that borderline and ineligible cases in San Bernardino County totaled 22 per cent, whereas in Riverside County they totaled 48 per cent.

A comparison of the Hollywood and Belvedere sections of Los Angeles indicates the difference in the class of relief recipients and varying factors that are involved. In Belvedere, where economic and cultural levels are lower, there were few chiselers; whereas in Hollywood the borderline percentage was 21.17 per cent, a reflection of the many methods of chiseling which were disclosed.

Money and Morale Lost.

This audit emphasized the seriousness of chiseling, not only because of the vast sums lost but also in the moral effect upon our people. The committee calls attention to the prevalence of borderline cases, as revealed by this audit, which range from 5.5 per cent to as high as 32 per cent. The economic loss from ineligibility is far greater than generally understood. To arrive at the loss, it is conservative to assume that one-fourth of all borderline cases are undeserving and, with the definite ineligibles, are receiving $4,000,000 a year in California. This does not take into consideration past losses from payment to persons who left the rolls after the Legislature commenced its investigation of the steadily increasing relief load.

This loss, great as it is, is secondary to the intangible loss from the depletion of the moral fabric of our citizens. This audit has revealed that not only seasonal workers, but also all other types, many of whom are employed as high as ten months a year, depend regularly upon relief to carry them through periods of unemployment. Heretofore, under the same conditions these workers managed to save sufficient money to provide for themselves during idle periods. Now they go on relief as soon as unemployed, continuing installment payments on automobiles and other purchases. Even marginal farmers who once maintained themselves, seek relief. The attitude that the State will take care of those who do not endeavor to provide for themselves is rapidly becoming more general.

Recipients of relief have been permitted, even encouraged, by business concerns to buy expensive jewelry, refrigerators, radios and automobiles on time-payments far above their means. Rentals in many cases are exorbitant to recipients. A representative of a branch bank in a Southern California city attempted to discourage a part of this investigation on the basis that certain farmers who are borrowers of the bank might lose relief payments they are receiving. One case was found of a relief recipient who had a four-figure savings account in 1938 and who withdrew the money and immediately applied for and received relief.

The audit disclosed that several questionable cases voluntarily dropped from the rolls in February, have been reinstated since the Workers Alliance has been actively encouraging citizens to go on relief.

Chiseling an Important Problem.

To reduce chiseling is an important social problem, which deserves the cooperation of all citizens to the end that the apparent break-down of moral responsibility may be halted.

The publishing of names of relief recipients would help probably in small cities, but probably would not have as much effect in larger cities, where the chiseler can readily use fictitious names. Finger-printing of relief recipients is opposed by some persons as unsocial but if the deserving are to be protected from those who are undeserving it seems to be one of the inevitable steps that must be taken.

The Controller's office should be provided with more money so that more investigators may be employed to investigate relief payments. The cost would be small, compared to the possible savings. Chiselers should not be dealt with leniently.

Works projects as proposed by the committee would provide an effective means of eliminating chiseling because a chiseler will not work. The dollar and cents savings would pay any additional administrative costs.

The committee regrets that it is necessary to state that undue delay on the part of the Department of Finance in approving the Controller's recommendation for additional appointments of investigators prevented the start of this audit until April 1, 1940. Three months should have been allowed for the comprehensive examination undertaken. To produce a maximum of information any social audit requires adequate time for thorough inquiry. While the findings of this investigation have been illuminating, the committee does realize that more time would have brought out still more interesting phases of the problem of dole relief.

SOCIAL AUDIT—SRA RELIEF ROLLS.

LOS ANGELES COUNTY.

Vernon District.

Eligible cases	259	cases	83 82%
Cases—working since February	14	cases	4.53%
Borderline cases	24	cases	7.77%
Ineligible cases	12	cases	3.88%
	309	cases	100.00%

Borderline Cases.

Peddlers	1	
Stock or Chicken Raisers	1	
Have Roomers or Boarders	1	
Suspicious Circumstances	2	
Have Relatives with Incomes	6	
No Information Available	1	
Part-time Private Employment	12	
Total		24

Adams District.

Eligible cases	185	cases	65.37%
Cases—working since February	12	cases	4.24%
Borderline cases	78	cases	27 57%
Ineligible cases	8	cases	2.82%
	283	cases	100.00%

Borderline Cases.

Stock or Chicken Raisers	1	
Credit Users	7	
Suspicious Circumstances	6	
Have Relatives with Incomes	5	
No Information Available	14	
Excessive Use of Intoxicants	8	
Part-time Private Employment	23	
Other Reasons	14	
Total		78

Harbor District.

Eligible cases	139	cases	72 02%
Cases working since February	5	cases	2.59%
Borderline cases	43	cases	22.28%
Ineligible cases	6	cases	3 11%
	193	cases	100.00%

Borderline Cases.

Stock or Chicken Raisers	2	
Credit Users	5	
Suspicious Circumstances	3	
No Information Available	3	
Part-time Private Employment	28	
Other reasons	2	
Total		43

Arcadia District.

Eligible cases	230	cases	79.58%
Cases working since February	3	cases	1.04%
Borderline cases	40	cases	13.84%
Ineligible cases	16	cases	5.54%
	289	cases	100.00%

Borderline Cases.

Stock or Chicken Raisers	2
Credit Users	2
Have Relatives with Incomes	4
Excessive Use of Intoxicants	2
Part-time Private Employment	29
Other Reasons	1
Total	40

Boyle District.

Eligible cases	349	cases	89 03%
Cases working since February	7	cases	1.79%
Borderline cases	32	cases	8.16%
Ineligible cases	4	cases	1.02%
	392	cases	100.00%

Borderline Cases

Stock or Chicken Raisers	2
Unwilling to Work	2
Suspicious Circumstances	2
Have Relatives with Incomes	5
No Information Available	3
Excessive Use of Intoxicants	1
Part-time Private Employment	17
Total	32

Vermont District.

Eligible cases	505	cases	84.45%
Cases working since February	17	cases	2 84%
Borderline cases	65	cases	10.87%
Ineligible cases	11	cases	1.84%
	598	cases	100.00%

Borderline Cases.

Have Roomers or Boarders	1
Unwilling to Work	3
Credit Users	11
Suspicious Circumstances	1
Have Relatives with Incomes	6
Excessive Use of Intoxicants	6
Own Homes or Other Real Estate Clear	5
Part-Time Private Employment	26
Other Reasons	6
Total	65

Belvedere District.

Eligible cases	230	cases	90.55%
Cases working since February	5	cases	1.97%
Borderline cases	14	cases	5.51%
Ineligible cases	5	cases	1.97%
	254	cases	100.00%

Borderline Cases.

Stock or Chicken Raisers	1
Unwilling to Work	1
Have Relatives with Incomes	1
Part-time Private Employment	9
Other Reasons	2
Total	14

Hollywood District.

Eligible cases	350 cases	73.38%
Cases working since February	21 cases	4.40%
Borderline cases	101 cases	21.17%
Ineligible cases	5 cases	1.05%
	477 cases	100.00%

Borderline Cases.

Have Roomers or Boarders	1
Unwilling to Work	3
Credit Users	11
Suspicious Circumstances	6
Have Relatives with Incomes	3
No Information Available	7
Excessive Use of Intoxicants	6
Own Homes or Other Real Estate Clear	4
Obvious Incomes from Unknown Sources	1
Part-time Private Employment	48
Other Reasons	11
Total	101

Social Audit—SRA Relief Rolls.

LOS ANGELES COUNTY.

Listed below are some sample cases of persons on relief:

Alfonso De la C—— lives on Esparanza Street, working as a sign painter and just completed one job which we verified, receiving $100 check. Is receiving relief under name of Al C——at a nearby address (such cases as these are difficult to find and require intensive investigation; this is a sample of aliases).

Another alias case is that of a real estate salesman, Alfred H. D—— using the D—— name but a different given name. Definitely determined to be the same man; lives in a nice apartment and, at one time, was exceedingly wealthy, even today he has property holdings. The record of suits against him show that he is rather elusive. It has been confirmed that he is making from $200 to $300 each month from the real estate company which he is now representing.

Richard Eps—— has been a fruit peddler for 13 years; has a nice home in Alhambra and is receiving relief.

David E. Ro—— is a musician playing in a night club, also on relief.

Julius Oc—— is a lubricant man with an automobile company; has been working for seven years at $30 per week, using a different given name but positively identified as the same man.

Mrs. Blanche J—— claiming to be a widow is receiving relief but has a husband working at one of the motion picture studios.

Mrs. Laura Ho—— on South Berendo claims to be a widow but has a husband receiving veteran's pension and she is a registered nurse working regularly while on relief.

Leona H—— supposed to be a widow but has been working as a waitress and has a husband who is a detective and is working

William F. St—— has been arrested regularly each year for drinking since 1933; has either paid a fine or sentenced to jail; at this time, he is serving 40 days on the road gang.

Flora and Lou Sah—— have been married for six months and have been on relief ever since; prior to that time they were both employed as domestics in the home of a Beverly Hills family. They have both been offered work at the same place but have remained on relief. This latter has been verified twice from their former employer.

CITY OF SAN FRANCISCO.

Eligible for relief		595 cases	60 78%
Back to work since February	Schedule A	45 cases	4.59%
Borderline cases	Schedule B	156 cases	15.94%
Special cases	Schedule C	59 cases	6.03%
Merchandise cases:			
Off rolls since February	Schedule D	16 cases	1.63%
Still on relief	Schedule D	18 cases	1.84%
Excessive liquor cases:			
Off rolls since February	Schedule E	13 cases	1.33%
Still on relief	Schedule E	18 cases	1.84%
Not eligible for relief in February	Schedule F	22 cases	2.24%
Ineligible	Schedule G	37 cases	3.78%
		979 cases	100.00%

(219 cases had wrong addresses so could not be checked.)

Schedule A.

This represents relief cases where the subjects have received work since February and have been removed from the rolls.

Schedule B.

This represents cases which require further investigation to determine their eligibility.

Schedule C.

These cases involve foreigners principally and there are many peculiar circumstances suggesting doubtful eligibility but, before any definite statement could be made, it would require intensive investigation. Some of these are:

Frank Re—— of A Street who was working as a barber on Taylor Street up to the time he left the city and went off relief at the time the Legislature was in session.

Emil Rib—— of Florida Street, steel worker, now employed at average of $50 per week; was off work for 1½ months during the rainy season and on relief (he only has wife and one child and income for past year should have been enough to tide him over the lay-off period of 1½ months).

James Ri—— working in Venezuela, wife in San Francisco receiving relief up until February 16th

Peter Roc—— dishwasher, receiving $1 per day plus meals through the winter while on relief; off rolls during Legislative inquiry.

Feliciano Lo—— of Missouri Street, working part time for railroad but not reporting revenue.

Martin Con—— of Mission Street was laid off WPA due to excessive drinking but went on SRA and off at time of Legislature investigation; however, was working fairly steady according to union records.

John Atk—— of Grove Street was receiving both unemployment insurance and relief checks during January and February until he accepted job as plate hanger with steel company.

Schedule D.

This reports cases where the subjects have been buying considerable merchandise on time in excess of what would be considered consistent for a recipient of relief to purchase.

Schedule E.

This reports excessive liquor cases where all information substantiates the fact that the parties are victims of alcoholism.

Schedule F.

These relief clients were ineligible in February but since the Legislature met have disappeared from the rolls.

Schedule G.

These are cases which are definitely ineligible at this time and a few examples are listed below:

Fred Re—— of San Francisco, is an actor and union member in good standing. Agency reports that he has a good act and is busy most of the time; the act receives from $200 to $250 per week and consists of himself and three children, recently appeared at the "Dog House" in Reno.

Frank Lap—— of Washington Street, is a chauffeur at $125 per month and has been working for past two years.

Henry Fern— of Forty-fourth Avenue is a janitor in one of the downtown buildings, employed for a number of years Recently purchased $250 worth of furniture.

Anders Eri—— of O'Farrell Street is also a janitor in a bank building for years.

Alex Bys—— of Bosworth Street is a scrap-iron worker and, according to certain companies, has an income not entitling him to relief.

Bernhardt Bri—— of Fillmore Street is a steam-fitter making in excess of $200 per month.

Pasqual Sa—— of La Salle Street is a gardener making $125 per month.

John Ra—— of Silliman Street is a salesman steadily employed, reported to be averaging $30 per week.

Charles Me—— of Sunnydale Avenue, purchased a "see-the-moon-for-10-cents" telescope for $400, paying $100 down and $50 per month on balance. Wife works as maid at 35 cents per hour.

Richard H. O'M—— of Vienna Street is a union member in good standing, making $1 per hour, averaging five days a week; does not have citizenship papers. Receives $36 monthly compensation from U. S. Government.

Kathleen O'D—— of O'Farrell Street is a nurse not working but taking a rest; can work if wants to and always in demand according to Nurses Registry.

Peter Nid——, a Filipino, of Francisco Street; working for past three years at same place, making $65 per month. Wife working, making $40 per month and board for past three years.

Fred New—— of Twenty-sixth Street working as a painter making $43.75 per week.

Herman H. L—— of Duboce Avenue works as a fireman on locomotive making $300 per month.

(Notice that many people working at nights are on relief evidently due to the fact that case-worker calls in daytime.)

ALAMEDA COUNTY.

Eligible for relief		402 cases	47.24%
Borderline cases	Schedule A	274 cases	32.19%
No such addresses	Schedule B	19 cases	2.24%
Never known at address shown	Schedule C	44 cases	5.17%
Refused information	Schedule D	35 cases	4.11%
Ineligible for relief	Schedule E	77 cases	9.05%
		851 cases	100.00%

(265 cases had wrong addresses and could not be reported.)

Schedule A.

Unable to check latest relief rolls to make a closer study of these borderline cases.

Schedule B.

There was no similar address to those shown, generally being a vacant lot or else in manufacturing district.

Schedule C.

These cases are questionable as no one in neighborhood or at address given knew of said relief clients.

Schedule D.

These subjects had the same attitude as that of the majority of the witnesses called before the Yorty Committee in Oakland. Very indignant.

Schedule E.

A few examples are listed below Although it has not been possible to check the latest rolls, caution was taken in cases in which the persons have just within the past few weeks accepted work and they were classed as borderline cases.

Leo Po—— of Ninth Avenue was working as a clerk and receiving relief at the same time.

Cecil Du—— of Lincoln Avenue is a roofing contractor and reported to be doing well.

Matilda Ha—— of McGee Street is not only working part time but her husband (whose name is not shown as she is listed as a widow) is a cook on a dining car.

James Br—— of West Street is a bartender on Sacramento Street and has been for over a year.

One colored man in Oakland who has used aliases in obtaining credit is on rolls and has made substantial purchases; several members of family are working.

Albina K——, a lady barber, is working in Seventh Street barber shop.

From all information available, a great many, who were questionable as to eligibility in February, have been dropped from the rolls

RIVERSIDE COUNTY.

Eligible for relief		189 cases	42.00%
Borderline cases—off since February		90 cases	20.00%
Employed since February, now off rolls		44 cases	9.78%
Borderline cases—active	Schedule A	90 cases	20.00%
Ineligible in February, now off rolls	Schedule B	11 cases	2.44%
Ineligible—on rolls	Schedule C	26 cases	5.78%
		450 cases	100.00%

Schedule A.

Included in this group are cases which require more investigation. Two cases are shown below which are outstanding examples:

Thomas J. N—— on Magnolia Avenue living in a neatly furnished apartment in good district of Riverside. Chinese prints and colorful drapes are part of furnishings. Purports to be a politician, according to his remarks.

Carroll C. S—— of Beaumont worked for Metropolitan Water District for four years; the last two years at $7.70 per day until November 11, 1939. Excellent wages for location and steady work; knew work would end about that time but unprepared and went on relief.

Schedule B.

These cases were ineligible in February at time of Special Session of Legislature *and, after the Legislature's stand, got off relief; a few typical cases are listed* below:

Luis Ar—— of Evans Street in Riverside making monthly payments of $39.03; open account with merchants, wealthy relatives. Only wife and one dependent.

Former candidate for supervisor; considerable assets before candidacy; lives in nice home; special work.

Rancher with net income of $1,800 per year, borrowing money from bank

Schedule C.

Walter J—— ranch hand with shack in town but working regularly on farm.

Carl M—— of Franklin Street in Hemet, raises vegetables, hauls them in his truck and sells them in Los Angeles. Had two trucks running last summer and one this winter

Lena Par—— has 12 horses, ready to open riding academy at well known club. Has bad credit record but always able to promote property.

Frank M—— is farmer, has small checking account, unsecured loan with bank of $100, good credit record. Has truck and hauls for others.

SAN BERNARDINO COUNTY.

Eligible for relief		224 cases	59.58%
Obtaining private employment since February, 1940	Schedule A	68 cases	18.09%
Borderline cases removed from rolls	Schedule B	50 cases	13.29%
Borderline cases still on relief	Schedule C	24 cases	6.39%
Never resided in district	Schedule D	3 cases	.79%
Ineligibles before February—removed from rolls	Schedule E	2 cases	.53%
On rolls, April 20, 1940, and still ineligible	Schedule F	5 cases	1.33%
		376 cases	100.00%

(113 cases had wrong addresses so could not check.)

Schedule A.

This reports cases of relief recipients who have obtained work since February, and have since taken themselves off the rolls

Schedule B.

These were borderline cases in February but they have removed themselves from the rolls since the Legislature showed its intention to eliminate chiselers.

Schedule C.

These are borderline cases who still are on relief.

John Bo—— of San Bernardino is a painter with a contractor's license and has been making substantial purchases of paint.

Enrique Bra—— of San Bernardino owns a truck and hauls fertilizer, however, he has a bad credit record.

Polly Ca—— of Ninth Street, San Bernardino, is employed at night on South D Street.

Lelan De—— of San Bernardino, a tractor driver, reported to be a heavy drinker, was having a drinking party at the time the investigator called; wife is a waitress.

There are others in this group who are orange pickers but, because the packing houses do not keep names and records investigators were unable to prove definitely they are working.

(The fact that farmers and citrus growers do not keep names and identifications makes it possible for relief clients to obtain work and not be exposed.)

Schedule D.

The three cases are listed below

Cecil Gwo—— was a visitor on Rialto Street in San Bernardino and received relief while there.

Pablo L. Men—— on Fifth Street, receives his mail at this address but does not live there.

Roosevelt Rh—— does not live at the address given but calls occasionally.

Schedule E.

These two cases represent clients who were ineligible in February and for some time past. They evidently took themselves off the relief rolls when the Legislature commenced investigation.

One of these parties has been working since September and earning, according to his employer, an average of $24 per week; he has no children.

Schedule F.

These cases are ineligible as of this date as well as of last February; they are all working and have not been removed from the rolls.

COUNTY OF SAN DIEGO.

Eligible cases		493 cases	82.16%
Borderline cases, off since February		34 cases	5.67%
Received work since February, off rolls		22 cases	3.67%
Borderline cases, still on rolls		10 cases	1.66%
Ineligible in February, off rolls since then	Schedule A	31 cases	5.17%
Ineligible cases	Schedule B	10 cases	1.67%
		600 cases	100.00%

Schedule A.

These cases were ineligible in February and on rolls but, after inquiry of the Legislature, relinquished relief

Barney J Mc——, a single colored boy, when effort was made to take him off relief because he lived at home, he moved down to another address on Twenty-ninth Street, to remain eligible for relief; boarded at home, purchased an automobile in November, 1939, now owes $282 50.

John H—— on Iowa Street receives old age pension but his wife is on direct relief; also sells patent medicine.

Arthur Pe—— instructed landlord to tell any investigators he was unemployed, sells refrigerators; neighbors tell of excessive drinking.

Minerva W—— lives with parents who receive pensions; belongs to Indian tribe and receives her pension, minor son making $70 per month.

Raymond N——on Idaho Street has a grocery store in another part of city, purchased a cash register in November, 1939.

Schedule B.

These are cases which are ineligible for relief. Examples:

Joe B—— operates fishing boats; has done so for years; makes good yearly average and is making purchases right along.

Gus Varon—— operates a restaurant, made a recent substantial payment on same; has well-furnished home

Cons—— working on G Street as bookkeeper since June, 1939

Dora M—— works as hotel waitress, at home when case-worker calls; excessive purchases for relief client.

Ernest R—— of Dove Street employed as a butler but wife on relief rolls; no children; salary $65 plus tips.

SACRAMENTO COUNTY.

Of 1000 Cases From SRA Rolls.

Eligible for relief	651
Borderline cases	251
Ineligible in February (now off rolls)	83
Ineligible	15
	1000 cases

Due to the limited time afforded the committee, it has been impossible to make a complete analysis of these cases, listed under borderline.

STANISLAUS COUNTY.

Group A.

Under this classification are listed those who were completely eligible for relief ---------- 65 cases

Group B.

In this classification are the borderline cases, including those having seasonal work, large families making small additional income and part-time workers ---------- 230 cases

Group C.

This classification includes those who have had work the year round and also those who have gone to work since February (those who have gone off the rolls should have been eliminated but there was insufficient time to permit a check of the rolls) ---------- 206 cases

Also included are those about whom informants stated, and personal contact confirmed, did not work when work was obtainable, and those who were found to use excessive quantities of alcohol and to have made purchases in excess of the amount consistent for a person entitled to relief.

NOTE: No attempt has been made to show the percentages because the committee has not had an opportunity to analyze the reports and likewise check the recent rolls to ascertain whether they have been dropped since April.

CITY OF GLENDALE.

Eligible for relief		112 cases	49.34%
Borderline cases closed since February—unknown reasons		6 cases	2.64%
Employed since February and taken off the rolls		45 cases	19.82%
Borderline cases—on rolls		43 cases	18.94%
Ineligibles in February, recently removed from rolls but subject to restitution	Schedule A	9 cases	3.96%
Ineligibles on rolls	Schedule B	12 cases	5.30%
		227 cases	100.00%

(75 cases had wrong address so could not check)

Schedule A.

Paul Wh—— does psychological work in Pasadena; purchased a car on April 10th, paying $125 down. When investigator called on April 17th, he seemed quite disturbed and, in a few days, removed himself from the rolls but received a check after making the down payment on the car. Credit references for car show income averaging $200 per month.

Edward A. Mar—— on Louise Street operates a parking lot at night.

Hugh Je—— on Acacia has a job working at nights and has always been on hand in the daytime when case-worker has called.

Jack Be—— came to California in December, 1939, from Nevada, goes on relief although living with friends and goes off relief, April 30, 1940; opens a riding academy in the Glendale area.

Schedule B.

Henry Sir—— of Jackson Street, dishwasher, quits job to go on unemployment insurance and also collecting relief at the same time.

Peter Per—— drinks excessively, wife earns $15 per week, there are no children.

Curtis McC—— purchased a 1940 Ford Mercury and paid cash, while on relief.

Michael B—— of Glen Oaks Boulevard; on March 28, 1940, purchased automobile for $911; down payment was $100; monthly payments of $33.83. Wife works as practical nurse, supposed to be disabled war veteran receiving pension and is still on relief.

CITY OF SAN JOSE.

Eligible for relief		180 cases	60.00%
Borderline cases	Schedule A	42 cases	14.00%
Questionable cases	Schedule B	43 cases	14.33%
Wrong addresses	Schedule C	19 cases	6.33%
Ineligible for relief	Schedule D	16 cases	5.34%
		300 cases	100.00%

Schedule A.

These are cases, which require further investigation, as information discloses earnings and purchases which seem out of line for any person receiving relief.

Schedule B.

These are cases, which are ineligible as of this date, but should be checked with last relief rolls to ascertain whether they have been dropped or not.

Schedule C.

The percentage of wrong addresses in San Jose is lower than in most places, especially in larger cities. Many interesting cases are found in this classification; typical ones are listed below:

Ralph A—— on Martin Avenue, moved from this address over a year ago; buying a car at $21.65 per month and paid up contract before due date.

Chester H—— on Jackson Street moved over a year ago.

Mexican family on Julian Street; furniture in house but have been away for some time.

Joseph M—— listed at father's address on 4th Street, lives in Stockton but comes home frequently; relief given under son's name and not father's.

Most of the 19 cases have been away for months and should have been changed on rolls, if they are eligible.

Schedule D.

Information from reliable sources show these cases as either working or making substantial purchases. Typical examples:

Mrs. A—— B—— operates third class hotel on Market Street, purchased an automobile in October, 1939, and paid $400 cash and trade-in of $361, six months contract on balance at $159.46 per month and only owes one payment.

S. Ch—— working part time. In November, obtained an improvement loan on property from bank in the amount of $323 and has paid off $123 within three months.

J. Sc—— of South Autumn Street, employed steadily as baker since July, 1939, and owns property assessed in excess of $3,000 clear.

Maurice Van—— of 8th Street, employed as bank janitor for seven months at $100 per month.

George Em—— is a painting contractor, credit accounts showing that he is doing a fair business, has a contractor's license.

"CAREER CASES."

It is interesting to note the number of the cases in different localities involving "career reliefers," or persons who have received relief continuously for 18 months.

The following tabulation gives from statistics furnished by the State Controller's office, the number of cases which have been on relief continuously for 18 months prior to February, 1940:

Humboldt County	53 Cases
Sonoma County	124 Cases
San Joaquin County	606 Cases
(474 of these are in Stockton)	
Alameda County	1,433 Cases

(In addition to these 1,433 continuous cases, Alameda County has 682 "career cases" that have been intermittently on the rolls since 1934 and 1935.)

LOS ANGELES COUNTY.

The following statistics show approximate amounts paid in various districts in Los Angeles County to relief recipients who are continuously on the rolls:

Boyle District.

Number on 18 months or more---------- 986 Cases
Amount paid for one month---------- $50,000.00
Approx. amount paid 18 months---------- $900,000.00
Of 3,419 Cases in the Boyle District 1,568 were of Mexican or Spanish origin.

Belvedere District.

Number on 18 months or more---------- 787 Cases
Amount paid for one month---------- $42,000.00
Approx. amount paid 18 months---------- $750,000 00
Of 3,012 Cases in the above district 1,694 were of Mexican or Spanish origin.

Urban District.

Number on 18 months or more---------- 567 Cases
Amount paid for one month---------- $26,000 00
Approx. amount paid 18 months---------- $450,000 00

Re-reference of Bill.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 126 re-referred to Committee on Ways and Means.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 133: By Mr. Stream—An act to amend sections 867 and 868 of the Fish and Game Code, and to repeal Chapter 24 of the first extraordinary session of the Fifty-third Legislature, relating to yellow-tail, barracuda, and white sea bass.

Assembly Bill No. 134: By Messrs. Gilmore, Gallagher, O'Day, Green, Wollenberg, Cronin, Maloney, Williamson, Call and Collins—An act to amend section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition upon the termination of the exposition.

Assembly Bill No. 135: By Mrs. Daley and Messrs. Field, Garland, Houser, Poulson, Watson and Wollenberg (at the request of the Joint Fact-Finding Committee on Employment)—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Consideration of Governor's Veto to Senate Bill No. 76.

Senate Bill No. 76—An act making an appropriation for the contingent expenses of the Senate for the fifty-third (extraordinary) session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

The question being put: Shall Senate Bill No. 76 become a law notwithstanding the veto of the Governor?

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, ten o'clock and forty minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent. Introduction and Reference of Bill.

The following bill was introduced:

By Mr. Pelletier:

Assembly Concurrent Resolution No. 23.

Relating to adjourning out of respect to the memory of Hon Fred Reaves

WHEREAS, Fred Reaves, respected and beloved member of the Assembly from the Sixty-eighth Assembly District, of the fifty-first, fifty-second, and present Legislature, has passed into the realm where all men receive the equality for which he unceasingly fought during his mortal years; and

WHEREAS, The life of Fred Reaves was a credit to himself, to his family, and to the State which he so faithfully served; and

WHEREAS, The members of both houses of this Legislature feel deeply the loss sustained by them in the passing of Fred Reaves, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this resolution be spread upon the minutes of both the Assembly and the Senate, to record for all posterity the deep feelings of the members of both houses at this time and their sympathy for the bereaved family of their late colleague; and be it further

Resolved, That each house when it adjourns this day do so out of respect to the memory of the late Fred Reaves; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the family of the late Fred Reaves.

Request for Unanimous Consent.

Mr. Pelletier asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 23, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 23.

Assembly Concurrent Resolution No. 23 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—75.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 133: By Mr. Stream—An act to amend sections 867 and 868 of the Fish and Game Code, and to repeal Chapter 24 of the first extraordinary session of the Fifty-third Legislature, relating to yellow-tail, barracuda, and white sea bass.

Without reference to committee.

Assembly Bill No. 134: By Messrs. Gilmore, Gallagher, O'Day, Green, Wollenberg, Cronin, Maloney, Williamson, Call and Collins—An act to amend section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition upon the termination of the Exposition.

Referred to Committee on Ways and Means.

Assembly Bill No. 135: By Mrs. Daley and Messrs. Field, Garland, Houser, Poulson, Watson and Wollenberg (at the request of the Joint Fact-Finding Committee on Employment)—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Recess.

At ten o'clock and fifty minutes a.m., at the request of Mr. Allen for unanimous consent under a call of the Assembly, the Assembly was declared at recess until the hour of eleven o'clock a.m., to hear from Dr. Francis E. Townsend, founder of the Townsend National Recovery Plan.

Reassembled.

At eleven o'clock a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

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

Assembly Bill No. 132.

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

MR. SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Senate Bill No. 90.

Respectfully reports the same back with the recommendation: Do pass as amended.

DALEY, Chairman

Second Reading of Senate Bill No. 90 (Out of Order).

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Committee Amendments to Senate Bill No. 90.

Division of the Question.

On request of Mr. Atkinson, the Speaker ordered the following committee amendments voted on separately:

Amendment No. 1.

In line 2 of the title of the printed bill, after "unemployment", insert the following: "and for the administration thereof".

Amendment adopted.

Amendment No. 2.

On page 3, line 29, of the printed bill, after "Commission", insert the following: ", or, with money available for his administrative expenses, the Controller".

Amendment adopted.

Amendment No. 3.

On page 3 of the printed bill, between lines 33 and 34, insert the following: "SEC. 6.7. With money from this appropriation, not to exceed one per cent of the total sum appropriated, chargeable to the eighty-two per cent classification, the Relief Administrator and the Relief Commission may contract with any non-profit medical or health service corporation organized under the laws of this State for the rendition of medical and health services to any person and his family eligible for assistance from this appropriation."

Amendment adopted.

Amendment No. 4.

On page 4, line 6, of the printed bill, after "for" and before "purposes", insert the following: "educational or other".

Amendment adopted.

Amendment No. 5.

On page 4, line 8, of the printed bill, after "scholarships", insert the following: "and National Youth Administration student aid received by any person under the National Youth Administration in-school programs".

Amendment adopted.

Amendment No. 6.

On page 4 of the printed bill, strike out line 9, and insert in lieu thereof the following:

"(b) Three-fourths of the income earned by National Youth Administration project workers under the National Youth Administration out-of-school programs.

(c) That portion of the income from the Civilian Conservation Corps which that agency permits the enrollee to expend for his own use."

Amendment adopted.

Amendment No. 7.

On page 4, line 10, of the printed bill, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendment adopted.

Amendment No. 8.

On page 4 of the printed bill, between lines 11 and 12, insert the following paragraph:

"In addition, all other income of any minor under eighteen years of age, not mentioned above, need not, but may, be deducted either in whole or in part."

Amendment adopted.

Amendment No. 9.

On page 4 of the printed bill, strike out all of lines 24 to 27, inclusive; and in line 28, strike out "(3)", and insert in lieu thereof the following: "(2)".

Amendment adopted.

Amendment No. 10.

On page 5, line 22, of the printed bill, after "countries", insert the following: "and for the dependents of such aliens".

Amendment adopted.

Amendment No. 11.

On page 7, line 50, of the printed bill, strike out "case worker or case aide, or both," and insert in lieu thereof the following: "employee or employees".

Amendment adopted.

Further Proceedings Under Call of the Assembly Dispensed With on Senate Bill No. 76.

At eleven o'clock and twenty minutes a.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with on Governor's veto to Senate Bill No. 76.

The roll of absentees was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, eleven o'clock and twenty-two minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Consideration of Committee Amendments to Senate Bill No. 90.

Amendment No. 12.

On page 8, line 3, of the printed bill, before "who", insert the following: "(i)".

Amendment No. 13.

On page 8, line 4, of the printed bill, strike out "when such refusal is", and insert in lieu thereof the following: "or (ii) who has heretofore refused to appear,

to testify or to answer the questions of any legislative committee. The refusal shall be".

Amendments adopted.

Amendment No. 14.

On page 8 of the printed bill, strike out lines 12, 13 and 14, and insert in lieu thereof the following:

"SEC. 23. On and after the ninetieth day following the effective date of this act, no person shall be presently or hereafter employed by the Relief Administrator or the Relief Commission in connection with the administration or distribution of this appropriation unless such person has been a resident of California for five years preceding the effective date of this act."

Amendment adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—53.

NOES—Atkinson, Bennett, Carlson, Cassidy, Del Mutolo, Dills, Evans, Hawkins, Houser, Kilpatrick, King, Massion, Meehan, Pelletier, Richie, and Rosenthal—16.

Senate Bill No. 90 ordered to reprint, and on motion of Mrs. Daley, withdrawn from the calendar and re-referred to the Committee on Ways and Means.

Notices of Motion to Reconsider Continued.

By unanimous consent the consideration of notices of motion to reconsider vote on the following bill was continued until the next legislative day:

House Resolution No. 85.

Third Reading of Assembly Bills.

Assembly Bill No. 128—An act to add section 5.18 to the Retail Sales Tax Act of 1933, and section 4 11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption, to repeal Chapter 6 of the statutes of the first extraordinary session of the Fifty-third Legislature and to declare that this act shall take effect immediately.

Temporary Suspension of Assembly Rule No. 33.

On request of Mr. Dills, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Consideration of Urgency Clause.

Urgency clause read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Dills moved a call of the Assembly.

Motion carried. Time, eleven o'clock and twenty-four minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Report of Assembly Revenue and Taxation Fact-Finding Committee Ordered Printed in the Journal.

On motion of Mr. Turner, the following report of the Assembly Revenue and Taxation Fact-Finding Committee was ordered printed in the Journal

Report of Assembly Revenue and Taxation Fact-Finding Committee.

In accordance with House Resolution No. 67 adopted on February 24, 1940, your Revenue and Taxation Fact-Finding Committee has made a general study of the State's finances, with particular reference to the need for new taxes, and herewith submits a report on its findings:

Hearings were held in Sacramento, Los Angeles and San Francisco, and on these occasions State officials and private citizens were requested to appear or were given an opportunity to provide voluntarily the committee with information bearing on the subject of our inquiry. In addition to this testimony we examined various published reports on State finance and business trends and studied sundry material submitted by the tax administering agencies of State government. In order to facilitate the work of the committee, four subcommittees were created for the purpose of studying special phases of our investigation, namely, (1) State budgetary procedure, (2) motor transportation taxes, (3) possible new sources of State revenue, with particular reference to a tax on carbonated beverages and a tax on telephone service, and (4) the unemployment insurance tax.

The findings of these subcommittees accompany this report.

Trend of State Tax Burden.

Inasmuch as the primary purpose of this committee is to inquire into the necessity for new State taxes, we deem it desirable to comment on the past trend of the State tax burden In the fiscal year 1929-1930 immediately preceding the depression, State tax collections in California amounted to $103,686,036, or $18 26 per citizen. In 1938-1939, ten years later, State tax collections amounted to $311,850,709, or $44 93 per citizen, the highest of any State in the Union. Thus we find that the State tax burden has more than trebled in the past ten years, which fact alone constitutes a warning signal to those who advocate still higher State taxes. These figures, taken from the records of the State Controller, are set forth in the following tabulation:

California State Tax Collections.

Fiscal Year	*Total Collections*	*Per Capita Collections*
1929-30	$103,686,036	$18 26
1930-31	112,591,933	19 39
1931-32	102,154,698	17 28
1932-33	90,879,770	15 19
1933-34	126,652,864	20 59
1934-35	154,200,941	24 92
1935-36	183,328,580	29 02
1936-37	247,042,292	38 41
1937-38	304,392,102	44 70
1938-39	311,850,709	44 93

Although the increase in the State tax burden has been alarmingly rapid, we can not pass by this subject without commenting on the causes. In 1933, by a vote of the people, some $40,000,000 a year in school costs was transferred from the counties to the State. In 1935 the State began making heavy appropriations out of current revenue for unemployment relief. At the same time, California, along with the other States of the Union, adopted a system of unemployment insurance financed out of payroll taxes. Finally the State extended its humanitarian activities with particular reference to old age security, but this was done in response to a widespread popular demand

Thus we find that a large portion of the increased cost of State government has been due to causes generally beyond legislative control. This does not alter the fact, however, that in trebling the expenditures of State government, an unduly heavy tax burden has been placed on the shoulders of our citizens and somewhere a saturation point will be reached beyond which we can not go.

It is the belief of this committee that the saturation point has been reached and that the imposition of additional taxes would prove disastrous to the well-being of the people as a whole, and devastating to the economic security of the State of California.

Effect of Additional Taxation on Industry and Employment.

Roughly, 85 per cent of the State tax burden falls on business or on business transactions. In so far as this burden falls directly on business, it tends to impair or destroy the incentive to expand operations and employ more people. In so far as the burden falls on business transactions, it tends to slow down business activity. Thus it would appear that if we are to encourage industry to expand, attracting capital into new fields of endeavor, we must refrain from taking too great a share of the fruits of industry's labor through taxation.

This committee is of the firm opinion that unemployment can not be permanently reduced until industry is encouraged to provide more jobs. As industry expands and provides more jobs, under the stimulus of more moderate taxation, the need for additional taxes to finance relief, as well as unemployment insurance, will be lessened and the State budget automatically will be brought into balance.

In connection with the ability of business to pay more taxes, as is proposed by the Governor, your committee was advised by the Franchise Tax Commissioner that of some 27,000 active corporations now doing business in California, but 10,500 last year paid an income tax to the State. The others are not making a profit or are operating at a loss, which obviously is a bad situation so far as additional employment is concerned. To remedy this condition, the tax burden should be reduced rather than increased. It would appear, therefore, that the greatest good to the greatest number should come from a reduction in governmental spending and a corresponding curtailment in tax levies—Federal, State and local. While this committee can not speak for the Federal Government or for the several thousand local governments in California, we can comment on what the State government can do about the problem of taxation.

Need for New State Taxes.

In 1939, the Governor recommended to the Legislature that it levy $63,900,000 in new or increased State taxes. All these proposals, except a gift tax yielding about $1,000,000 a biennium, were rejected. In January, 1940, the Governor recommended the enactment of a similar tax program, estimated to produce some $50,000,000 during the remainder of this biennium. All these bills are still pending in legislative committee. In asking for these new taxes, the Governor has stated that additional income is required to finance unemployment relief and to reduce the accumulated deficit, which on last June 30 amounted to $38,711,000.

After studying the financial requirements of the State, we are of the opinion that the need for new taxes does not exist and that the present

tax system is capable of taking care of the State's immediate requirements if economy is practiced in the spending of State money.

Effect of Reduced Relief Appropriation.

On December 15, 1939, the State Department of Finance published a budget summary containing revised estimates of expenditure requirements and revenues, which, taking into account the beginning deficit of $38,711,000, pointed to an ending deficit on June 30, 1941, of $96,022,000. This figure, however, was computed on the assumption that the Legislature would appropriate an additional $77,000,000 for relief, which would bring the biennial total for relief up to $112,525,000. To date three relief appropriations have been made, one in June, 1939, for $35,525,000, one in February, 1940, for $1,600,000, and a third also in February, 1940, for $12,200,000. This makes a total relief appropriation to date of $49,325,000.

Because of economies now being effected in the administration of relief as the result of legislative action taken in February, it appears that some $32,000,000 will be sufficient to take care of this function during the remaining thirteen months of this biennium. Thus the biennial total relief cost would be $81,325,000 instead of $112,525,000 as suggested by the Administration and the Department of Finance last December, making a saving of approximately $31,000,000. This saving in relief spending should drop the anticipated $96,000,000 deficit to approximately $65,000,000, which includes the old deficit carried over from the preceding biennium. This large saving in relief spending, which is coming about as the result of better business conditions and the elimination of relief abuses, has gone a long way in solving the State's financial difficulties.

We can not pass by this subject without commenting on what the deficit situation today might have been had the Governor effected economies in the administration of relief at the beginning of the biennium instead of waiting until the Legislature forced them upon him. Had these economies, which resulted primarily in eliminating undeserving relief recipients from the relief rolls, been effected from July, 1939, the $35,525,000 relief appropriation of last June might have lasted a year instead of but eight months and the deficit might have been as much as $12,000,000 less than it is today.

Accuracy of Revenue Estimates.

It is impossible to determine in advance just how much money can be expected from the existing tax system. The State's fiscal officers attempt to guess the yield two years in advance and they use their best judgment, based on experience and statistical data. To be on the safe side, however, they endeavor to be conservative in their estimates, which leads us to believe that the existing tax system may produce more income than has been indicated in official revenue estimates.

In January, 1939, when the State budget was submitted to the Legislature, the Department of Finance estimated that General Fund revenues during this biennium would approximate $343,965,000, or 1.5 per cent more than was actually collected during the preceding biennium. In December, 1939, the department revised its estimates upward, indicating that it expected a yield of $351,487,000, or 3.7 per cent more than was actually collected during the preceding biennium.

With a steady upward trend in population of nearly 5 per cent a biennium and an evident upward trend in business activity, we are mindful of the possibility of a greater yield than has been indicated by the Department of Finance. While business experienced a minor setback during the first three months of this calendar year, the general level is considerably above a year ago and the trend is definitely upward. We cite, for example, that sales tax collections in this quarter to date indicate an increase of over 10 per cent above the same period a year ago, and several other State taxes are likewise showing a correspondingly higher yield.

Although we can not prove the accuracy of the official revenue estimates, it is obvious that they are conservative. Rather than levy new taxes on the assumption that the existing tax system will produce no more than the State's fiscal officers predict, and further considering the possible damage to our economic structure which might result from increased taxes, we believe that it would be safe to predict a greater yield than has been officially predicted. If General Fund revenues during the present biennium were as much as 10 per cent higher than last biennium, the treasury would receive approximately $20,000.000 more than the Department of Finance estimates it will receive. If this proved to be true, and no one will know until the end of the biennium, the General Fund deficit would be further reduced, possibly to the neighborhood of $50,000,000.

Effect of Reverted Appropriations.

A further reduction in the deficit figure may be expected from unexpended balances in existing appropriations which will revert to the treasury at the end of the biennium. It seldom happens that every dollar appropriated is finally spent. Through the cooperation of State administrative officials it should be possible to conserve money out of existing appropriations and allow this saving to apply to the deficit. Instances have come to the attention of this committee where money is being spent for needless new jobs and for unnecessary purposes (See Report Assembly Committee on Governmental Efficiency and Economy.) If the officials charged with administering the various State departments are made to realize that additional taxation would not be welcomed by the taxpaying public and that retrenchment in public spending is expected, they could do much to relieve the State's financial difficulties.

While it is impossible to determine exactly just how much could be saved out of existing appropriations, we are of the opinion that the deficit could in this way be reduced several million dollars in addition to the reduction caused by economy in the administration of unemployment relief.

Need for Stricter Budgetary Control.

In connection with solving the State's financial difficulties, this committee believes that serious attention should be given to the matter of budgetary control. Levying taxes and appropriating money are functions reserved to the Legislature, but the actual spending of the money is handled by the various administrative departments In submitting our findings on the general question of providing the necessary revenue to meet the State's expenditure requirements, we have

found that one of the weak spots in the State's fiscal structure is that of budgetary control.

If the Legislature were by statute to place certain safeguards around the spending of State money we are confident that the savings would amount to millions. This naturally has a bearing on the question of reducing the deficit and balancing the budget.

In a separate section of this report we are submitting for your consideration certain findings and recommendations on the all-important subject of budgetary control and we commend them to the attention of the Legislature for their consideration in the regular session in 1941.

In this connection it is only fair to state that the evils in connection with budgetary control, or the lack of it, did not first arise with the present administration; this administration merely continued the practices with even greater objections. The evils have grown up over a period of years since the adoption of the present law concerning the budget bill, or the manner of drafting the budget. As pointed out in the Subcommittee Report on Budgetary Control, prior to the adoption of the present form of the budget bill, appropriations were made for specific purposes, and not in the blanket method they are now. That is to say, instead of one, blanket appropriation for the entire support of the department, specific enumerations were made for each necessary item of expense, thus preventing many of the evils now indulged in, such as, the transferring or juggling of funds.

These objectionable practices, in fairness to the present administration, have not come, as stated before, solely with the present administration, they grew up through several administrations, and, as above pointed out, the present administration merely continued such evil practices. We refer to the Subcommittee Report on Budgetary Control for a more extensive report on this subject.

Size of State Deficit.

Some people view with alarm the size of the State deficit. While it is always desirable for the State or any other governmental agency to live within its income, the accumulation of this deficit is not due to extravagance in the true sense of the word. It is the result of an emergency arising out of the business depression, over which we have little control.

It, undoubtedly, need not have been so great had economies been applied to the spending of relief money earlier than February, 1940, but through legislative investigation we have learned how better to gauge relief requirements and henceforth we can expect better control over this item of expense. The question at this moment is not why the deficit, but rather what to do about it.

With a State having an assessed valuation of over $7,000,000,000, and with a biennial State budget of more than $500,000,000, a $50,000,000 deficit is certainly not a sign of a weak financial structure.

There is a ready market for the State's registered warrants and the current interest rate is but 2½ per cent. Thus it would appear that the deficit is not unduly large and that there is no immediate need for raising taxes to liquidate it, especially in view of very evident present reductions in certain expenditures regulated by the Legislature, which

will materially reduce the amount of our actual deficit by the end of the biennium.

Market for Registered Warrants.

At a hearing in San Francisco, this committee called in representatives of several financial institutions and questioned them concerning their attitude toward the purchase of the State's registered warrants. They advised the committee that they would continue to buy these warrants without hesitation providing the Legislature continued its present demand for economies in government.

It was their opinion that the size of the deficit or the volume of registered warrants outstanding at any given time was not as important as the trend of State expenditures and revenue yield.

If through legislative action the State slowed up its spending and gave signs of living within its current income, they felt the State's credit would not be endangered by allowing the present deficit to be carried along temporarily.

These financial representatives estimated the deficit at varying amounts from $50,000,000 to $75,000,000, but if the deficit reached the maximum anticipated they expressed their confidence in our State fiscal structure and as an expression of this confidence pledged themselves to continue to purchase registered warrants.

Attention is directed to what might happen if the State turned its back on economy and chose to continue reckless spending for relief and other purposes. The gap between existing income and outgo would grow greater and financial institutions would be quick to withdraw their support unless new taxes were levied. But with public opposition to new taxes, and with the knowledge that new taxes would retard business recovery and in turn add to unemployment, it is incumbent upon the State to do all in its power to live within its existing income.

No Present Need for New Taxes.

With respect to the general question of the need for new taxes, we are of the opinion that through economy in relief and in general government, the State deficit can be kept within reasonable bounds. There is also an indication that the existing tax system will produce more income than has been officially predicted, which will correspondingly reduce the deficit. Finally, we are of the opinion that the size of the present deficit is not sufficiently alarming to necessitate additional taxes at this time.

This committee recommends, therefore, that action on new taxes be deferred until the regular session of the Legislature in 1941, at which time we believe that it will be demonstrated that they can be permanently avoided.

RODNEY L. TURNER,
Chairman.

Assemblymen:

HUBERT B. SCUDDER
EARL D. DESMOND
ERNEST O. VOIGT
JESSE RANDOLPH KELLEMS
FRANK J. WATERS
SETH MILLINGTON
H. W. CALL
GERALD C. KEPPLE
CHARLES W. LYON

Subcommittee Report on Budgetary Control.

To the Honorable, the Assembly Interim Committee on Revenue and Taxation.

ATTENTION: Rodney L. Turner, Chairman.

There has been a tendency in recent years toward laxity in the administration of the State budget. Too much emphasis has been placed on levying taxes and appropriating money, while too little attention has been given to the methods used in the actual spending of the money. Although your subcommittee has not had time to go into the question of budgetary control and procedure in detail, we herewith set forth certain observations we have made, together with suggestions as to how we think the budget setup can be strengthened. We firmly believe that through tightening budgetary control, millions of dollars of the taxpayers' money can be saved; and we mean millions.

Specify Purposes of Budget Bill Appropriations.

It has been the practice in the past to provide for the support of the various departments of the State through blanket appropriations contained in the budget bill, without regard to what the money is to be used for specifically. The 1939 budget bill contained such items as "For the support of the Department of Motor Vehicles $12,000,000," "For the support of the Department of Finance $1,700,000." Once an appropriation of this kind is made, the specified amount of money is allotted to the particular department to spend under the general supervision of the Department of Finance, and the Legislature doesn't know what the money is used for until two years later when the succeeding budget sets forth the actual expenditures of the preceding biennium.

In order to place a greater degree of legislative control over budget bill appropriations, we recommend that the budget bill henceforth specify in detail just what the money appropriated is to be used for, and that a prohibition be placed in this bill against juggling funds around to suit the fancy of the disbursing agencies.

Designate Proposed New Positions in Budget Bill.

We have observed that in the past it has been customary for the Department of Finance to set forth in the printed budget the names of proposed new positions, but we have further observed that as soon as the Legislature appropriates the money for the support of the various State departments, the printed budget is forgotten and new positions are created at will, as long as the money lasts. For example, when the Department of Finance set up its own departmental support request in the printed budget in 1939, it indicated 108 proposed new positions, but the Legislature cut the budget of this department by $325,000 or enough, in its opinion, to eliminate salary increases and most of the new jobs. Up to April 1, 1940, according to the records of the State Personnel Board, the Department of Finance created 110 new jobs in its own department. Thus we ask, who is the master of appropriations, the Legislature as stated in the Constitution or the Department of Finance?

We recommend that all proposed new positions in the various State departments be set forth in the budget bill as well as in the printed budget and that the creation of these new jobs be governed by the budget bill.

Specify Purposes of Special Appropriations.

Through what appears to be the result of clever bill drafting by the Department of Finance, we have noticed that the Legislature has on several occasions made appropriations in the form of signed checks with the amounts left blank. We refer to the practice of appropriating money for flood relief, construction, and other similar purposes with no strings attached. We recall that in 1938 the Legislature appropriated $5,000,000 to the emergency fund for flood relief, that a large portion of this money was diverted by the Department of Finance to purposes entirely foreign to flood relief and that the money was in some instances dished out where it would do the most good politically and not where the greatest damage existed. We recalled that some $4,500,000 on the unified construction fund of 1937 was diverted from institutional purposes, where it was intended to relieve overcrowded conditions, to other purposes.

We recommend that hereafter the Legislative Counsel be instructed to re-phrase all departmental appropriation bills so that legislative will and intent shall be declared in the text of the bill.

Restrict Use of Emergency Fund Money.

During each regular session of the Legislature, there is included in the budget bill an appropriation to constitute an emergency fund which is designed to take care of needs of an emergency character that can not easily be anticipated in advance. The allocation of this fund, which in the current budget amounts to $1,750,000, is handled by the Department of Finance. Many abuses have developed in this regard and we cite but a few of many that have come to our attention. During the latter part of the Merriam administration and early part of the Olson administration large sums of money were transferred from the emergency fund to the Governor's report and secret service funds, although no evidence exists that any emergency was involved in either case. We have further observed that last June a large sum of emergency fund money was transferred to the unified construction fund where it was used for such purposes as the construction of an Indian Museum at Sutter's Fort, costing $30,000, and the remodeling and refurnishing of the Governor's Office at a cost of approximately $60,000. Emergency fund money was used to buy an automobile for the incumbent Director of Penology and to add several unneeded persons to the pay roll of the Lieutenant Governor. Yet in no instance was there any evidence of an emergency.

In order to correct some of the emergency fund abuses and still preserve the purposes for which this appropriation is intended, we recommend that (1) the Controller approve all allocations from this fund, as well as the Department of Finance, (2) the word "emergency" be more clearly defined in the budget bill and (3) the appropriation for this purpose be greatly reduced hereafter, with the understanding that the Legislature be called into special session to appropriate money in the event of any serious emergency.

Prohibit Deficiency Appropriations.

Under existing law the Department of Finance may increase the appropriations made by the Legislature for the support of special fund functions without subsequent legislative approval. We note for example that the special fund budget cuts which the Legislature so

carefully made in the 1939 regular session were meaningless, for in most cases they have been restored by the Department of Finance under the deficiency appropriation rule.

We strongly recommend that that section of the law authorizing special fund deficiency appropriations be repealed at the next session of the Legislature and that special funds be required to live within the appropriations fixed in the budget bill.

With respect to the general fund, we find that the Department of Finance is authorized to give the various departments permission to exhaust their appropriations in advance of the end of the biennium. This is done with the understanding that the Legislature, meeting in regular session several months before the expiration of the biennium, will appropriate an additional sum necessary to make up for the previously authorized over-spending.

We recommend that all general fund departments be required to live within their budget and that they spread their appropriations over the full twenty-four months of the biennium so as to preclude the necessity for deficiency appropriations.

Post Auditing of Expenditure Accounts.

The post auditing of expenditure accounts is handled by the Department of Finance, which in effect means that the Governor audits his own expenditures. The Legislature appropriates money for the various departments, most of which are under the direct control of the Governor. Then the Department of Finance, also controlled by the Governor, audits all expenditures. This system of self-audit is not auditing in the true sense and in many respects is a waste of State money.

We recommend that the post auditing of expenditures accounts be handled by the State Controller, who is a constitutional officer entirely independent of the administrative departments.

Legislative Budget Bureau.

Time and space do not permit a recitation of the many instances where the Legislature has been given misleading or incorrect information concerning the operations of the various departments. The principal offender has been the Department of Finance, where the staff includes a number of budget troopers who know all the tricks of the trade and who have no compunction about deceiving the Legislature and then laughing heartily when adjournment day comes.

It is recalled that in 1939 a deficiency appropriation amounting to $478,865 was rushed through the Legislature at the request of the Department of Finance, it being stated that it was for fire suppression in the Department of Natural Resources. Considering the amount set up in the budget two years before plus the amount transferred from the emergency fund, and comparing this with the amount the new budget stated had actually been spent for fire suppression, the actual deficiency amounted to approximately $133,000. The rest of the so-called deficiency appropriation was for the regular support of the department.

We further find that although the Legislature was told that the budget cuts of last spring would seriously injure those departments affected, things are running smoothly in Sacramento and the departments are making out in fine shape. In fact many of them are adding

new employees in considerable numbers. We can think of no explanation for this apparent contentment and financial well-being unless these departments have a source of income unknown to us and unless their budgets were padded sufficiently to cover up the cuts.

In view of the fact that the final decision on appropriations rests with the Legislature we believe that the body is entitled to reliable information upon which to base its actions. We recommend, therefore, that the Legislature appoint a budget officer, together with the necessary number of assistants, to constitute a part of the Legislative Counsel's office, and that the duties of this office shall be to study the State budget while it is being constructed by the Department of Finance and to report his findings to the Legislature at the time the budget is submitted. Through this independent officer it is hoped the Legislature might have more reliable information on the financial operations of the various departments.

CONCLUSIONS.

We are of the opinion that the Legislature should restore to itself much of the power it has so generously delegated to the Department of Finance; and we are confident that in placing greater restrictions on the spending of State money the tax burden can be eased and the efficiency of State Government be enhanced. We believe that if the budgetary control above recommended is enacted into law, it will greatly help in solving the question of balancing the budget without further taxation.

We strongly recommend vigilance on the part of the members of both houses with regard to concurring in amendments proposed by the other house to the budget bill. We recommend greater vigilance on the part of both houses in the matter of adopting free conference reports. A perusal of the last budget bill shows that many of the cuts or reductions made by both houses finally found their way back into the bill under the guiding hands of certain State officials more interested in larger appropriations than in governmental economy.

Respectfully submitted.

Subcommittee on Budgetary Control.
HARRISON W. CALL, Chairman.
SETH MILLINGTON.
HUBERT B. SCUDDER.

Subcommittee Report of Assembly Revenue and Taxation Fact-Finding Committee by Assemblyman Ernest O. Voigt, Chairman.

Report of Subcommittee on Motor Vehicle Taxation of the Assembly Revenue and Taxation Fact-Finding Committee.

The meeting of the Subcommittee on Motor Vehicle Taxation of the Assembly Revenue and Taxation Fact-Finding Committee, held Wednesday, May 1, 1940, at 10 a.m. in Room 1006 of the State Building in Los Angeles, California, was called to order by Chairman Ernest O. Voigt. The following members were present:

Assemblyman Ernest O. Voigt, Chairman;
Assemblyman Rodney L. Turner;
Assemblyman Frank J. Waters, Jr.;
Assemblyman Gerald C. Kepple.

The committee opened its hearing at which were present a large number of representatives of corporations and associations interested in motor vehicle taxation, particularly as applied to commercial vehicles. The following were present representing highway carriers:

Mr. Charles G. Anthony, vice president Pacific Freight Lines, The Keystone Express System and the Pacific Tank Lines;

Mr. H. J. Mize, representing Lang Transportation Corporation;

Mr. Richard E. Cantlay, representing Cantlay & Tanzola and Western Truck Lines;

Mr. David G. Shearer, representing The Council of Trucking Associations;

Mr. Stewart Russell, representing the Motor Truck Association of Southern California;

Mr. Henry Kearney, representing League of Highway Carriers, Certificated Movers, California Movers and United Independent Vans;

Mr. P. Arnold Anderson, representing Private Truck Owners' Bureau of California;

Mr. Ralph H. Taylor, representing Agricultural Council of California.

Also presenting testimony for the committee were:

Mr. Harold D. Abbot, representing State Board of Equalization;

Mr. Joseph Mattson, Director of the Department of Motor Vehicles;

Mr. Robert G. Craig, representing the Gas Tax Division of the Board of Equalization.

From the testimony taken and statements submitted at the hearing it appeared to the committee that the main cause for complaint and dissatisfaction was the 3 per cent tax on gross receipts levied on carriers for hire which was alleged to be unfair and discriminatory in that it levied an extra burden of taxation upon a relatively small group of highway users who were also subject to all other gas tax and weight fees paid by those who are not subject to the 3 per cent tax Evidence was also presented to show that the cost of collection of this tax is exorbitantly high compared to other forms of motor vehicle taxation, for instance, the total amount collected under the 3 per cent tax averaged about $5,000,000 per biennium and the cost of collection, according to the statements of the representatives of the Board of Equalization, is about $500,000, or 10 per cent.

Various methods and measures for equalizing the taxation burden on motor vehicles used for commercial purposes were suggested and are contained in the transcript of the testimonies, statements submitted by the representatives of the trucking industry and other addendum which is attached to and made a part of the report.

The subcommittee, while recommending no immediate changes until the 1941 session, submits the information contained in this report for the study and consideration of the Fifty-fourth Session of the California Legislature.

Respectfully submitted.

ERNEST O. VOIGT, Chairman.
RODNEY L. TURNER.
FRANK J. WATERS, JR.
GERALD C. KEPPLE.
EARL D. DESMOND.

Report of Interim Subcommittee on Revenue and Taxation.

Concerning Soft Drink Taxes.

Hearings were held by the committee on the question as to the matter of the tax problem in the soft drink business in this State. The conditions of the State finances made such investigation necessary and the soft drink business, particularly the carbonated water and beverage part thereof as well as the part which is familiarly referred to as "mixers" readily suggested itself as similar to the position occupied in the tax picture by alcoholic beverages.

Investigation was made of conditions existing in other States and it was found that the soft drink industry does carry a privilege tax in the States of South Carolina, Alabama, Louisiana, Georgia, Oregon and Tennessee.

It would appear that in the States last referred to and wherein revenue is raised by a tax on soft drinks the method of tax may be divided into several categories. Included within one of these categories is the type of tax which imposes a license fee for the engaging in named activities, the amount of the fee being fixed or graduated on a basis of the volume of sales, population of the city where the licensee operates, nature of the equipment used, etc. Another category imposes a privilege tax, the fee being based on the volume of materials used in the preparing of soda fountain drinks, or on the retail price of all bottled soft drinks manufactured or sold, this tax generally using the mechanism of affixing stamp or bottle crowns to enforce collection.

In South Carolina collections of more than one million dollars tax annually constitute between 3 and 4 per cent of all State revenues. The tax in South Carolina is 1 per cent for each 5 cents of retail price on soft drinks and 76 cents a gallon on soft drink syrups.

California's Soft Drink Industry.

The United States 1937 census of commerce indicates the following condition with reference to the soft drink industry and the amount of business done by such industry.

That report shows an annual sale as follows and of the following value:

384,647,516 6-oz. to 16-oz. bottles @ 5¢	$19,232,375 80
33,978,324 24-oz. to 32-oz. bottles @ 10¢	3,397,208 40
Total	$22,630,208 20

In addition to the above it must be recognized that a large amount of carbonated beverages are sold in fountains where syrups are mixed on order with carbonated waters. During the hearing of the committee representatives of the soft drink industry suggested that at least 225,000,000 soft drinks of a value of at least $12,000,000 are annually served at fountains in California which drinks are mixed from syrups. If we consider the above bottle sales in addition to the fountain sales we find the industry represents the following annual business:

Bottle sales	$22,630,208 20
Fountain sales	12,209,923 70
Total	$34,840,131 90

Certain computations were made by the committee based upon various suggested tax bases and upon the annual business shown as done by the industry with the following results of possible taxes, to wit:

(a) Tax of 1/10¢ per bottle on bottles of 6 to 12 ounces; ½¢ per bottle on bottles of 16 ounces; 3/10¢ per bottle on bottles of 24 ounces and over; and 12.8¢ per gallon on syrups used in the production of fountain drinks	$700,000
(b) Tax of ¼¢ per bottle on bottles of 6 to 12 oz.; ½¢ per bottle of 16 oz.; ¾¢ per bottle of 24 oz., or over; and 32¢ per gallon on syrup used in making fountain drinks	1,750,000
(c) Tax of ½¢ per bottle on bottles of 6 to 12 oz.; ¾¢ per bottle of 16 oz.; and 1¢ per bottle of 24 oz., or over; and 42.6¢ per gallon on syrup used in making fountain drinks	2,350,000
(d) Tax of 1¢ per bottle on bottles of 6 oz. to 12 oz.; 2¢ per bottle of 16 oz.; and 3¢ per bottle of 24 oz., or over; and $1 28 per gallon on syrup used in making fountain drinks	7,100,000

The above is submitted to the Legislature for its consideration in connection with the matter of the taxation problem.

Attached hereto are the reports and statistics furnished by the Department of Finance and the Legislative Counsel Bureau of the State of California together with certain surveys prepared by interested parties representing the carbonated beverage industry.

CHARLES W. LYON.
FRANK J. WATERS.
THOMAS A. MALONEY.

Subcommittee Report on Unemployment Insurance.

Realizing that unemployment insurance imposes a tax burden of some $75,000,000 a year on employers and employees in this State and that there has been widespread dissatisfaction with the manner in which the law is being administered, your subcommittee endeavored to make an investigation of this subject and report back to you its findings.

We were immediately confronted with a task so gigantic that it was soon apparent that time did not permit a satisfactory and complete investigation. Our inquiry of necessity had to be superficial and we were unable to do any more than scratch the surface of this important subject. We went far enough, however, to discover a situation that is greatly in need of correction, in view of the numerous complaints made by witnesses against the failure of the State Employment Service to properly function in the interests of employers and employees, as well as complaints concerning the payment of benefits. We did not have time to question the commission or the present Administrator and, therefore, do not feel free to state that these criticisms are entirely justified, but not only is it apparent that the Unemployment Insurance Act is being administered quite differently than its legislative supporters contemplated, but it is evident that the law itself is in need of numerous corrective amendments

We recommend that this committee or a similar committee be authorized to go into this subject in detail, with the view of recommending changes in the law which will lead to a more equitable unemployment insurance system in California. This investigation should be started as soon as possible so that the results of the study may be ready for legislative consideration in January, 1941.

EARL D. DESMOND, Chairman.
ERNEST O. VOIGT.
FRANK J. WATERS.
RODNEY L. TURNER.

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,
DIVISION OF BUDGETS AND ACCOUNTS,
SACRAMENTO, April 24, 1940.

Honorable Charles W. Lyon, Member of the Assembly.
1052 South Redondo Boulevard,
Los Angeles, California.

DEAR MR. LYON: At your request this department recently sent you a copy of material we had collected regarding the carbonated beverage industry in California and our estimates of revenue which might be derived from a soft drink tax in this State. We should like to supplement this with other material received since our preliminary estimates were prepared.

First, in making our estimates of possible revenue we assumed that approximately 70 per cent of all carbonated beverages were sold in bottles and 30 per cent as fountain drinks. We are informed that this ratio may run as high as 50 per cent bottled and 50 per cent fountain drinks, and that a ratio of 65 per cent to 35 per cent would undoubtedly be more accurate than the division which we used.

Second, we allowed for a 15 per cent loss in revenue due to evasion of the tax. This percentage was determined by applying the method used in estimating potential revenue in California to data on production of bottled beverages in South Carolina and Louisiana and comparing the theoretically potential revenue thus computed with actual revenue reported by these states in 1937 and 1938. Apparently a part of the difference between the computed total and actual collections may be due to the discounts which these states allow in selling tax crowns and stamps. We are informed by the South Carolina Tax Commission that there is practically no evasion of the tax on bottled drinks and that evasion of the tax on fountain beverages is not great. It seems, therefore, that we may disregard this factor in estimating the amount of tax.

Giving effect to these two changes we submit the following revised estimates of annual revenue under the four assumed rate schedules:

(a) Tax of 1/10 cent per bottle on bottles of 6 to 12 ounces; 1/5 cent per bottle on bottles of 16 ounces; 3/10 cent per bottle on bottles of 24 ounces and over; and 12.8 cents per gallon on syrups used in the production of fountain drinks $700,000

(b) Tax of ¼ cent per bottle on bottles of 6 to 12 ounces; ½ cent per bottle of 16 ounces; ¾ cent per bottle of 24 ounces, or over; and 32 cents per gallon on syrup used in making fountain drinks $1,750,000

(c) Tax of 1/3 cent per bottle on bottles of 6 to 12 ounces; 2/3 cent per bottle of 16 ounces; and 1 cent per bottle of 24 ounces, or over; and 42.6 cents per gallon on syrup used in making fountain drinks $2,350,000

(d) Tax of 1 cent per bottle on bottles of 6 to 12 ounces; 2 cents per bottle of 16 ounces; and 3 cents per bottle of 24 ounces, or over; and $1.28 per gallon on syrup used in making fountain drinks $7,100,000

You will no doubt notice that estimates (a) and (b) agree quite satisfactorily with similar estimates submitted to your committee by representatives of the carbonated beverage industry.

We appreciate this opportunity to amend the tentative estimates originally given to you.

Yours very truly,

FRED W. LINKS, Chief,
Division of Budgets and Accounts.

Transcript of Partial Testimony Given Before the Assembly Interim Subcommittee on Revenue and Taxation, Sacramento, California.

April 23, 1940.

The meeting was called to order by Chairman Lyon at 10:15 a.m. The following members were present: Messrs. Turner, Lyon and Waters.

MR. LYON: This committee was authorized to investigate into two subjects, one was the beverage tax on nonalcoholic beverages and the other, taxing gross receipts on the telephone and telegraph companies. Having that in mind, I consulted the Legislative Counsel Bureau and asked them for an opinion as to our power to make any tax on the telephone companies. I have here the opinion of the Legislative Counsel Bureau, which in effect is that we do not have the power to tax them unless we accompany the bill with a constitutional amendment

ratifying our action, which would have to be put to the people for a vote.

(Section 14, Article 13 of the Constitution.)

Mr. Lyon read letters of opinion from the office of the Legislative Counsel, and from the Department of Finance regarding taxation of carbonated beverages.

MR. O. P. PRATT, Chairman of Revenue and Taxation Committee of Carbonated Beverages: I have made a survey based partly on the census of 1937 and a census made by me to show you that we consider the bottlers of California are bearing their full taxation. The bottlers realize the situation of the State of California, but we feel that we are not able to stand a so-called special tax. A tax would have to be passed on by the bottler to the dealer, and the dealer could not pass it on to the public because it would ruin the industry. I claim the State is getting in two million and a quarter from the industry right now. My point on this is, "Mr. Bottler" of the State of California is bearing his just share of taxation at the present time. I realize that the State of California needs money, and we are not opposed to taxes that are general and where they can be absorbed. Our industry is paying its just share of taxation. If we had a tax of this kind it would work to the detriment, not only of the bottlers, but to the State of California, because it would put so many companies out of business. The bottling industry is dependent on two things; one, the cost of sugar and the other is the taxes which we have to bear.

MR. GEORGE E. SILVER, Nehi Bottler in the city of Los Angeles, President of the California State Bottlers Association: The high cost of sugar in 1918 put a great many bottlers out of business. I formerly made a profit of about 5½ cents on a case, but with sugar going up, it was lowered to 2¼ cents per case. The bottler in the State of California is subject to about three months of business if all conditions are right. In that period we can come out with perhaps some profit. If I should be talked into more advertising, I will lose money on that increase of business. In other words, on account of his peak business the bottler has to maintain his overhead during those remaining eight or nine months of the year.

MR. LYON: In connection with the history of California Legislatures, there have been bills introduced to tax these beverages It was the thought of this committee in appointing a subcommittee to get detailed information which with the stress of time facing the regular session of the Legislature, could not be permitted, so that the things we are finding out here now, the information will be preserved and put in the report to be presented to the Legislature. We are doing something here which will afford you folks interested, a greater opportunity to present your case.

MR. A. M. SELLERS, First Vice President of the State Association of Bottlers: In 1920 the government needed funds and they looked around for a place to place a tax on luxuries, so we promptly raised our price to the dealers and the dealer raised his prices to the consumer. So, in about six or eight months we got back to our old price. We would rather go out of business doing business than to go broke not doing any business. We do three times as much business in July as we do

in December and we have approximately the same pay roll. I want to point out if we have to absorb this tax, our labor will have to absorb it. In the Nehi organization, the parent company is located in Columbus, Georgia. The bottler here buys his sugar and his water in California.

MR. TURNER: At the regular meeting of the Assembly Committee on Revenue and Taxation we were attempting to find out whether it was advisable to collect money for the State's revenues at parimutuels. One of the persons appearing at the committee meeting made a statement that he would have made a much better investment if he had invested his money in Coca Cola rather than Santa Anita.

MR. LYON: We are getting up pretty close to the borderline or saturation point in so far as the State deficit is concerned. Pretty soon we are going to have to have some new revenues from somewhere. We are hearing the same protests against new taxes from every source that has been suggested. Everyone who comes before our committee makes the same statement that they would like to pay their just share of the State's liabilities, but they follow immediately by stating that they can not pay any more taxes. We can and have been trying to cut down our governmental expenses, but with a growing population and a growing unemployment problem we still have a deficit that is alarming, that unless many economies in government are practiced, we will be compelled to find new sources of revenue.

It was moved and seconded the meeting adjourn at 11:40 a.m. It was so ordered.

MEMORANDUM.

In re: SOFT DRINK TAX STATUTES.

March 28, 1940.

It is the purpose of this memorandum to discuss the salient features of the statutes of the various States which tax nonalcoholic soft drinks, carbonated beverages, carbonic-acid gas, and soft drink syrups. No statute is referred to which merely imposes a sales or a use tax, which tax applies equally as well as to the sale of all other goods or commodities as well as soft drinks. Attached hereto is a chart published in the Seventh Edition of "Tax Systems of the World," page 165, which briefly portrays the taxes imposed by various States on nonalcoholic beverages and commodities entering into the manufacture thereof as of July 1, 1937.

Alabama.

(See Laws of 1919, Act 282, Sec. 361)

(a) *Retailers.* (Schedule 96)

(1) Each person in the business of selling at retail nonalcoholic, carbonated or other soft drinks which are kept on hand *or* sold in bottles is required to pay an annual license fee of $2.50.

(2) Each person in the business of selling at retail, in a store, stand or soda fountain, nonalcoholic, carbonated or other soft drinks which are kept on hand *and* sold in bottles is required to pay an annual license fee ranging at $10 in a city with a population of not more than 10,000 to $25 in a city with a population of more than 25,000. Where the business investment is $300 or less, the license required is only $10.

(b) *Wholesalers.* (Schedule 96½)

Persons engaged in the business of selling at wholesale nonalcoholic, carbonated or other soft drinks are required to pay an annual license fee of $50.

(c) *Bottling Works.* (Schedule 127)

For the privilege of conducting the business of bottling nonalcoholic or carbonated drinks, an annual license fee ranging upwards of $50 is imposed.

(d) *Carbonic-acid gas.* (Schedule 128)

(1) For the privilege of carrying on the business of manufacturing or vending soft drinks made of or containing carbonic-acid gas or any substitute therefor, a tax at the rate of two cents on each pound of gas or substitute used is imposed. Bottled drinks on which the tax has been paid may be resold in original package without the payment of an additional tax.

(2) Quarterly reports and payments are required. If not made within 15 days after the end of the calendar quarter, additional payment equal to 10 per cent of the tax due is required to be paid.

Georgia.

(Laws of 1927, General Tax Act No. 398)

(a) *Carbonic-acid gas.* (Sec. 2, Par. 33)

(1) Persons in the business of manufacturing or vending soft drinks made of or containing carbonic-acid gas, or any substitute therefor, are required to pay a privilege tax of 4 per cent on each pound of gas used. Bottled drinks on which tax has been paid may be resold in original package without further payment of tax.

(2) Quarterly reports and payments are required. If not made within 15 days after the end of the calendar quarter, an additional payment equal to 10 per cent of the tax is required to be made.

(b) *Soda Fountains.* (Sec. 2, Par 98)

Persons running or operating a soda fountain are required to pay a tax of $5 for each separate draught arm or similar device used in drawing carbonated water.

(c) *Soft drink syrups and carbonated water.* (Sec. 2, Par. 99)

(1) Imposes quarterly privilege tax equal to one-half of one per cent of the gross receipts or persons in the business of manufacturing, selling, (whether at wholesale or retail) or distributing (i) carbonated water or (ii) syrups or other articles to be used in or intended to be mixed or blended with carbonated water and sold as soft drinks

(2) Returns and payment of tax required to be made within 3 days after the end of each quarterly period.

(3) The tax is to be paid by wholesaler if water or syrup is sold within the State by wholesaler; or by retailer, if the water or syrup is purchased by the retailer outside of the State.

Louisiana.

(Acts 1936, No. 95)

(a) *Bottled soft drinks and soft drink syrups.*

Establishes tax on all bottled soft drinks at a rate of one-fourth cent on each five cents or fractional part thereof of retail price of bottled soft drinks. On syrup, a tax of 20 cents per gallon fixed, and proportionate rate for more or less than a gallon.

(b) *Collection.*

(1) Stamps and bottle crowns sold to dealers. All bottled drinks manufactured in the State which are to be sold for not more than 10 cents are required to have crowns affixed All others may have stamps or crowns. No stamp or crown to be of less than one-fourth cent denomination. Price of crowns to be tax, manufacturer's price, and transportation cost. Both stamps and crowns subject to 5 per cent discount from tax when purchased in quantities of not less than $100.

(2) Wholesale dealer to affix stamps and stamp permit number across face of stamps within one hour of receipt of unstamped syrup or bottled drink. Retail dealers also have duty of affixing stamps to unstamped containers in their possession.

(c) *Dealers.*

Definition includes manufacturers and importers. Dealers divided into two classes: "Wholesale dealers" and "retail dealers," the former being those who sell to the retailer and the latter classification including all dealers other than wholesalers. Both types are required to pay an annual license fee of $5.

(d) *Records.*

Wholesale dealers are required to keep records of all purchases and sales, also to make a semimonthly report of purchase orders through the dealers from outside of the State, delivery being made directly to the purchaser on a drop shipment and consignment basis.

Mississippi.

(Mississippi Code, 1933; 1932, Ch. 89, Privilege Tax Code)

(a) *Soda Fountains.* (Sec. 196)

Imposes a tax of from $5 to $15, depending upon the classification of the city wherein soda fountain located, on each person, etc., operating a soda fountain. The payment of this tax also includes the right to sell bottled soft drinks.

(b) *Manufacturing and distributing soft drinks.* (Sec. 197)

(1) Imposes a tax upon each person, etc., producing, bottling, and/or distributing in bottles or other closed containers named beverages, carbonated or malted beverages, and other beverages commonly known as soft drinks Payment of tax includes the privilege of producing, selling at wholesale and retail, and also the privilege of maintaining depots for distribution.

(2) Tax fixed by nature of equipment used in manufacture of beverage, and the equipment's rating capacity for filling bottles per minute. The tax is graduated from $65 to $400.

(c) *Soft drink retailers.* (Sec. 198)

Imposes a tax of from $2 to $6, depending upon the classification of the city in which the retailer is located, upon soft drink retailers. An exception to this tax is where soft drinks are sold at soda fountains.

(d) *Soft drink wholesalers.* (Sec. 199)

Imposes a tax of $300 on wholesale dealers in soft drinks; that is, persons maintaining a depot or distributing place and not a regular store, from this depot selling at wholesale and/or jobbing or distributing.

(e) Person desiring license applies for and pays privilege tax in advance.

Oregon.

(Oregon Laws 1939, Ch. 115; amending Oregon Code 1935 Sup., Secs. 41-2101 or 41-2119)

(a) *License Tax.*

No person may manufacture or prepare for sale or distribution any carbonated beverage, stilled drink or mineral water in any closed container without having first obtained a license. License is required to be obtained annually for each plant, and a fee is required to be paid of not less than $15 nor more than $50, the fee fixed on the basis of $1 per thousand of 24 7 ounce bottles, or their equivalent in volume when distributed in larger containers, as determined by total production and sales of the plant for the previous year.

(b) *Regulatory.*

This act is predominately a regulation of the manufacturing and preparation for sale of nonalcoholic beverages, the sanitary features far out-shadowing the revenue provisions.

South Carolina.

(Acts 1928, No. 574)

(a) *Syrups.* (Sec. 12 (a))

(1) Defines syrups as basic ingredient used in the making of drinks at soda fountains and imposes a privilege tax for the purpose of carrying on the business of selling soft drinks, the tax to be paid on the basis of 76 cents per gallon of syrup, including both compounded syrups and simple syrups; that is, syrups made of sugar and water, or sugar, water and concentrates.

(2) Retailers in soft drinks to affix stamps to original syrup containers as evidence of tax payment when syrups used at soda fountains. Affixing must be done within twenty-four hours after retailer receives syrups, and container must be stamped before syrups used.

(3) This tax does not apply to syrups used by bottlers in the manufacturing of soft drinks.

(b) *Bottled drinks.* (Sec. 12 (b))

(1) Levies tax on privilege of engaging in the business of bottling drinks, the license tax to be paid in the amount of 1 cent for every 5 cents or fraction thereof of the retail sales price.

(2) All bottled drinks within twenty-four hours after manufacture, or on receipt into State, to be stamped. If bottled drinks manufactured within the State, then manufacturer is required to affix the stamps. If bottled drinks are brought into the State, then the wholesaler, jobber, distributor or retailer first obtaining possession is required to affix tax stamps.

(3) Crowns instead of tax stamps permitted to be used, the price of the crowns to be the tax, manufacturing price, and transportation cost.

(c) *Non-syrup drinks.* (Sec. 13)

On all soft drinks manufactured or sold in the State, which are not made with syrup, taxes are to be collected at the rate of 1 cent for each 5 cents of the retail selling price, and a tax commission is given the discretion to dispense with stamps and crowns and to require a return to be made of sales and a tax to be paid thereon.

(d) *Discounts.* (12c, 12d)

Both stamps and crowns are to be sold at a discount of up to 10 per cent of the tax upon the purchase of more than one hundred gross crowns or upon the purchase of $100 or more stamps.

(e) *Reports.*

Persons engaged in business to keep complete records, and from these records, the tax commission is to compute the number of soft drinks that are ordinarily manufactured, which computation is to be prima facie evidence of the sale thereof.

(f) *Exemption.* (Act 1939, No. 346, §96)

Exempts fruit and vegetable juices, with the exception of juices to which are added artificial coloring, artificial flavoring, or to which are added any preservative or carbonic-acid.

Tennessee.

(Public Acts 1929, Ch. 92)

(a) *Liquid Carbonic-Acid Gas Tax.*

Imposes a privilege tax upon the sale or use of liquid carbonic-acid at the rate of 5 cents per pound.

(b) *Distributors and dealers.*

Divides persons into distributors (persons manufacturing or shipping into the State and making original sale within the State) and dealers (persons who are not distributors but who use acid in making soft drinks as an incident to their business). Distributors are required to pay the carbonic-acid gas tax unless the gas came from without the State and did not previously come to rest within the State; in the latter event, the dealer is required to pay the tax.

(c) *Payments.*

Payments are to be made in monthly installments, and complete reports are to be furnished each month. Interest at the rate of 6 per cent per annum is due on any tax which is not paid when due. In addition, a penalty of 1 per cent per day, up to 50 per cent maximum, is imposed for the failure to pay the tax when due.

The following States have malt and malt beverage tax acts which are of interest to this study:

Arizona	(Session Laws of 1939, Ch. 76, p. 218)
Arkansas	(1937 Digest of Statutes, Secs. 13409, et seq.)
Idaho	(Special Session Laws of 1933, Ch. 17)
Indiana	(Acts 1939, Ch. 30; amending 1935 Acts, Baldwin's Indiana Statutes Service, Secs. 3764-1 to 3764-44)
Michigan	(Public Acts, 1931, No. 100)
Ohio	(Throckmorton's Ohio Code—1936; Ch. 9E, Secs. 5545-1 to 5545-20)
South Dakota	(Session Laws, 1929, Ch. 245)
Tennessee	(Public Acts 1929, Ch. 67)
Utah	(Laws 1933, Ch. 63)

It would appear that the acts referred to in this memorandum which raise revenue by the taxing of soft drinks may be divided into several categories. Included within one of these categories is the type of tax which imposes a license fee for the engaging in named activities, the amount of the fee being fixed or graduated on a basis of the volume of sales, population of the city where the licensee operates, nature of the equipment used, etc. Another category imposes a privilege tax, the fee being based on the volume of materials used in the preparing of soda fountain drinks, or on the retail price of all bottled soft drinks manufactured or sold, this tax generally using the mechanism of affixing stamp or bottle crowns to enforce collection.

Pertinent to this memorandum is the following News Bulletin of the Public Administration Clearing House, released for February 4, 1939, summarizing the yield of the soft drink taxes of South Carolina, Alabama, Louisiana, Georgia and Tennessee. The laws of all these States have been previously commented upon in this memorandum.

"*Five States Collect Nearly $6,000,000 in Four Years from Soft Drink Taxes.*

Soft drink taxes yielded nearly $6,000,000 to the five States imposing them during the four-year period of 1934-37, a Federation of Tax Administrators' report showed today. The States are South Carolina, Alabama, Louisiana, Georgia and Tennessee.

In South Carolina, which accounted for 74 per cent of the total, collections of more than one million dollars annually constitute between three and four per cent of all State revenues. This State's tax is 1 per cent for each 5 cents of retail price on soft drinks and 76 cents a gallon on soft drink syrups.

In Louisiana, the soft drink tax revenue averages $250,000 annually or approximately one-half of 1 per cent of all State revenues. The tax is levied at a rate of one-fourth cent on each 5 cents of retail price on soft drinks, 8 cents per pound on carbonic-acid gas, and 20 cents per gallon on soft drink syrups.

Georgia, taxing carbonated water, carbonic-acid gas, soft drinks and soft drink syrups, collects about $60,000 annually. Tennessee and Alabama tax only carbonic-acid gas, their annual collections averaging around $65,000 and $25,000 respectively."

FRED B. WOOD.
By NORMAN MELLER.

NM:cm

TAXES IMPOSED BY VARIOUS STATES ON NON-ALCOHOLIC BEVERAGES AND COMMODITIES ENTERING INTO THE MANUFACTURE THEREOF AS OF JULY 1, 1937

(Not including liquor taxes, business licenses, inspection fees or production taxes)

[Prepared by Ralph T. Compton, Director of Research, Associated Industries of Missouri and copyrighted (1938) in his behalf by The Tax Research Foundation.]

State and Legal Citation	Commodity	Tax Rate and Measure	Administered by	Return or Information to Be Filed	Time Tax Is Due
Alabama: Acts, 1919, p 282, sec. 361	Carbonic acid gas or substitutes	2¢ on each lb used in mfgr or vending soft drinks Does not apply to fountains	St tax comm	End of calendar quarterly period	With report, within 15 da after end of quarter
Arizona: 1st S S, 1933, S B 17; 1935, S B 88	Malt extracts, combinations, derivatives	10¢ a lb or fraction thereof	St tax comm	Stamp tax	Before sale by affixing stamps
Arkansas: 1929, act 181	Malt	4¢ a lb or fraction over ½ lb	Commr of rev	Stamp tax	Date of purchase by retailer through affixation of stamps
Georgia: 1927, sec 2 1927, sec. 2 1927, sec 2; 1929, sec 28	Carbonic acid gas or substitute Soft drink syrups and carbonated water Malt extracts and products	4¢ a lb 5% of gross receipts 1% of gross receipts	Cont gen	3 to 10 da after close of calendar quarterly period	15 da after the quarter at time of return
Idaho. 1st S S, 1933, H B 15	Malt syrup or extract	5¢ a lb	Commr. of law enforcement	Stamp tax	Before sale by affixing stamps
Indiana. L 1935, H B 399	Malt syrup or extract, wort or liquid malt	5¢ a lb	Excise director	Stamp tax	Stamp tax
Kansas L 1937, H B 587	Malt syrup or extract, wort and liquid malt	10¢ a gal, 2¢ a lb	Dept of registration and inspection	Monthly	Monthly
Louisiana· Ex. Sess, 1928, act 4; 1930, act 34. Acts, 1932, act 5 L 1936, act 95	Malt extracts, combinations or derivatives Carbonic acid gas Soft drink syrups Bottled drinks Bottled soft drinks Fountain syrups	3¢ for each lb or fraction 8¢ a lb 25¢ a gal 1¢ for each 5¢ or fraction of retail price ½¢ per 5¢ of retail price 20¢ a gal.	Supervisor of pub accts. Supervisor of pub accts St. supervisor of pub accts	10 da after expiration of calendar mo Stamp tax Stamp tax	Immediately—or monthly if bond is filed Purchase of stamps or crowns Stamp tax

Michigan· P A 1931, act 100	Malt Wort or liquid malt	5¢ a lb 3¢ a gal	Sect of st	Stamp tax	Purchase of stamps
Mississippi L 1933, ch 95	Malt extracts, combinations, derivatives	3¢ a lb or fraction thereof	St tax com	Stamp tax	Within 48 hr after receipt by dealer — by affixing stamps
Ohio· 1st S S, 1933, H B 5	Brewers' wort Malt, malt syrup or extract	10¢ a gal or fraction thereof 10¢ a lb or fraction thereof	St tax com	Stamp tax	By mfgr, within 24 hr after mfg; by wholesaler before resale, or by retailer immediately on receipt (by affixing stamps)
Oregon· L 1937, ch 447	Malt syrup	3⅛¢ a lb	Liquor control comm	Monthly	Monthly
South Carolina· 1928, act 574	Soft drinks, bottled Fountain syrups Malt extracts or substitutes	1¢ for each 5¢ retail price 7½¢ a gal 2¢ a lb	Tax comm Tax comm	Within 20 da after end of calendar mo Stamp tax (see tobacco taxes)	Within 20 da after end of calendar mo Purchase of stamps
South Dakota 1929, ch 245	Malt extracts and syrups	10% of retail price	St treas	Stamp tax	Purchase of stamps
Tennessee 1929, ch 67 1929, ch 11 and 92	Malt Carbonic acid gas and substitutes therefor	5¢ a lb 5¢ a lb	Dept of fin and tax Dept of fin and tax	Stamp tax Within 20 da after end of calendar mo	Purchase of stamps At time of return
Utah L 1933, ch 63	Malt, malt syrup or extract	10% of purchase price	St tax com	Monthly	Monthly, with return

SURVEY.

April, 1940.

California Bottlers of Carbonated and Still Beverages.

Number of bottlers—134 (1937 Census)—160 estimated 1940.

Investment—

Land and buildings	$6,362,083 32
Machinery and equipment	7,332,925 50
Office equipment	437,428 52
Delivery equipment	3,343,302 64
Merchandise	1,925,205 88
Cases and bottles	3,714,194 32
Total	$23,115,140 18

Sales (1937 U. S Census)—

384,647,516	6 oz. to 16 oz. at 5¢	$19,232,375 80
33,978,324	24 oz. to 32 oz. at 10¢	3,397,832 40
418,625,840	Total	$22,630,208 20

Number of employees 4,818 Annual payroll $8,582,521 34

Number of trucks 2,608

Gallons of gasoline purchased 3,264,294

Taxes paid—

*U. S. Government	$725,432 70
*State of California	601,442 44
California sales tax	678,906 25
City and County	268,990 66
Total	$2,274,772 05

Taxes paid equal 10½% of sales.

Bottlers profit on 384,647,516 bottles at $0.0023	$884,689 29
Bottlers profit on 33,978,324 bottles at .005	169,891 12
Total	$1,131,510 41
Less Federal income tax	168,732 87
Net	$885,847 54

Proof of Profit.

Average sale price to dealer per case 24 bottles $0 78
Average sale price to public per case 24 bottles 1 20

Cases of 24 bottles		*Per bottle*
Syrup	$0 25	$0 010416
Crowns	06	
Labor	055	
Gas and water	025	
Power	005	$0 019792
Bottle loss	06	
Rent	02	
Overhead	10	
Delivery	15	
	$0 725	$0 030208
Profit	055	002291
	$0 78	$0 032499
Dealer's gross profit	42	0175
Sale price	$1 20	$0 05

Average sale price to dealer per case 24 bottles $0 80
Average sale price to public per case 24 bottles 1 20

Cases of 24 bottles	*Per bottle*
$0 26	$0 010833
475	019792
$0 735	$0 030625
065	002701
$0 80	$0 033326
40	016667
$1 20	$0 05

Dealer's Profit.

Cases of 24 bottles		*Per bottle*
Ice	$0 05	$0 00208
Sales tax	036	0015
Overhead	134	00559
Profit	20	00833
	$0 42	$0 0175

Cases of 24 bottles	*Per bottle*
$0 05	$0 00208
036	0015
134	00559
18	0075
$0 40	$0 01667

* In addition to this tax, bottler pays sales tax on machinery, trucks, cases and bottles, coolers, office equipment, advertising and supplies. Also gasoline tax.

Bottle and Fountain Sales in California.

Number of drinks	April, 1940 *Sales value*
418,625,840 in bottles	$22,630,208 20
*225,413,980 at fountain	12,209,923 70
	$34,840,131 90
18,784,498 @ 10¢	$1,878,449 80
206,629,478 @ 5¢	10,331,473 90
Estimated on basis of one-twelfth at 10¢ and eleven-twelfths at 5¢.	
California sales tax on bottles	$678,906 25
California sales tax on fountain	366,297 71
Total	$1,045,203 96
Fountain Dealer.	
Syrup	$0 015
Sales tax	0 0015
Overhead	0 02
Cost	0 0365
Profit	0 0135
	$0 05
One-tenth cent tax on five cent drink—	
Bottles— 5¢	$384,647 52
Bottles—10¢	67,956 65
Fountain— 5¢	206,629 48
Fountain—10¢	37,569 00
Total tax	$696,802 65
One-fourth cent tax per five cent drink—	
Bottles— 5¢	$961,618 79
Bottles—10¢	169,891 62
Fountain— 5¢	516,573 70
Fountain—10¢	93,922 49
Total tax	$1,742,006 60

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, April 22, 1940.

Honorable Charles W. Lyon, Chairman,
Subcommittee on Telephone Companies and
Carbonated Beverages of the Assembly
Revenue and Taxation Committee.
State Capitol, Sacramento, California.

Subject: *Gross Receipts Tax Upon Telephone Companies.*
Request: *No. 7877.*

DEAR MR LYON: You have requested that we advise you whether or not legislation may be constitutionally enacted at this special session of the Legislature, which legislation is designed to levy a gross receipts tax upon the intrastate business done by all telephone companies within the State of California. You have specifically called our attention to section 14 of Article XIII of the California Constitution and have requested that we consider the constitutionality of such gross receipts tax in light of the provisions contained in this section of the Constitution.

It is our opinion that section 14 of Article XIII of the Constitution would prohibit the levying of a gross receipts tax upon telephone and telegraph companies if such tax is not imposed upon or collected from mercantile, manufacturing, and business corporations doing business within this State. As the gross receipts tax you refer to is apparently designed to apply only to telephone companies, such tax would be within the prohibition contained in section 14 of Article XIII of the Constitution.

Of course, a constitutional amendment could be proposed at this special session to change the prohibition contained in section 14 of Article XIII of the Constitution and legislation could be enacted at this session conditioned upon the adoption of the constitutional amendment. The constitutional amendment could, by its language, ratify such gross receipts tax. Also, a tax could be imposed upon persons making telephone calls, the telephone company being the agency of the State in collecting such tax. This, however, would not be a gross receipts tax, but would be a consumer's surcharge.

* Estimated on basis of 35 per cent fountain and 65 per cent bottles.

The remainder of this letter will discuss the reasoning by which we reach our opinion that legislation, not accompanied by a constitutional amendment, could not be validly enacted at this special session to tax the gross receipts of telephone companies. The same reasoning also applies to telegraph companies

Until 1910 the State collected the bulk of its revenues by way of an ad valorem property tax, the Legislature every two years prescribing the amount to be raised, the State Board of Equalization upon the basis thereof fixing the State tax rate, the county fiscal officers entering that rate upon the county assessment rolls, collecting the tax and remitting it to the State Section 14 was added to Article XIII of the State Constitution in 1910. Pursuant to the provisions of section 14, subsequent to 1910 a franchise tax for State governmental purposes was levied upon telegraph and telephone companies, the tax being in lieu of all other taxes and licenses.

In 1933, a complete revision of the State tax plan was accomplished in what is known as the "Riley-Stewart Plan of 1933." This revision in part amended section 14 of Article XIII, repealing the State franchise tax on telephone and telegraph companies and returning their properties to the county tax rolls The third paragraph of section 14, as amended in 1933, subsequently provides as follows:

> "* * * No excise, or income tax or any other form of tax or license charge shall be levied or assessed upon or collected from the companies, or any of them, mentioned in the first paragraph of this section, in any manner or form, different from, or at a higher rate than that imposed upon or collected from mercantile, manufacturing and business corporations doing business within this State." (Telephone and telegraph companies are referred to in subdivision (4) of the first paragraph of section 14)

Subsequent to the 1910 amendment the decisions of the Appellate Courts of California definitely established that the gross receipts tax exacted under section 14, Article XIII, was in lieu of licenses as well as in lieu of taxes on property (*San Francisco* v. *Market Street Railway*—1937—9 Cal. (2d) 743; *San Francisco* v. *Pacific Telephone & Telegraph Co.*—1913—166 Cal. 244) The Report of the Joint Legislative Tax Committee in 1933 (Assembly Journal 1933, pp. 2966-2969) definitely shows that the scheme of taxation was to be reversed and taxes on property were to be obtained by the counties, the gross receipts tax being eliminated except as to insurance companies

In Item 7 of the Report of the Joint Legislative Tax Committee (referred to above), it is interesting to note that a raise in the rate of taxation of the gross receipts was recommended, to be made effective for the year 1932 and that the committee recognized that "this tax rate increase will, of course, only continue until such time as Amendment No. One (ed note: gross receipts provision of the Constitution) is repealed."

From the foregoing it would appear to be the intent of the amendment to section 14 of Article XIII of the Constitution to do away with the gross receipts tax on telephone and telegraph companies and to return their properties to the counties for the purposes of property taxation. To safeguard such companies, together with other utilities, there was specifically written into section 14 the prohibition against imposing a tax different from that imposed upon mercantile, manufacturing, and other business corporations. This prohibition would make unconstitutional any legislation designed to impose a gross receipts tax solely upon telephone and telegraph companies.

Yours very truly,

FRED B. WOOD, Legislative Counsel.
By NORMAN MELLER, Assistant Counsel.

NM/la.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, April 23, 1940.

Honorable Charles W. Lyon, Chairman,
Subcommittee on Telephone Companies and
Carbonated Beverages of the Assembly
Revenue and Taxation Committee.
State Capitol, Sacramento, California.

Subject: *Gross Receipts Tax Upon Telephone Companies.*
Request: *No 7877.*

DEAR MR LYON: Supplementing our letter of April 22, 1940, we wish to bring to your attention the possibility of amending the Retail Sales Tax Act of 1933, Deering Act 8493, so as to tax the gross sales of telephone and telegraph companies.

The Retail Sales Act of 1933 taxes retailers of tangible personal property for the privilege of selling tangible personal property at retail at the rate of 3 per cent of the gross receipts of any such retailer Rendering of services are not taxed, with the exception of where the rendering of services is incidental to the sale.

Specifically excluded from the provisions of the Retail Sales Tax Act of 1933 are the gross receipts from the sales, furnishing, or service of gas, electricity, and water, when delivered to consumers through mains, lines, or pipes. Also see section 5 for other exceptions.

The sales tax is an "excise" or "privilege tax" (*Roth Drug, Inc.*, vs *Johnson*, 1936, 13 Cal. App (2d) 720). Section 14 of Article XIII contemplates that excise taxes may be levied on telephone or telegraph companies, for it inferentially authorizes their levy just as long as they are not different than those imposed upon or collected from mercantile, manufacturing and business corporations doing business in this State. Thus, by amending the Retail Sales Tax Act of 1933 so as to make it apply to the rendering of services as well as the sales of personal property, it would appear possible to include within its provisions a tax on the gross receipts of telephone and telegraph companies.

In Volume II of the Digest of the Statutes of Arkansas for 1937 there is contained in section 14070 a provision for the levying of a sales tax upon "(d) All retail sales of electric power and light, natural and artificial gas, water, telephone use and messages and telegrams" This is in addition to the tax imposed on "(a) All sales at retail of tangible personal property." Such an inclusion of telephone and telegraph messages in California's Sales Tax Act would not appear to be valid considering the present nonapplicability of the act to services and the terminology of section 14 of Article XIII. However, an amendment designed to tax services, and including therein the rendering of services in the transmission of telephone and telegraph messages, would appear to be valid. Just as long as the rate of tax imposed upon telephone and telegraph messages is no higher than that imposed upon the sales of tangible personal property and the rendering of services in general, the constitutional provisions would not appear to be violated

Yours very truly,

FRED B. WOOD, Legislative Counsel.
By NORMAN MELLER, Assistant Counsel.

NM/la.

Report Ordered Printed as a Separate Document.

Mr. Turner asked for, and was granted, unanimous consent to have 1,500 copies of the main report printed as a separate document.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 136: By Mr. Atkinson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Assembly Bill No. 137: By Mr. Field—An act making an appropriation to the Relief Administrator and Relief Commission for Work Relief Projects, sponsored by governmental agencies named therein, declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 138: By Mrs. Daley and Messrs. Bashore, Field, Wollenberg, Kepple, Watson, Johnson and Poulson—An act providing for the expenditure, in conjunction with the Works Projects Administration, of money appropriated for the relief of hardship and destitution due to and caused by unemployment.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 136: By Mr. Atkinson—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 137: By Mr. Field—An act making an appropriation to the Relief Administrator and Relief Commission for Work Relief Projects, sponsored by governmental agencies named therein, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 138: By Mrs. Daley and Messrs. Bashore, Field, Wollenberg, Kepple, Watson, Johnson and Poulson—An act providing for the expenditure, in conjunction with the Works Projects Administration, of money appropriated for the relief of hardship and destitution due to and caused by unemployment.

Referred to Committee on Social Service and Welfare.

Assembly Joint Resolution No. 24: By Messrs. Allen, Atkinson, Massion, Yorty, Tenney, Doyle, Pelletier, Evans, Stream, Bennett, Clarke, Andreas, Hawkins, Gilbert, Miller, George P., Dills, Turner, Thorp, Del Mutolo, Phillips,

Sheridan, Salsman, Burson, Sawallisch, Burns, Hugh M., Millington, Thurman, Maloney, Green, Weber, Voigt and Mrs. Daley—Relative to legislation by the Federal Government for a uniform system of old age pensions throughout the United States.

Motion to Refer Assembly Joint Resolution No. 24 to Committee on Rules.

Mr. Heisinger moved that Assembly Joint Resolution No. 24 be referred to Committee on Rules.

Substitute Motion.

Mr. Atkinson moved, as a substitute motion, that Assembly Joint Resolution No. 24 be ordered on calendar without reference to committee.

Substitute motion carried by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clarke, Collins, Crowley, Daley, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Green, Hawkins, Kellems, Kilpatrick, King, Kuchel, Lyon, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Poulson, Robertson, Rosenthal, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, and Mr. Speaker—44.

NOES—Bashore, Burson, Carlson, Cronin, Gilmore, Heisinger, Johnson, Knight, Leonard, Lore, Maloney, Richie, Salsman, Scudder, Walker, Weber, Weybret, and Wollenberg—18.

Further Proceedings Under Call of the Assembly Dispensed With on Urgency to Assembly Bill No. 128.

At eleven o'clock and twenty-six minutes a.m., on motion of Mr. Knight, further proceedings under the call of the Assembly were dispensed with on urgency clause to Assembly Bill No. 128.

The roll of absentees was called, and urgency clause to Assembly Bill No. 128 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—Bashore—1.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—Bashore—1.

Title read and approved. Bill ordered transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Stream, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Case of Urgency Resolution.

By Mr. Stream:

Resolved, That Assembly Bill No. 133 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 133, at this time.

Second Reading of Assembly Bill No. 133.

Assembly Bill No. 133—An act to amend sections 867 and 868 of the Fish and Game Code, and to repeal Chapter 24 of the first extraordinary session of the fifty-third Legislature, relating to yellow-tail, barracuda, and white sea bass.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None

Third Reading of Assembly Bill No. 133.

Assembly Bill No. 133—An act to amend sections 867 and 868 of the Fish and Game Code, and to repeal Chapter 24 of the first extraordinary session of the fifty-third Legislature, relating to yellow-tail, barracuda, and white sea bass

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—Bashore—1.

Title read and approved Bill ordered transmitted to the Senate.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

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

Assembly Bill No. 130.

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

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

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

Senate Concurrent Resolution No. 15—Relative to the operation, maintenance, and extension of the State park system.

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

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

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

Senate Bill No. 84—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately;

Senate Bill No. 88—An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

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

Senate Concurrent Resolution No. 15 read first time, and referred to Committee on Governmental Efficiency and Economy.

Senate Bill No. 84 read first time, and referred to Committee on Education.

Senate Bill No. 88 read first time, and referred to Committee on Conservation.

Reports of Standing Committees.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Senate Bill No. 90.
Assembly Bill No. 126.
Respectfully reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman.

The above reported bills ordered on third reading calendar.

On Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

MR. SPEAKER: Your Committee on Agriculture, to which was referred:
Assembly Bill No. 125.
Assembly Bill No. 131.
Respectfully reports the same back with the recommendation: Do pass as amended.

THORP, Vice Chairman.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 125—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Committee Amendments to Assembly Bill No. 125.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 1 of the title of the printed bill, after "Code," insert the following: "and to repeal Chapter 28 of the Statutes of the first extraordinary session of the Fifty-third Session of the Legislature,".

Amendment No. 2.

On page 4 of the printed bill, between lines 7 and 8, insert the following:
"SEC. 2. Chapter 28 of the Statutes of the first extraordinary session of the Fifty-third Legislature is hereby repealed."

Amendment No. 3.

On page 4, line 8, of the printed bill, strike out "SEC. 2.", and insert in lieu thereof the following: "SEC. 3."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Assembly Bill No. 131—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Committee Amendments to Assembly Bill No. 131.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 1 of the title of the printed bill, after "Code," insert the following: "and to repeal Chapter 28 of the Statutes of the first extraordinary session of the Fifty-third Legislature,".

Amendment No. 2.

On page 4 of the printed bill, between lines 23 and 24, insert the following:

"SEC. 2 Chapter 28 of the Statutes of the first extraordinary session of the Fifty-third Legislature is hereby repealed"

Amendment No. 3.

On page 4, line 24, of the printed bill, strike out "SEC. 2", and insert in lieu thereof the following: "SEC. 3."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Report of Standing Committee (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

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

House Resolution No. 92.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman

Consideration of House Resolution No. 92.

House Resolution No. 92 read, and refused adoption by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Burson, Call, Collins, Crowley, Desmond, Dilworth, Field, Gallagher, Green, Hawkins, Heisinger, King, Lore, Maloney, Miller, George P., Millington, O'Day, Poulson, Robertson, Sawallisch, Sheridan, Tenney, Voigt, and Mr. Speaker—26.

NOES—Allen, Andreas, Atkinson, Bashore, Bennett, Clarke, Cronin, Daley, Del Mutolo, Donnelly, Evans, Fulcher, Gilmore, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Massion, Miller, Eleanor; O'Donnell, Pelletier, Richie, Rosenthal, Salsman, Scudder, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—35.

Resolutions.

By the Committee on Attaches:

House Resolution No. 93.

Resolved, That the following named person be stricken from the list of Assembly attaches and his name be stricken from the pay roll of the Assembly, to take effect as follows:

On the completion of work May 18, 1940

	Per day
Robert Gilmore, Sergeant-at-Arms	$5 00

VOIGT, Chairman.

House Resolution No 93 read, and adopted by the following vote:

AYES—Allen, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Field, Fulcher, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, and Mr. Speaker—51.

NOES—Atkinson, Evans, Gallagher, Gilmore, Green, Maloney, and Weber—7.

By Messrs. Garland, Turner, Clarke and Burns, Hugh M.:

House Resolution No. 94.

WHEREAS, More than any other man, Colonel Robert C. Marshall, for many years the chief geographer of the United States Geological Survey, was responsible for the conception of the Central Valley Project; and

WHEREAS, The people of this State will remain forever indebted to him for his unsparing activities in their behalf in connection with the project; and

WHEREAS, It is fitting and proper that his efforts and his name be forever remembered by posterity; now, therefore, be it

Resolved by the Assembly of the State of California, That the Water Project Authority of the State of California and the Bureau of Reclamation of the United States Department of the Interior are hereby respectfully urged to formally name the canal section of the Central Valley Project extending from Stockton to Mendota, "The Marshall Canal"; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward copies of this resolution to the Water Project Authority and the Bureau of Reclamation.

Request for Unanimous Consent.

Mr. Turner asked for, and was granted, unanimous consent to consider House Resolution No. 94, at this time, without reference to committee.

House Resolution No. 94 read, and adopted.

By Mr. Rosenthal:

House Resolution No. 95.

Resolved, That the Sergeant-at-Arms or a deputy designated by him is hereby authorized and directed to act as an escort to accompany the body of the late Fred Reaves to San Pedro, California; and be it further

Resolved, That the sum of $30 is hereby made available from the Contingent Fund of the Assembly for the expenses of the Sergeant-at-Arms or his deputy under this resolution, to be paid from the Contingent Fund of the Assembly and disbursed after certification by the Speaker upon warrants drawn by the Controller on the State treasury

Request for Unanimous Consent.

Mr. Rosenthal asked for, and was granted, unanimous consent to consider House Resolution No. 95, at this time, without reference to committee.

House Resolution No. 95 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Field, Fulcher, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Salsman, Sheridan, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

Introduction and Reference of Bill.

The following bill was introduced:

Assembly Joint Resolution No. 25: By Mr. Robertson—Relative to allocation of funds by the Congress of the United States for distribution to the various States for highway purposes.

Request for Unanimous Consent.

Mr Robertson asked for, and was granted, unanimous consent to consider Assembly Joint Resolution No. 25, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 25.

Assembly Joint Resolution No. 25 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 126—An act relating to parks and making an appropriation from the State park maintenance and acquisition fund for the operation, maintenance, and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State park maintenance and acquisition fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Miller, George P, Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Miller, Eleanor; Miller, George P, Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Message (Resumed).

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

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

Assembly Joint Resolution No. 22.
Assembly Joint Resolution No. 23.
Assembly Concurrent Resolution No. 22.
Assembly Concurrent Resolution No. 23.

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

The above reported bills ordered to enrollment.

Third Reading of Senate Bill.

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mrs. Daley, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Johnson, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Motion to Amend Senate Bill No. 90.

Mr. Johnson moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 8, line 35, of the printed bill, after the word "answer", insert the following:

"SEC. 21.5. In order to safeguard the money for the purpose for which it is appropriated and to contribute to the efficient operation of the State Relief Administration, the Relief Administration and the Relief Commission shall contract with the State Personnel Board, with money from the 82 per cent classification, for an organization study by the State Personnel Board of the State Relief Administration.

This study shall provide for an analysis of the duties and responsibilities of the various positions in order to establish a classification system on the basis of which (1) comparable positions will receive comparable compensation, (ii) minimum requirements of education training and experience shall be related to the duties and responsibilities of the positions and (iii) an evaluation of performance may be made.

Following the completion of the study, the Relief Administrator shall have the exclusive power and duty to establish this classification system and he alone shall select and maintain personnel rated in accordance with the classification system.

No bureau, board, commission or agency other than those expressly mentioned therein shall have the power or duty to control or administer any of the questions connected with the personnel appointed to administer and distribute the funds herein appropriated.

It is hereby expressly declared to be the intention of the Legislature not to establish a civil service system or other form of permanent tenure for persons employed to administer and distribute the funds herein appropriated. It is also declared to be the intention of the Legislature not to create hereby any additional rights or other incidents of the State civil service system or to confer the same or any of them upon any of such personnel."

Amendment refused adoption by the following vote:

AYES—Atkinson, Carlson, Clarke, Collins, Cronin, Del Mutolo, Dills, Doyle, Evans, Gallagher, Houser, Johnson, King, Leonard, Maloney, Miller, Eleanor; Miller, George P., O'Day, Phillips, Richie, Salsman, Sheridan, Thorp, Thurman, Turner, Waters, Weybret, and Wollenberg—28.

NOES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Crowley, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gilmore, Hawkins, Heisinger, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Lore, Lyon, Massion, Meehan, Millington, O'Donnell, Pelletier, Robertson, Rosenthal, Scudder, Stream, Tenney, Walker, Watson, Weber, and Mr. Speaker—39.

Mr. Atkinson moved to amend Senate Bill No. 90 as follows:

Division of the Question.

On request of Mr. Atkinson the following amendments were voted on separately:

Amendment No. 9.

On page 4 of the printed bill, as amended, between lines 38 and 39, insert the following:

"No deduction whatever shall be made on account of income received by any relief recipient or member of his family as pay for attending drill or for any other duty as a member of the National Guard."

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Cronin, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sheridan, and Tenney—31.

NOES—Bashore, Burson, Call, Carlson, Clarke, Daley, Desmond, Dilworth, Evans, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—38

Motion to Expunge Record and Rescind Action on Amendment No. 9 by Mr. Atkinson.

On motion of Mr. Atkinson the record was expunged and the action rescinded whereby Amendment No. 9 was refused adoption, by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg and Mr. Speaker—63.

NOES—None.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Atkinson, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Mr. Atkinson moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 2, line 42, of the printed bill, as amended, strike out "82", and insert in lieu thereof the following: "85".

Amendment No. 2.

On page 2, line 47, of the printed bill, as amended, strike out "and" preceding "iv", and insert in lieu thereof a comma.

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 49, 50, 51 and 52; and on page 3, strike out lines 1, 2, 3 and 4, and insert in lieu thereof the following: "tion, and (v) for self-help cooperatives, for production for use projects, consumer cooperatives or direct production projects may be charged to this classification, if and when expended

No such cooperative or project".

Motion to Lay Amendments on the Table.

On motion of Mrs. Daley the above amendments were laid on the table by the following vote:

AYES—Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gallagher, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, Phillips, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Crowley, Dills, Donnelly, Doyle, Evans, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Rosenthal, and Tenney—23.

Motion to Amend Senate Bill No. 90.

Mr. Atkinson moved to amend Senate Bill No. 90, as follows:

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out line 10, and insert in lieu thereof the following:

"Hourly wages on work relief projects shall conform to the prevailing hourly rate in the community. The monthly wage shall be the same as the monthly rate on Works Progress Administration projects.

(b) Not more than 15 per cent for administration"

Motion to Lay Amendment on the Table.

On motion of Mr. Allen, the above amendment was laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—40

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Rosenthal, Sheridan, Tenney, and Turner—28.

Amendment No. 5.

On page 3, line 37, of the printed bill, as amended, strike out "eighty-two", and insert in lieu thereof the following. "eighty-five".

Amendment withdrawn.

Amendment No. 6.

On page 4, line 8, of the printed bill, as amended, after "commodities," insert the following: "rent,".

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following: "kind."

Motion to Lay Amendments on the Table.

On motion of Mr. Allen, the above amendments were laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Kellems, Kepple, Knight, Kuchel, Leonard, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—39.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger,

Johnson, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sheridan, Tenney, and Voigt—32.

Amendment No. 8.

On page 4, line 29, of the printed bill, as amended, strike out "One-quarter", and insert in lieu thereof the following: "One-half".

Amendment refused adoption by the following vote:

AYES—Atkinson, Bennett, Burns, Michael J., Collins, Cronin, Del Mutolo, Dills, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, Pelletier, Robertson, Rosenthal, Sheridan, Tenney, Voigt, and Yorty—27.

NOES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Crowley, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

Amendment No. 10.

On page 4 of the printed bill, as amended, strike out lines 39 to 51, inclusive; and on page 5, strike out lines 1 to 25, inclusive.

Motion to Lay Amendment on the Table.

On motion of Mr. Call the amendment was laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Desmond, Dilworth, Field, Fulcher, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—44.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Collins, Del Mutolo, Dills, Doyle, Gallagher, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, Pelletier, Richie, and Rosenthal—24.

Amendment No. 11.

On page 6, of the printed bill, as amended, between lines 33 and 34, insert the following: "Hourly wages on such projects shall conform to the prevailing hourly wage in the community. The monthly rate on such projects shall be the same as the monthly rate on Works Progress Administration projects."

Amendment withdrawn.

Amendment No. 12.

On page 6 of the printed bill, as amended, strike out lines 41 to 45, inclusive.

Amendment refused adoption by the following vote:

AYES—Atkinson, Bennett, Del Mutolo, Dills, Doyle, Hawkins, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Pelletier, Richie, and Rosenthal—15.

NOES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Daley, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—50

Amendment No. 13.

On page 6, line 48, of the printed bill, as amended, strike out "(i)".

Amendment refused adoption.

Amendment No. 14.

On page 6, line 50, of the printed bill, as amended, after "law", strike out the balance of the line and all of lines 51 and 52, and insert in lieu thereof a period.

Amendment withdrawn.

Amendment No. 15.

On page 7 of the printed bill, as amended, strike out lines 19 to 24, inclusive.

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Collins, Del Mutolo, Dills, Doyle, Hawkins, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Pelletier, Richie, Robertson, and Rosenthal—18.

NOES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard,

Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—48.

Amendment No. 16.

On page 8 of the printed bill, as amended, strike out lines 36 to 40, inclusive.

Amendment refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Collins, Del Mutolo, Dills, Doyle, Evans, Kilpatrick, King, Lore, Massion, Miller, George, P., Pelletier, Richie, Robertson, and Rosenthal—17.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—50.

Amendment No. 9.

On page 4 of the printed bill, as amended, between lines 30 and 31, insert the following:

"(e) No deduction whatever shall be made on account of income received by any relief recipient or member of his family as pay for attending drill or for any other duty as a member of the National Guard."

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, eleven o'clock and forty-five minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Further Proceedings Under Call of the Assembly Dispensed With on Amendment No. 9.

At eleven o'clock and forty-seven minutes a.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with on Amendment No. 9.

The roll of absentees was called, and Amendment No. 9 refused adoption by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sawallisch, Sheridan, and Tenney—32.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—40.

Further Consideration of Senate Bill No. 90.

Motion to Amend Senate Bill No. 90.

Mr. Collins moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 8, lines 29 and 32, of the printed bill, as amended, after "answer", strike out "the", and insert in lieu thereof the following: "any competent, relevant or material".

Motion to Lay Amendment on the Table.

On motion of Mr. Bashore, the amendment was laid on the table by the following vote:

AYES—Allen, Andreas, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Dilworth, Evans, Field, Fulcher, Green, Houser, Johnson, Kellems, Kilpatrick, Knight, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—42.

NOES—Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Del

Mutolo, Dills, Donnelly, Gallagher, Gilmore, Hawkins, Heisinger, King, Lore, Maloney, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, and Rosenthal—23.

Further Proceedings Under Call of the Assembly Dispensed With on Senate Bill No. 76.

At eleven o'clock and fifty minutes a.m., on motion of Mr Desmond, further proceedings under the call of the Assembly were dispensed with on Senate Bill No. 76.

The roll of absentees was called, and Senate Bill No. 76 became a law notwithstanding the Governor's veto, by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Doyle, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—54.

NOES—Atkinson, Bennett, Crowley, Dills, Donnelly, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, O'Day, O'Donnell, Pelletier, Richie, Robertson, and Rosenthal—20.

Senate Bill No. 76 ordered transmitted to the Senate.

Further Consideration of Senate Bill No. 90.

Motion to Amend Senate Bill No. 90.

Mr. Lore moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 1, line 2, of the printed bill, strike out "$24,347,091", and insert in lieu thereof the following: "$34,047,000".

Amendment No. 2.

On page 2, line 8, of the printed bill, strike out "$2,361,113", and insert in lieu thereof the following: "$3,207,000".

Amendment No. 3.

On page 2 of the printed bill, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following:

"(b) For the first quarter of the ninety-second fiscal year:

(1) July	$3,218,000
(2) August	3,218,000
(3) September	3,194,000
	$9,630,000"

Amendment No. 4.

On page 2 of the printed bill, strike out lines 18 to 23, inclusive, and insert in lieu thereof the following:

"(c) For the second quarter of the ninety-second fiscal year:

(1) October	$3,259,000
(2) November	3,259,000
(3) December	3,379,000
	$9,897,000"

Amendment No. 5.

On page 2 of the printed bill, strike out lines 25 to 30, inclusive, and insert in lieu thereof the following:

"(d) For the third quarter of the ninety-second fiscal year:

(1) January	$3,620,000
(2) February	3,810,000
(3) March	3,883,000
	$11,313,000"

Motion to Lay on the Table.

On motion of Mr. Bashore, the amendments were laid on the table by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Heisinger, Houser,

Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—44.

NOES—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Evans, Gallagher, Gilmore, Hawkins, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sheridan, and Tenney—27.

Recess.

At eleven o'clock and fifty-two minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eleven o'clock and fifty-five minutes a.m.

Reassembled.

At eleven o'clock and fifty-five minutes a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Resolution.

By the Committee on Attaches:

House Resolution No. 96.

Resolved, That the following named person be, and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, and the Controller is hereby directed to draw his warrant in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

Commencing May 20, 1940, and ending May 24, 1940, both dates inclusive:

	Per day
Arthur Reaves, Assistant Sergeant-at-Arms	$5 00

VOIGT, Chairman.

House Resolution No. 96 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Crowley, Desmond, Dills, Donnelly, Doyle, Evans, Field, Gallagher, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—None.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 139: By Mr. Poulson—An act making an appropriation to the Relief Commission and Relief Administrator for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations, declaring the urgency thereof, to take effect immediately.

Assembly Bill No. 140: By Messrs. Dills, Tenney and Leonard—An act to add sections 3897.4 and 3897.5 to the Political Code, and to amend section 3804 of, and to add sections 3793.5 and 3793.6 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency hereof, to take effect immediately.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau and read first time:

Assembly Bill No. 139: By Mr. Poulson—An act making an appropriation to the Relief Commission and Relief Administrator for the relief of hardship and destitution due to and caused by unemployment through the support of self-help cooperative organizations and associations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Service and Welfare.

Assembly Bill No. 140: By Messrs. Dills, Tenney and Leonard—An act to add sections 3897.4 and 3897.5 to the Political Code, and to amend section 3804 of,

and to add sections 3793 5 and 3793 6 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent.

Mr. Tenney asked for unanimous consent to consider Assembly Bill No. 140, at this time, without reference to committee or calendar

Mr. Knight withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Tenney moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 140, at this time.

Rules temporarily suspended by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burson, Call, Del Mutolo, Dills, Doyle, Heisinger, Johnson, Kepple, Kilpatrick, Lore, Massion, Miller, George P., Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, and Mr Speaker—33.

NOES—Cassidy, Clarke, Collins, Donnelly, Gilmore, Houser, Knight, Kuchel, Miller, Eleanor; O'Day, and O'Donnell—11.

Assembly Bill No. 140 ordered on the calendar without reference to committee.

Third Reading of Senate Bills (Resumed).

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Bill read third time.

Motion to Amend Senate Bill No. 90.

Mr. Lore moved to amend Senate Bill No. 90 as follows:

Division of the Question.

On request of Mr. Lore, the following amendments were voted on separately:

Amendment No. 1.

On page 4, line 6, of the printed bill, as amended, after "Relief," insert the following: "in cash".

Amendment No. 2.

On page 4, line 7, of the printed bill, as amended, strike out "allowance, may, however, be granted, but", and insert in lieu thereof the following: ", when budgeted as an additional allowance for work on a work relief project, may be granted. Any other relief granted in addition to the maximum authorized by this section (including any work relief allowance) shall be granted".

Motion to Lay on the Table.

Mr. Bashore moved to lay the above amendments on the table.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Houser moved a call of the Assembly.

Motion carried. Time, eleven o'clock and fifty-six minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Lore, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Amendment No. 3.

On page 4, line 14, of the printed bill, as amended, strike out the comma, and strike out all of lines 15 and 16, and insert in lieu thereof a colon.

Motion to Lay on the Table.

Mr. Bashore moved to lay the above amendment on the table.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Kepple moved a call of the Assembly.

Motion carried. Time, eleven o'clock and fifty-nine minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Burns, Hugh M., Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Motion to Amend Senate Bill No. 90.

Mr. Burns, Hugh M., moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 8 of the printed bill, as amended, between lines 40 and 41, insert the following:

"SEC. 22 5 The Legislature hereby declares as a policy that administrative personnel of the State Relief Administration whenever possible, should be recruited from persons in need."

Motion to Lay on Table.

On motion of Mr. Kepple, the above amendment was laid on the table.

Motion to Amend Senate Bill No. 90.

Mr. Richie moved to amend Senate Bill No. 90 as follows:

Division of the Question.

On request of Mr. Richie the following amendments were voted on separately:

Amendment No. 1.

On page 7, line 41, of the printed bill, after "which", insert the following: "management, organizations or campaigns".

Amendment No. 2.

On page 7, line 44, of the printed bill, strike out the period, and insert in lieu thereof the following: ", provided that mere payment of dues to a political organization shall not constitute a person "an active member" within the meaning of this subdivision."

Motion to Lay on the Table.

On motion of Mr. Bashore, the amendments were laid on the table by the following vote:

AYES—Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Hawkins, Kilpatrick, King, Lore, Massion, Pelletier, and Richie—13.

NOES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—47.

Amendment No. 3.

On page 8 of the printed bill, as amended, strike out lines 44 to 50, inclusive.

Motion to Lay on the Table.

On motion of Mr. Lyon the amendment was laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Collins, Cronin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gilmore,

Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—50.

NOES—Andreas, Atkinson, Bennett, Del Mutolo, Dills, Evans, Hawkins, Kilpatrick, King, Lore, Massion, Miller, George P., O'Donnell, Pelletier, and Richie—15.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Dills, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Mr. Dills moved to amend Senate Bill No. 90 as follows:

Amendment No. 1.

On page 8 of the printed bill, as amended, strike out lines 49 and 50, and insert in lieu thereof the following: "of California for the period required by the State Civil Service Act."

Amendment refused adoption.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. O'Day, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Mr. O'Day moved to amend Senate Bill No. 90 as follows:

Division of the Question.

On request of Mr. O'Day the following amendments were voted on separately.

Amendment No. 1.

On page 4, line 5, of the printed bill, as amended, strike out "fifty-eight dollars per month per family", and insert in lieu thereof the following: "seventy-five dollars per month per family except in cases where the cash excess is due solely to the payment of supplemental relief for work upon a work relief project."

Amendment No. 2.

On page 4, lines 6 and 7, of the printed bill, as amended, strike out "fifty-eight dollars per month allowance," and insert in lieu thereof the following: "seventy-five dollars per month allowance and the supplemental work relief allowance, if any,".

Amendment No. 3.

On page 4, line 7, of the printed bill, as amended, strike out "(i) only in", and strike out lines 8 to 11, inclusive, and insert in lieu thereof the following: "only in kind in cases requiring medical or dental assistance, including special diet on prescription of the physician, or requiring corrective appliances."

Motion to Lay on the Table.

On motion of Mr. Bashore, the amendments were ordered laid on the table by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Dilworth, Donnelly, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—40.

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Miller, George P, O'Day, Pelletier, Richie, Robertson, Rosenthal, Sheridan, and Tenney—26.

Hon. Hugh M. Burns in the Chair.

At twelve o'clock M., Hon. Hugh M. Burns, member of the Assembly from the Thirty-sixth District, in the chair.

Amendment No. 4.

On page 4 of the printed bill, as amended, strike out lines 41 to 45, inclusive, and insert in lieu thereof the following:

"(1) Has not lived continuously in this State for a period of three years; or".

Motion to Lay on the Table.

On motion of Mr. Bashore, the amendment was laid on the table by the following vote:

AYES—Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—43.

NOES—Andreas, Bennett, Cassidy, Collins, Del Mutolo, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Miller, George P, O'Day, Pelletier, Richie, Robertson, and Rosenthal—21.

The Speaker in the Chair.

At twelve o'clock and five minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Further Proceedings Under Call of the Assembly Dispensed With on Amendments to Senate Bill No. 90.

At twelve o'clock and six minutes p m, on motion of Mr. Houser, further proceedings under the call of the Assembly were dispensed with on amendments to Senate Bill No. 90 by Mr. Lore.

The roll of absentees was called, and the amendments laid on the table by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—41

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Johnson, Kilpatrick, King, Lore, Massion, Miller, George P, O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sheridan, and Tenney—28

Further Proceedings Under Call of the Assembly Dispensed With on Senate Bill No. 90.

At twelve o'clock and eight minutes p m, on motion of Mr. Kepple, further proceedings under the call of the Assembly were dispensed with on Amendment No. 3 to Senate Bill No. 90 by Mr. Lore.

The roll of absentees was called, and Amendment No. 3 laid on the table by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Field, Fulcher, Green, Houser, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—38.

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Johnson, Kilpatrick, King, Lore, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Sheridan, Tenney, and Yorty—30

The Speaker Pro Tempore in the Chair.

At twelve o'clock and ten minutes p.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Third Reading of Senate Bill No. 90.

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Bill read third time

Consideration of Urgency Clause.

Urgency clause read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

Motion carried. Time, twelve o'clock and ten minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Report of Standing Committee.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred: Assembly Bill No. 66.

Respectfully reports the same back with the recommendation: Do pass as amended.

TURNER, Chairman.

Second Reading of Assembly Bill No. 66 (Out of Order).

Assembly Bill No. 66—An act to amend sections 12, 13 and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse racing license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licensees under the act.

Committee Amendments to Assembly Bill No. 66.

The following amendments were submitted by the committee:

Amendment No. 1.

In line 1 of the title of the printed bill, as amended, after "sections", insert the following: "4,".

Amendment No. 2.

In line 12 of the title of the printed bill, as amended, after "wagers," insert the following: "the payment of additional purses by licensees to breeders of California bred horses,".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. It is hereby declared that since the purpose of this act is the encouragement of agriculture and the breeding of horses in the State of California, the licensee licensed to operate a race track shall pay to the breeder of each animal bred in this State, which wins any part of the purse in any race at the track, a sum equal to five per cent of the money so won by the animal. This payment shall be in addition to the payment of the purse money and shall be payable to the breeder regardless of whether or not the breeder is the owner of the animal at the time of the race. Every licensee shall run at least one race each racing day which shall be limited to horses foaled in California. If sufficient competition can not be had among such class of horses, said race may be eliminated for said day and a substitute race provided instead.

SEC. 1.5. Section 10.5 is hereby added to the act cited in the title hereof to read as follows:".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 4 to 8, inclusive, and insert in lieu thereof the following: "longer than twelve months. For the purposes of this act, "new track" means a track which has been in operation and subject to this act for a period of less than four calendar years, and "old track" means a track which has been in operation and subject to this act for a period of four calendar years or longer. The amount of the license fee for each new track shall be 4% of all money handled during the racing meeting. The amount of the

license fee for each old track shall be 4% on the first $10,000,000 and 7% on all over $10,000,000, of the money handled during the racing".

Amendments adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Call, Cassidy, Clarke, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Fulcher, Gilmore, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Miller, George P., Millington, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Salsman, Sheridan, Tenney, Turner, Voigt, Wollenberg, and Yorty—35.

NOES—Bashore, Burson, Carlson, Doyle, Evans, Field, Green, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Phillips, Poulson, Sawallisch, Scudder, Stream, Thorp, Thurman, Walker, Waters, and Watson—25.

Bill read second time, ordered to reprint and engrossment.

Notice of Motion to Reconsider Amendments to Assembly Bill No. 66.

Mr. Bashore gave notice that on the next legislative day he would move to reconsider the vote whereby the amendments to Assembly Bill No. 66 were this day passed.

Resolution.

By Mr. Yorty:

House Resolution No. 97.

Resolved, That the sum of $2,500 or so much thereafter as may be necessary, in addition to any other fund heretofore made available, is hereby made available from the contingent fund to the Assembly for the expenses of the Assembly Relief Investigating Committee, its subcommittees and its members, and for any charges, expenses or claims that the committee may incur under House Resolution No. 9 or under House Resolution No. 29, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the treasury.

House Resolution No. 97 referred to the Committee on Rules

Motion to Expunge Record and Rescind Action on House Resolution No. 92.

Mr. Robertson moved to expunge the record and rescind the action whereby House Resolution No. 92 was refused adoption.

Motion carried by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Collins, Cronin, Daley, Del Mutolo, Donnelly, Doyle, Evans, Field, Gallagher, Gilmore, Green, Heisinger, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Maloney, Massion, Millington, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Sheridan, Tenney, Thurman, Turner, Voigt, Walker, Weber, and Wollenberg—41.

NOES—Allen, Bashore, Carlson, Clarke, Fulcher, Houser, Lore, Lyon, Miller, Eleanor; Salsman, Scudder, Thorp, Watson, and Weybret—14.

The Speaker in the Chair.

At twelve o'clock and twenty minutes p m, Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Further Proceedings Under Call of the Assembly Dispensed With on Senate Bill No. 90.

At twelve o'clock and twenty-five minutes p m., on motion of Mr Desmond, further proceedings under the call of the Assembly were dispensed with on the urgency clause to Senate Bill No 90.

The roll of absentees was called, and the urgency clause to Senate Bill No. 90 refused passage by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—45.

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Rosenthal, and Tenney—25.

Notice of Motion to Reconsider Urgency Clause to Senate Bill No. 90.

Mr. Lore gave notice that on the next legislative day he would move to reconsider the vote whereby urgency clause to Senate Bill No. 90 was this day refused passage.

Motion for Temporary Suspension of the Rules.

Mr. Desmond moved that the Rules be temporarily suspended for the purpose of considering Senate Bill No. 90 at this time.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, twelve o'clock and thirty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent. Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock and forty minutes p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the motion to temporarily suspend the rules lost by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—43.

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, and Rosenthal—26.

Motion to Print Report in Journal.

On motion of Mrs. Daley, the following report was ordered printed in the Journal:

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Section 1—POLICIES 599
Section 2—"THE CLIENT" 609
Section 3—EMPLOYMENT 627
Section 4—PERSONNEL 633
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Key to Transcripts.

P-1 Joint Legislative Fact-Finding Committee on Employment, Los Angeles, March 5, 6 and 7, 1940.

P-2 Joint Legislative Fact-Finding Committee on Employment, Los Angeles, March 6 and 7, 1940.

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P-5 Joint Legislative Fact-Finding Committee on Employment, San Francisco, April 24, 25 and 26, 1940.
P-6 Joint Legislative Fact-Finding Committee on Employment, San Francisco, April 22, 1940.
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P-8 Joint Legislative Fact-Finding Committee on Employment, San Francisco, April 24, 25 and 26, 1940.
H-1 Southern California Subcommittee, Los Angeles, March 18, 1940.
H-2 Southern California Subcommittee, Los Angeles, March 19, 1940.
H-3 Southern California Subcommittee, Los Angeles, March 20, 1940.
H-4 Southern California Subcommittee, Los Angeles, March 21, 1940.
H-5 Southern California Subcommittee, San Bernardino, March 25, 1940.
H-6 Southern California Subcommittee, Riverside, March 26, 1940.
H-7 Southern California Subcommittee, San Bernardino, March 25, 1940.
(*)
H-9 Southern California Subcommittee, Santa Barbara, April 1 and 2, 1940.
H-10 Southern California Subcommittee, San Diego, March 28, 1940.
H-11 Southern California Subcommittee, San Diego, March 29, 1940.
H-12 Southern California Subcommittee, San Diego, March 29,1940.
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M-1 Central Valley Subcommittee, Stockton, March 18, 1940.
M-2 Central Valley Subcommittee, Modesto (for Calaveras and Tuolumne counties), March 20, 1940.
M-3 Central Valley Subcommittee, Modesto (for Stanislaus County), March 20 and 21, 1940.
M-4 Central Valley Subcommittee, Merced, March 23, 1940.
M-5 Central Valley Subcommittee, Fresno, April 3, 1940
M-6 Central Valley Subcommittee, Fresno, April 4, 1940.
M-7 Central Valley Subcommittee, Madera, April 2, 1940.
M-8 Central Valley Subcommittee, Hanford, Kings County, April 5, 1940.
M-9 Central Valley Subcommittee, Bakersfield, April 10 and 11, 1940.
M-10 Central Valley Subcommittee, Visalia, April 8, 1940.
M-11 Cooperative and Works Projects, Los Angeles, May 2, 1940.
M-12 Cooperative and Works Projects, Sacramento, May 8, 1940.
W-1 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, March 11, 1940.

(*) There is no volume H-8.

W-2 San Francisco Bay-Central Coast Area Subcommittee, Monterey, March 20, 1940.
W-3 San Francisco Bay-Central Coast Area Subcommittee, Santa Cruz, March 21, 1940.
W-4 San Francisco Bay-Central Coast Area Subcommittee, Santa Cruz, March 22, 1940.
W-5 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 4, 1940.
W-6 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 4, 1940.
W-7 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 4, 1940.
W-8 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 4, 1940.
W-9 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, March 28, 1940.
W-10 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 9, 1940.
W-11 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, March 29, 1940.
W-12 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, March 30 and 31, 1940.
W-13 San Francisco Bay-Central Coast Area Subcommittee, San Mateo, April 17, 1940.
W-14 San Francisco Bay-Central Coast Area Subcommittee, San Jose, April 18, 1940.
W-15 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 1 and 2, 1940.
W-16 San Francisco Bay-Central Coast Area Subcommittee, Oakland, April 11, 12 and 13, 1940.
W-17 San Francisco Bay-Central Coast Area Subcommittee, Martinez, April 15, 1940.
W-18 San Francisco Bay-Central Coast Area Subcommittee, San Francisco, April 20, 1940.
Y-1 Assembly Committee Investigating Subversive Activities in the State Relief Administration, Alameda County, March 13 and 14, 1940.
Y-2 Assembly Committee Investigating Subversive Activities in the State Relief Administration, Visalia, March 21, 1940.
Y-3 Assembly Committee Investigating Subversive Activities in the State Relief Administration, Visalia, March 22, 1940.
Y-4 Assembly Committee Investigating Subversive Activities in the State Relief Administration, San Francisco County, April 25, 1940.
Y-5 Assembly Committee Investigating Subversive Activities in the State Relief Administration, San Francisco, April 26, 1940

P—Senator Phillips, Chairman.
H—Assemblyman Houser, Chairman.
M—Senator Mixter, Chairman.
W—Assemblyman Wollenberg, Chairman.
Y—Assemblyman Yorty, Chairman.

PART III

The recommendations and findings in Parts I and II result from evidence obtained at hearings conducted throughout the State. Significant sections of the testimony are contained in Part III. These, together with data available in the complete transcript, and other material in the State Controller's files are offered in support of the committee's recommendations and conclusions.

SECTION 1

POLICIES

Relief, social welfare and all their kindred problems will remain so long as a large percentage of the people remain unemployed. There can be only one effective policy and that is the placing of emphasis on reemployment.

W-2 page 11— PATTERSON: "We have studied this problem from every angle and we feel the biggest mistake they make is the fact they are dealing with it as a social problem. We don't feel it is a social problem,—it is an unemployment problem. I think that ninety per cent of all our trouble is the fact some of the people try to deal strictly on the basis of a social problem, and it is not,—it is a problem of unemployment, and if it was approached from that angle, I think this thing would be so,—there would never be any necessity to have a grievance from any organization. Our organization has always contended the most serious charge we have against the relief administration, either locally or in the State, is the fact it is necessary for the unemployed to have representatives. We feel that if the administration was fair and efficient and there wasn't so many different interpretations of the law, that it wouldn't be necessary for the unemployed to have a grievance committee, and the most serious charge that we have is that charge."

H-1 pages 105 & 106— HOUSER: "Mr. Legg indicated that the quota had been kept about the same during the year 1939, but that the WPA had funds available and a quota available to take care of about from five to seven thousand more people on WPA rolls than were actually taken care of due to lack of local sponsorship, and when we asked him what was meant by local sponsorship, he said, that included sponsorship by cities and by counties and by State Relief Administration. Now my

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W-2-11—James Patterson, Monterey County Workers Alliance leader.
H-1-105—James B. Reese, Administrative Assistant to SRA Administrator, Los Angeles.

question is, those positions were available on WPA jobs, why didn't the State Relief Administration do something about creating sponsorship projects?''
REESE: ''Well, for lack of funds mainly, the primary responsibility for the sponsorship of projects is not on the State Relief Administration. In some instances it is good business for us to take the sponsorship of these projects over because by contribution to the WPA we are able to save a certain amount of relief funds.''

W-11 page 240— McLAUGHLIN: ''Until the last special session of the Legislature in February of this year, the State Relief Administration, as an organization to administer unemployment relief, deteriorated constantly, and that deterioration was due largely to the desire to put on to the administrative staff unnecessary and inexperienced people, and by merely a change in attitude at the Intake, which is all that is necessary, the same method of procedure could be used as was used in the prior administration, but if the attitude at Intake was changed and was relaxed as it was, it results in abnormal and unduly increased case loads.''

Further:
W-11 page 240— WOLLENBERG: ''You feel from your observation that there was a direct relaxing on the eligibility rules?'' McLAUGHLIN: ''There was, there was a relaxing of vigilance.''

''Liberalization'' and ''the new philosophy'' placed many thousands on the relief rolls with a consequent increase in costs.

H-12 page 153— MRS. DALEY: ''Have you noticed any liberalization of the policies, budgets, and so forth, since you have been in the office over here that would lead you to believe that under the present administration that they were giving bigger and better budgets or care?''
PHILLIPS: ''Yes, there has been a distinct liberalization in the time I have been here since last June.''
HOUSER: ''That has been a liberalization in the amounts of the budget and types of aid given?''
PHILLIPS: ''Not in the amounts of the budget, that is stationary, that is fixed; but, in the—you might say in the excesses which are allowed, and possibly some of the medical care, and very much so in the matter of shoes,—We issued many many shoe orders here—and also in the—I believe in the types of cases that have been accepted I believe there has been a liberalization in the class of cases that have been accepted. For instance, a case that was accepted now, previously would have been rejected.''

W-11-240—Frank Y. McLaughlin, Director of Public Welfare Department, City and County of San Francisco, and former State SERA Administrator.
H-12-153—James H. Phillips, SRA employee, National City, San Diego County.

W-16 pages 370, 371, 372

WOLLENBERG: "Have you seen any evidence of any change in Alameda County in the general philosophy in the administration of relief, interpretations of eligibility, and so forth?" MRS. PITTO: "I think your whole concept of relief has been changing, both from the administration side, and from the relief recipient. I mean, when I first started in, the average person coming in was very unhappy, to say the least, in making application, and felt degraded to a certain extent; it was the general feeling. I know I had an East Oakland district when I first started with the Alameda County Charities and I happened to have a small, bright car, and they used to ask me to let them out a block away, so they could walk, and nobody would know they were going on relief. I mean, that is changed by the circumstances; I mean, relief itself is no longer on the old basis; it is a general problem and has been recognized as such" WOLLENBERG: "That has continued right on, that is, it has ever since you have been here?" MRS. PITTO. "It would be my feeling that the average person comes,—maybe not the average, but I guess it would be, at least the average person comes in, demanding or asking relief perfectly freely, as if it were their right, and within the last year or year and a half, or maybe longer, instead of the applicants more or less having to prove their eligibility, they do not have to prove it; but you, more or less, have to prove they aren't eligible."

Further:

WOLLENBERG " . . in other words, have you ever had the feeling it is not what the law is, or what the manual says, but it is rather certain definite social background and reasons that should govern in the cases?" MRS. PITTO: "No, not entirely that, because, I mean, your Manual, your rules for eligibility as such, but there is a difference if you come in and make application and you say, 'I am in need,'—then you have to establish absolutely how you are in need; it is just a slight difference in interpretation,—it is rather difficult to put into words,—your tendency has been to accept an application and it is up to you to establish whether or not the person is eligible, rather than that they aren't eligible if they applied"

H-3 pages 491, 492, 493, 494, 495, 496

FREDERICK F. HOUSER: "Did you find any change of policy and procedure evidenced immediately upon the change of administration, or was the identical policy continued over into the first part of the Anderson administration." MRS. COPLAND: "I think by and large the policy was continued. However, there was a policy of liberalization so that the

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W-16-370—Mrs. Helen Pitto, SRA Social Worker, Oakland.
H-3-491—Mrs. Bernice G. Copland, former SRA Supervisor, Los Angeles.

people expected a liberal program and I think that may have led to a matter of duplication but I think at that time it was considered a liberalized program. However, there was a slight change in policy evidenced." HOUSER: "Was there much careful scrutiny to see whether they had been here 12 months or not?" MRS. COPLAND: "Yes, I think in Los Angeles that was carried out rather faithfully." HOUSER: "This is relating back to the first part of ____" MRS. COPLAND: "The early days in 1939." HOUSER: "Well, now, you spoke of this liberalization psychology, from where did that proceed, down through the whole organization — the liberalization policy?" MRS. COPLAND: "Yes, I think it did, and I think it is a little easy to understand, it did so in a rather informal and possibly insidious way, not carefully planned. But individual decisions were being given on cases of a client who might or might not be eligible and would not get in, refusing to accept the case workers' plan or the district's version of eligibility. Very often those cases were changed at headquarters and my point in it being insidious is that the next day or the next week or the next time such a case came up it could hardly be expected that that intake would hold tight on a policy, which on an individual case only a few days they had been reversed on, so I feel that it was a rather informal weakening of policy and one which possibly couldn't be measured and one which wasn't always evident."

HOUSER: "In other words, once you began to break down or relax in one case on the interpretation of the manual, why it was pretty hard to refuse aid to another person where that relaxation or liberalization had already taken place?" MRS. COPLAND: "Very definitely." HOUSER: "Well, now, as I understand it from your testimony, there wasn't—there was practically no change or very little change in the manual itself and there was no change in the statute, of course, at that time, but this was simply a psychological change or a loosening in the interpretation of the manual and the statutes." MRS. COPLAND: "That's true and occasionally on the specific case if we would write the state office for an answer or guidance on a particular problem the answer which, after all we should have been privileged to use as a precedent, which came back, would sometimes show a liberalization. There were no changes in the manual that I can think of off-hand which could be charged to a liberalized program, certainly no change in the statute."

HOUSER. "Do you think that with the same manual and the same statutes that there can be different interpretations placed on those same rules though?" MRS. COPLAND: "Yes, I think that is possible. I think when you have as many people using any policy it is pretty hard to make a policy that fits well every case that comes up and it is pretty hard to get all people thinking exactly alike on all situations, when you get a daily variation in each situation." HOUSER: "So that you think that with exactly the same manual regulations prevailing in or exactly the same laws prevailing that the same person with a different psychological approach could either tighten up or loosen up on intake?" MRS COPLAND: "I think that might be somewhat possible We always felt we guarded against that, of course, by the sort of supervision we had and by direct and close connection with the administration, field service, meetings, staff training and that sort of thing. I think that is as close as you can come to uniform procedure when we handle the number of workers that an SRA office handles." HOUSER: "Well, did this liberalization continue to increase as time went on? For example, during the time that Mrs. Kilbourne and Mrs. Orrins were in?" MRS. COPLAND. "Yes, I think that it could be said that it did." HOUSER: "Were there any written instructions at that time or was it again purely a matter of psychology?" MRS. COPLAND: "I think it was a matter of precedents. You see Mrs. Kilbourne would not have the authority to make manual changes, for instance, those came from the state office. Mrs. Kilbourne in her position would have the authority to make individual decisions on cases as they came to her attention." HOUSER: "Well, now, we have heard a good deal in the Legislature of the so-called new philosophy which was injected into the SRA during the early part of the Anderson administration. Can you tell us something about that so-called new philosophy? Have you ever heard of that?" MRS. COPLAND: "Well, yes, I have heard the phrase and seen it in quotation marks, all over the place. I can't say that I could define it and in my presence Mr. Plunkett was once asked to define his new philosophy, and he rather shrugged his shoulders and said he wasn't sure what it meant and he thought it was an unfortunate day when he had used the phrase." HOUSER: "In what connection had he used that. Have you any idea?" MRS COPLAND: "The only connections I knew in which he had used it were in the

dismissal or demotions of persons, when he told them that he felt with the 'new philosophy,' that they possibly wouldn't gear into the administration and, therefore, changes were necessary."

W-11 page 206— LORE: "Then some time early in 1939 there was a definite change toward liberalization?" MRS. REINHARDT: "I think it was within our own office, and from the state office, both. It was very definitely a liberalization from both sources, a different philosophy."

M-1 page 133— MIXTER: "When you took over your duties—let's see, your duties include those of intake supervisor?" MISS MONTGOMERY: "Yes." MIXTER: "Were cases being accepted in which eligibility had not been established, so far as you know?" MISS MONTGOMERY: "I felt that there were cases that were accepted that eligibility was not established, yes."

M-1 page 135—
Continuing: MIXTER: "Do you believe that all cases of eligibility are clearly established before they are confirmed or approved?" MISS MONTGOMERY: "Before we give them relief?" MIXTER: "Do you believe they are?" MISS MONTGOMERY: "No, I don't."

Inefficiency of the SRA has allowed "the case-load" to climb steadily with a resultant reduction in the amount available for each deserving unemployed person.

H-11 page 7-B— HOUSER: "Can you explain the increase in case-load in 1939 as compared with 1938?" HOERGER: "I am not directly in contact with the figures. We did have more activity than in 1938." HOUSER: "Have you heard some explanations given?" HOERGER: "I cannot agree that WPA layoffs are the full cause." HOUSER: "What do you think the other causes are?" HOERGER: "I think unquestionably the change in administration from Merriam to Olson caused a general feeling that there would be a liberal interpretation of relief." HOUSER: "So that borderline cases would be admitted to the rolls? You make the statement based on your long association with the organization?" HOERGER: "Yes."

Further:
H-11 page 12— HOUSER: "The increase has been over 125%—how about that?" HOERGER: "I think undoubtedly there has been a loosening of interpretations and restrictions put on over what there used to be." HOUSER: "In other words, it is easier to get on?" HOERGER: "Definitely."

W-11-206—Mrs. Beryl Reinhardt, Intake Supervisor, Public Welfare Department, San Francisco.
M-1-133—Miss Dorothy Montgomery, SRA Case Supervisor, Stockton.
H-11-7B—Myron E. Hoerger, SRA employee, San Diego.

W-14 page 47— MRS LYTLE: "Well, I think that we were given the very definite impression, in the early part of 1939, that the rigid following of rules of eligibility was not to be as rigid, and that we were to relax our rules of eligibility and give service to clients in many instances when the actual need, or the actual need for relief was not always there However, I do not think that was true in this county, and it has not been true since I came to this county."

M-1 page 228— MRS SMITH: "It's—there has been a growing attitude, after a case once becomes active, that once they are getting relief, that it's up to the case worker to prove them ineligible rather than for the client to prove himself eligible."

H-9 page 192— MRS. KENNEDY: "I think that we should have directors who know conditions in the county and who are able to analyze situations. If we have a family in verifying their employment, (and) it's a large family, and in private employment they make around $75.00 a month and their standard of living does not change from year to year then I don't believe that we should give them more while they're on relief than what they receive when they're in private employment. I don't believe in encouraging people to stay on relief."

H-4 page 681— HOUSER: "Do you think it has been any easier to get on the relief rolls during 1939 than it was before?" MRS. RETTIG: "I certainly do, much easier." HOUSER: "Well, how did they make it easier?" MRS. RETTIG: "Well, for instance, just take the single men that I talked about, and then you take the transients, transients were no longer forced to sign a statement that they would return to their legal residence. If they were forced to do that at the point of intake it automatically cuts out a great many of them, because they will refuse at that point, therefore no aid is ever set up"

H-7 page 9— FITZER: "When the new administration came in in January of 1939, and shortly thereafter, there was some change in the interpretation there, and we were less strict in demanding that a single man accept camp care or no relief In other words, we accepted a greater proportion of them for residential care than we had during the preceding three, or four, or five months."

W-14-47—Mrs. Myrtle C. Lytle, SRA Social Service Supervisor, San Jose.
M-1-228—Mrs. Maona Smith, Former SRA Supervisor, Stockton.
H-9-192—Mrs. Helen Kennedy, Ventura County SRA director.
H-4-681—Mrs. Marilla Rettig, SRA Case Worker, Pasadena.
H-7-9—William F. Fitzer, SRA Director, San Bernardino County, San Bernardino.

P-7 page 264— PHILLIPS: "It has been suggested in other hearings that it was—what shall I say, Mr. Lore—compulsory residence in the camp was not a social service viewpoint." LORE: "That is right. It was the social service division that changed the policy."

P-7 pages 260 & 261— WAKEFIELD: "On January 5, 1939, there were 2,631 single men receiving camp relief, the cash dole, as we often speak of it On February 15, 1939, a new policy was inaugurated making camp referables voluntary instead of mandatory, with some few exceptions. That is referred to on page 17 of the Resident Projects Report. As a result of that new policy one year later, on February 15, 1940, the number of single men on cash dole were 20,502, or practically 8 to 1 to what it was before that policy went into effect That was the result of that policy, as far as single men on the cash dole is concerned, but it didn't have a great deal of effect on the camps. The approximate population of the camps on January 5, 1939 was 8,000—I don't have the exact figures—we had the figures before and after, but not on this particular date On February 15, at the time the single men's dole was up to its peak of 20,502, the camp population of SRA men was only 7,187. While the single men's dole was increasing something over 600 per cent the camp population only decreased, probably as a result of that policy, about 800."

Federal and State administration policies have lured thousands of families into an army of needy migrants.

M-6 page 184— GIFFEN: "They (migrants) are coming simply because the movement started, not three or four years ago, as most people think, but years back, in 1923 and 1924 and their relatives have sent back; the relatives who are here have sent back attractive reports of conditions in California and this migration is going on, not for a few months, but it is going on for years to come and I think that the natural, normal solution is to go ahead and develop the State of California and take care of them. Now, in 1937 we had something over 700,000 acres of cotton in the San Joaquin Valley, because of the Federal reduction program in 1938 that was cut to 404,000. There was an actual reduction of over 300,000 acres of planted cotton in the State and that was the thing that caused the extremely acute situation that developed. There simply was more labor than any of us knew how to take care of. We are overrun every day but it seems to me the perfectly reasonable thing to do is for the State to ask that the allot-

P-7-260—Ralph J. Wakefield, SRA State Supervisor of Camps, Los Angeles.
M-6-184—Russell Giffen, Farmer, Mendota, Fresno County.

ments, the crop allotments that those people, or these people have left in their other states should be passed along and permit the State of California to at least plant a like number of acres under the Federal program and if that were done then I think that this situation would be behind us and most of the things that are troublesome now would take care of themselves."

M-2 page 39— HODGE: "Our board has been consistently opposed to giving direct relief to able-bodied men and women. It is only since Mr. Hunt became the director of the SRA that we have had an actual work-relief program and that is eminently satisfactory to the members of the board and I think to the public at large."

M-9 page 118— MIXTER: "Is the Committee to understand from the latter comment that you feel that the matter of relief to the needy worthy should be made less attractive than employment in private enterprise?" CAMP: "Yes, I should think it should be made available only as a necessity instead of as a vocation, as some people have come to look at it."

H-2 pages 239 & 240— WILSON. "Well, there are so many cases of that that it is hard to pick out any one because a lot of that is due to the fact of changing policies. A policy may be in effect one day and out the next. For instance, the question of identification for relief funds. That policy has been changed, oh, I don't know how many times. One card had all the physical description on and another card had none. Another card had male and female on it And another card was used as a commissary card. There were a half a dozen different groups of cards instead of under a unified set-up having one card that was carefully thought out and followed through consistently, keeping in mind all the time all the things that you were driving at."

H-1 page 190— HAYHURST: "All I can say is if you take every bit of the surplus commodities from our schools, none of our students will go hungry. They never have, and I don't think they ever will."

Further: H-1 page 192— "And at all times in all conversations, we wanted it understood that this was not for needy students; it was not to build up a free lunch."

M-10 page 130— WATSON. "Do you feel that there should be a ceiling put on the budget for orphan children and blind and so forth when they run up so high?" RYAN:

M-2-39—Ernest H. Hodge, Tuolumne County Supervisor.
M-9-118—W. B. Camp, Bakersfield, Kern County, farmer
H-2-239—A. M. Wilson, Paymaster, State Controller's Office, Los Angeles.
H-1-190—Norman T. Hayhurst, Principal, Herbert Hoover High School, Glendale.
M-10-130—R. L. Ryan, Director of Welfare, Tulare County, Visalia.

"Yes, I feel that some of those budgets are far more than the parent ever earned in his life. It seems to me that the way the standards are put down, maybe they are only the minimum standards of what is decent to maintain the American standard, but the point is, that California has liberalized relief, and that is doing nothing more than to direct this type of case to California, because they can get more here."

H-9 page 129— O'DAY: "Well, if we should then become very 'hard-boiled' about relief do you think that our unemployment problem would dimmish?" PREISKER: "Well, I think it would drop down to a maximum of $2,000,000 a month."

P-1 pages 189 & 190— SERAFINO: "I am not defending the rate of spending in the Relief Administration that it has had in the past. I admit very frankly that expenditures could be curtailed; and I agree with most of the restrictions that were put in the bill (S B 81). I firmly believe they should have been put in earlier. That is my personal opinion."

H-11 pages 22, 23 & 24— GIGLIOTTI. "If the proper legislation were written this whole thing could be cleared up where the case-load will decrease Since the last law there has been a decrease of 16,000 cases A lot of people are going off the rolls who don't want to be investigated. While I was on the board as chairman, a story came out that there were a lot of chiselers receiving old age assistance. The following week I had someone tell me that 14 or 15 people came in and didn't cash their checks; that they were afraid of investigations There should be periodical investigations to make it definitely understood that the state will take care of legitimate people in need. People are getting more on relief than they ever earned in their lives."

Further: HOUSER: "Do you think if the chiselers were taken off and those not willing to work, would it be cut down? GIGLIOTTI: "Yes. Those who don't want to work and those with other resources. The load would be cut 30 to 40%. There is a group that has no business on there and don't need it and there is the group that wouldn't work any way if you found work for them."

Further: "I am a believer in social welfare so long as social welfare is honest and has integrity of purpose. There is a definite place in SRA for social welfare, but it

H-9-129—C. L. Preisker, Chairman, Santa Barbara County Board of Supervisors.
P-1-189—E. A. Serafino, Chief Accounting Officer, SRA, Los Angeles.
H-11-22—Frank G. Gigliotti, former chairman State Welfare Board, San Diego.

must be honest.—a disinterested function of administering assistance to needy people in California,—not the building up of a political organization, not the building up of unions,—not the taking of people who came from the same school or the same train of thought."

H-11 pages 24 & 25— GIGLIOTTI: "We must work out a program of rehabilitation. You have a number of farms that at one time were producing farms. There is sufficient water, and children could be taken care of. During my investigation on the relief commission I found 70,000 such farms now owned by the state for taxes,—not because they wouldn't produce, but the War came and there was no one left but the old people. (In Europe, under similar circumstances,) "The governments took these people and said we will give you so many acres of land You are given it primarily to produce sufficient food for yourself and family. You pay no taxes for the first five years. The government will lend you enough money so you won't have to start paying back for five years We will grant you so much money—the amount of money you would get on relief. We will grant you a full budget, the second year 40%, third year 30% You have two years with no taxes or interest and you don't have to pay the money back you borrowed for five years So many could be rehabilitated on that basis With a good program of mental, physical and economic rehabilitation, I believe thousands of these families could be taken care of."

SECTION 2

"THE CLIENT"

In the psuedo-professional jargon of the SRA the unemployed citizen has become "the client." He, his wife and his children are "a case" and bear a number. A generous State has provided many millions to help him, but too much has been squandered on chiselers, needless job-holders, and fantastic theories of social uplift.

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "A dangerous condition indicated is the increasing number of people who think in terms of guaranteed support by the State; people who have lost pride and independence and demand they be permitted to live in idleness Many may be termed 'Professional Reliefers' who successfully adopt every possible means of remaining on relief. Partly, if not largely at fault is the 'liberalizing' policy adopted by the SRA. Another factor is the failure of field workers to properly investigate cases; to the sympathetic attitude of many of these workers who aid ineligibles

in getting on and in continuing on relief; to the alleged policy of the SRA to increase case-load that increased personnel may follow and finally to the persuasive teaching and influence of the Workers Alliance."

Senate Journal, Feb. 6, 1940, page 137—

Report and Recommendations of the Legislative Committee of SRA Los Angeles Chapter No. 65, of the California State Employees' Association. "As regards the relief recipients—known as 'clients' of the SRA—it must first be stated that no differentiation is made because of citizenship, previous standard of living, race, color, or creed. All are supposedly treated alike.

"After years of daily contact with these people, we, as employees of the SRA, have made the following personal analysis of the clients:

"A. They fall into three nearly numerically equal groups:

"(a) Those undoubtedly deserving. This group consists of the very people the program was set up to help and THEY ARE NOT GETTING ENOUGH. Most of them fall into the white American small family group formerly of adequate means.

"(b) Those doubtfully deserving. This group contains many ignorant, semiskilled or laborer families who have always lived more or less precariously and their resources are extremely difficult to check. Furthermore, they are usually of larger than average families and their present 'dole' constitutes to them a 'security wage' comparable with past earnings.

"(c) Those undoubtedly NOT deserving to be supported by the American taxpayer. This group is composed of alien (or part alien) families (who constitute a very large percentage of the entire relief load), 'bums' both masculine and feminine, habitual drunkards and dope users, and just plain 'chiselers.' The average citizen must realize that while all the people on relief are by no means or in any sense PROFESSIONAL RELIEFERS, nevertheless, EVERY REAL 'BUM' IN CALIFORNIA IS ON RELIEF.

"B. Besides our own citizens (and aliens) we have been supporting or partially supporting citizens of other States of the Union, known as 'transients.' As is well known, these people have flocked to California by the tens of thousands since 1932. Once they get here, if they can remain in the State one year, no matter how, they become a permanent part of our relief clientele. In the meantime, we must arrange (if we can) to send them home, again partially or wholly at our taxpayers' expense Many have been sent home only to return time and time again."

W-11 pages 155 & 156— COOLEY. "The prognostications were that at the end of March we would have 119,000 cases in the State. At the end of March in the state we will have approximately 102,000 "

Continuing: (giving reasons) "Number one was that we have an all-time high of production and a great deal of employment, as high employment as we have had since 1929, which provided more jobs for unemployed persons; number two was that the WPA has kept up its quota. The reductions have not taken effect yet For instance, in San Francisco we have got about 12,700 people employed on WPA, and as long as that keeps up the SRA will go down. The third thing was this, that in California there was an earlier crop in agriculture than heretofore, caused by the heavy rains, which took people from the SRA rolls The fourth thing, I think, was that the State took steps with regard to relief administration in line with the new bill, which reduced the intake and cut the cases Then, in addition I think there were psychological reactions, as far as relief clients were concerned, in our intake districts, as a result of the 40 per cent and 30 per cent cuts and the provisions of the new bill and the publicity on it."

Further: "That is right. The average applications in San Francisco have been around 1,200 a week for the last three years. In March, for the first three weeks they have dropped down to about 800 "

W-11 page 244— McLAUGHLIN: "The purpose of explaining this is this· If, when Senate Bill 81 was enacted into law, the State Relief Administration sat down and calmly looked the situation over, and projected their case-loads for the last half of February, and all of March, April and May, they would have encountered what they have actually encountered during the month of March, namely, a substantial reduction in case-load, and they would know that that case-load would be still further reduced by the normal, seasonal decline in April, and still further reduced in May. It is reasonable to suppose that, having projected the normal seasonable decline from February 15th to May 31st, they would not have said immediately that with a case-load of 114,500 they must reduce the payments by 40 per cent. I think that by the time we get around to May 15th the record will show that the normal seasonal decline in case-load would permit of practically no cuts at all in relief budgets "

W-11-155—Edwin J. Cooley, SRA Director, San Francisco County.
W-11-244—Frank Y. McLaughlin, Director Public Welfare Department, San Francisco.

H-1 pages 20 & 21— HOUSER "Now, in your opinion, you haven't been able to account at all definitely for this looseness of intake here in Los Angeles County. Do you think it could have been due to a changed outlook on the part of the district case supervisors and the case aides and the case workers as to when and when not they should admit someone to the rolls, change in philosophy along that line?" REESE: "Just a very general statement, to be put in the form of a question. It might also have been in the lack of experience of certain people or the lack of certain supervision. We find that the matter of ineligibility here varies all the way from 2 2 per cent in the Harbor District Office which is better than any other place in the state, generally speaking, up to 12 per cent in the Hollywood District, which is very high."

Further: H-1 page 32— HOUSER: "Now, referring to this audit again, I find only 17% of the budgets could be verified as correct, doesn't that rather surprise you?" REESE: "It definitely did, yes" HOUSER: "How do you account for that?" REESE: "Well, it is accountable on the basis that the persons preparing the budgets didn't do an accurate job"

H-1 page 42— HOUSER: "So that in Los Angeles County during the week of—the week ending January 18th on the basis of the statistical reports from four districts which were sampled for this . . . . purpose, we find that approximately 75 5% of those making applications were admitted to the relief rolls, is that correct?"

Continuing: H-1 page 44— REESE. "That is correct. You might as well use the figures that are here. Now, the five weeks ending December 1938, 47 per cent accepted and 53 per cent rejected, and 1939, 65 per cent accepted and 35 per cent rejected."

H-1 page 91— HOUSER: "How long since you have made an audit of Los Angeles County, before this audit was made?"

REESE: "I don't know, but it was over a year or two years ago."

H-1 page 11— REESE: "You will note in this letter that—this page here, that audits have been made in twenty-eight counties of the State and that the ineligibility averaged over a three year period of 3 2." HOUSER: "Well, would you say that this audit showed any need for improvement in Los Angeles County?" REESE: "It definitely showed a need for tightening up the intake."

H-1-20—James B. Reese, Administrative Assistant to SRA Administrator, Los Angeles.

H-1 page 33— REESE "You will notice that most of the budgets in Los Angeles County were under-budgeted rather than over-budgeted Thirty-three per cent were under-budgeted while 2½% were over-budgeted, and then the various breakdown will show you on what item they were over or under. Of course, the major item is rent, 35% were under-budgeted for rent." O'DAY: "May I ask a question?" O'DAY: "Do you mean under-budgeted according to value, or according to the way the budget was set up?" REESE: "The clients were paying more rent than they were actually allowed."

H-2 pages 379 & 380— RYMARCZICK: "In the five years that I have been with SRA there have been audits made. And I imagine in some cases the audits were considered to be a rather good audit I have never yet seen such an audit as I think a business, I mean, the State of California, would require of a series of 58 branch houses to see that the policy of the central office was being carried out according to their instructions The social audit crew that used to exist did go out and make audits. They made audits of office procedure and so forth. But as an actual fact there are hardly two counties in California today who in procedure or in finance as far as they have anything to do with finance in the district offices, carry out all of their procedure and plans identically. One would have one standard of accuracy, one would have one standard of office procedure and another will have sometimes slightly different and sometimes different to a large degree."

M-6 page 260— LAWLER: "As I said, at that time the Department of Welfare showed a case-load of 678 cases." MIXTER: "Was that Fresno County?" LAWLER: "Fresno County. The SERA hadn't been in operation for three months before we had on our case-load over 5,378 cases which, with the average family, would make it well over 20,000 people in Fresno County that were in need of relief."

M-3 pages 59 & 60— CAPPS: "In March, 1938, 2 months prior to the opening of the SRA office in Modesto, there were 268 employable indigent families receiving aid from the welfare department. In May, 1938, 2 months later, when the SRA office opened, the welfare department transferred 38 employable families, indigent families; that is, that it had depreciated from 268 to 38 in that length of time, to the SRA office. Two months later, July,

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H-2-379—Lyal B. Rymarczick, SRA Accounting Department, Los Angeles.
M-6-260—Fred Lawler, SRA recipient, Fresno.
M-3-59—C. E. Capps, farmer, Salida, Stanislaus County.

1938, the SRA office had 365 indigent families and in March, 1939, the SRA had 1059 families. The relief rolls went up, the cases went up at the time when it looked to us like it should have gone down. The time when the farmer was doing work, it went from 38 to 365 families, in practically 2 months, at the time when the welfare was depleting the list, and as soon as it was turned over to the SRA office, no work was required, it increased." MIXTER: "Would you say that the receiving of direct relief through the SRA, for example, became more attractive for some people than their continuing in private employment for compensation?" CAPPS, "Most assuredly." MIXTER: "Do you feel that what took place in the period mentioned was largely the result of the policy adopted by the SRA of the State?" CAPPS: "Yes, sir."

M-3 page 69— MIXTER: "Would you be in a position to have an opinion that you could express as to the administration of relief, that is, the administration of so-called direct relief in a general way, as between the system now in use and the system that was employed a few years back when the counties had control of the administration of such relief?" FERGUSON: "I could give you figures that probably would express that. In 1937, the highest number of persons receiving employable assistance, for employables, that is, had work cards, was 360 in March. In March 1939 after the SRA came into the county, it was 1059, and this year, I believe the case load for SRA for February is 1209."

P-1 page 315— LANE: "Now, then, as I say, about a year ago or prior thereto, any family that we received permission to send to any other county or state, unless there was some extenuating circumstance, they were required to accept transportation and go or be stricken from the records. However, about a year ago it was changed that any family who had been here one day more than a year was welcome to remain. We sent them only if they wished to go. I can't give you any figures or percentage, but it is conceivable that a tremendous difference was made in the number of people that remained as against those that went, because, in other words, if they could manage by hook or crook, either on or off relief, to remain here for one day more than a year, whether they had residence or not, they were entitled to remain and receive aid."

M-3-69—Bessie Ferguson, Director, Welfare Department, Stanislaus County, Modesto.

P-1-315—George Lane, Bureau of Accounting, Department of Finance, Los Angeles.

M-10 page 86— JOHNSON: "Since June 30th of last year, 1939, our office has returned 325 families to their home state."

H-10 page 7— O'DAY: "How do you account for the jump in case-load of 172 in January 1938 to 767 in January, 1940." HOLMES: "I can't say. I am not sure of this statement, but I think we had a freeze."

W-12 pages 94 & 95— BROWN: "They have thirty days to qualify that person or determine whether he is eligible, or not. In other words, he can get away with about that amount of relief, if he is a chiseler, he can get away with thirty days on the State. If intake was more careful, and the qualifying of these people for eligibility,—I think that is where a big saving could be made." LORE: "How do you find the case workers generally through the State? Do you find them fairly competent investigators on this kind of work? I mean, in regard to opening cases and checking eligibility?" BROWN: "No, I think there's a great laxity there. They are lacking in observation, it seems to me, as I can clearly show by cases I have in my brief case for your observation, for you to look over. One case in particular, we have a man paying us $35.00 a month over in Hayward, where he is milking twenty-eight cows, and that cow barn of his is within about a half block,—just half way across the street, and if you can't smell cows half a block, there's something wrong with the case workers. That man got away with $1491.00. I think they practice too much theory. In fact, they are inserting social practices into a problem which is purely an unemployment program."

Relief became "so easy" it was an inducement to dishonesty and indolence.

H-12 page 54— WORCESTER: "There were two orders given the man right after the other, although he had been paid in advance, the first was a deductible grocery order and the second a non-deductible. This man received a deductible order and a week later he received a non-deductible order, which I had never heard before. I am quite certain he shouldn't have had them—at least my interpretation of our manual provisions was that he was not entitled to them, and I was a bonded person."

M-10-86—D. W. Johnson, SRA Case Worker, Visalia, Tulare County.
H-10-7—Ned Holmes, SRA Imperial County, Hopeville.
W-12-94—Tom Brown, Supervisor Auditor, State Controller's Office, San Francisco.
H-12-54—Mrs. Daisy Lee Worcester, SRA employee, San Diego.

H-11 page 10— HOERGER: "I had charge of the ERO's. I issued a written requisition, signed by the case-aide or case-worker and approved by the social service supervisor. They were referred to the budget department and it was the basis on which relief orders were issued. They had to have a certified budget in order to issue emergency orders I felt it was a waste, that a large number of them could have been avoided. HOUSER: "In what respect?" HOERGER: "I felt a good many were issued merely on the statement of the client that they needed relief or without actual checking."

P-2 page 24— PHILLIPS: "How about the ERO's? Will you explain that?" GOOCH: "Oh, the ERO's; emergency relief orders Now those orders are issued, and quite rightly, where an emergency arises and the people are destitute and have no money. But there is a very bad practice in so much that people have a habit of taking these ERO's to stores and then getting something else other than food and clothing,—liquor, for instance. And I have had several cases of that."

"The spot pay" method by which representatives of the Controller's office distribute relief checks to recipients protects the State.

W-12 pages 57 & 58— FALLON: "First thing, it gives us a closer contact with the people It assures the Controller there is such a person existing, because we get a signed receipt from these warrants when paid through the spot pay system. It gives the SRA a last-minute check with the paymaster, and even during the payoff, if they receive information too late to get it into my office here, the day before pay day, it enables them to spot any warrants they wish to stop during the payoff and on the premises The third thing, I don't think we have ever had a spot pay where we haven't had unclaimed warrants from the spot pays. Those warrants that are unclaimed from the spot pay, we hold them seven days after the pay day, and give a list to the SRA and give them seven days to give us a satisfactory disposition. If they do not give us disposition, they are automatically redeposited to the general fund. I have a report for the ninetieth fiscal year and the first six months of the ninety-first fiscal year During that period we redeposited to the general fund SRA and unclaimed warrants, 23,948 of them, in the amount of $360,271.65."

H-11-10—Myron E. Hoerger, SRA employee, San Diego.
P-2-24—Capt. Donald A. Gooch, SRA Investigator, Los Angeles
W-12-57—Joseph S. Fallon, Chief Paymaster, State Controller's Office, San Francisco.

Continuing: W-12 page 67— FIELD: "I am trying to get hold of some plan or get a suggestion that might impress upon these people that they are committing a crime if they sign (for a check) when they are not entitled to it." FALLON: "I think that would be the best place to impress upon them that what they really have to sign when they do get these warrants, is at the time the case-aide or the visitor makes the home call. It would only take a few minutes of her time to explain that, and what is expected of them, and what actually they are signing for." WOLLENBERG: "Also, at intake, when they first come in.

Further: W-12 pages 71 & 72— FALLON: "I will take, for example, Alameda County, District 3, for the pay day of March 15, 1940. We were presented with a certified claim from the SRA for 3,340 warrants, in the amount of $34,245 69 168 warrants for the sum of $1,807 44 were canceled in my office the day before pay day, upon the request of SRA; the balance of 182 warrants in the amount of $1,584.41 were unclaimed from the spot pay." WOLLENBERG: "Now, of that total number, 108 people were completely silent on the subject of their warrants?" FALLON: "Yes." LORE: "On its face, therefore, that record indicates that 108 people, at least, out of the group didn't care to, or felt they didn't need their relief check on that pay day?" FALLON: "That is true."

W-11 page 159— LORE: "Are those people that just didn't come to pick up their checks, is that it?" COOLEY: "Yes, or people that we went to visit and they had moved and we were unable to locate them, or they notified us that—I think it would be mostly people that we visit and could not find, and then there would be some cases where they had refused to call for their checks."

M-6 page 195— CARDWELL: "We knew they were working and we knew they were getting relief. In the cotton picking time I had in the neighborhood of 20 choppers—I mean chopping time—that we were hauling out from Fresno, and I noticed about one day out of the week that we would have some new faces. I was paying them every night and I got so I could recognize them. I said, 'What is the reason of these new men?' And one of the crew told me, 'Well some of the men had to lay off that day so they could get their relief checks.'" MIXTER: "That was how long ago?" CARDWELL: "That was last spring."

W-11-159—Edwin J. Cooley, SRA Director, San Francisco County.
M-6-195—J H Cardwell, farmer, Fresno.

M-3 page 43— CROW: "I have three or four specific cases where the man has been working, the way I understand it, the SRA pays off on the 14th and 18th of each month. Well, I have got data where those men have laid off those days and went down and drawed SRA checks and been working right along. Another case where a man was working right along and drawing his check and he quit the man when he was busy, right in his busy season, took a trip to New Mexico. Seems like he got money enough out of the SRA and what he was working for, he took a pleasure trip, went off down to New Mexico with it."

M-3 pages 50 & 51— MIXTER: "Do you know of any instances where any such relief being drawn in this county is also being drawn by members of the same family from any other additional county, any other county?" "PARKS: "I had occasion in the case Mr. Crow was speaking about, had occasion with a deputy from the sheriff's office to go out and investigate some petit theft charges, and in fact we picked one of the people up, the son of one of the clients of the SRA, and during the time, why, this same party was—reports in they were selling shoes, flour, different things like that around. Well, it was a question—they were questionable characters. During the investigation I called the SRA office and asked them if this certain party was on relief and they said, 'Well, we can't give you information with regard to our clients.' I said, 'All right, I'll put it this way: Is it possible that any of your clients could have six or seven pairs of shoes or seven or eight sacks of flour at one time?' The gentleman that talked to me said, 'Yes, it might be possible.' And during the check-up with the young fellow that we had in the sheriff's office, it developed that part of the family was getting relief in Stockton and part was receiving relief here in Modesto." MIXTER: "Do you know if those same people are in Stanislaus County?" PARKS: "They are still here."

M-3 page 85— DAY: "I don't know just what I might be able to give you of a constructive nature, there, but I am firmly convinced myself that there is a great deal of undue, unjust chiseling, might we say, on relief. I think that people are taking advantage of the laws in a lot of respects. I feel personally it is not so much that the actual relief itself that is causing so much hardship upon the taxpayers, as it is the abuse of the set-up as it was intended for as being given." ASSEM-

M-3-43—C. F. Crow, farmer, Denair, Stanislaus County.
M-3-50—R. E. Parks, business man and deputy sheriff, Hughson, Stanislaus County.
M-3-85—Roy M. Day, foreman 1939 Stanislaus County Grand Jury, Turlock.

BLYMAN PHILLIPS: "The way it operates?"
DAY: "The way it operates, yes."

M-9 pages 179 & 180— BROTHERS: "We have one man that has been known to relief since last August. When the home call visitor case-aide went to the home there were the man, woman and children in the home and they didn't have anything. Well, that man was eligible for relief after we established his eligibility and residence and so forth, and when the case-aide made the next home call she found out this man had some hogs in the back yard. She asked him who they belonged to; he said somebody else, another man that lived away some place, said he was just keeping them; the next time she goes out she found out he had one calf and a cow, and she asked him who that belonged to, and he said 'well Mr. So-and-so has gone back East and left them here for me to keep,' and when she made three or four home calls and this woman was never home, this man said she was over to a relative's to take care of a sick woman, or something that way; and after it was about six or seven months old it didn't look good to her so she gave it over to my department and I went out there to find out this woman had been working for a year and nine months straight in private employment making $50.00 a month, and in the meantime the husband has argued and told lies to the case-aide and all kinds of misrepresentation and she has been making an honest effort to find out. She told me she went out there at five o'clock in the morning to see where this lady worked, but couldn't find out, but she had been making a very earnest effort to find out. This afternoon when I visited the ranch he had 48 hogs, 3 cows and a calf, 3 men boarding there and six horses."
MIXTER: "And he will still be drawing State aid?"
BROTHERS: "He was drawing relief. He isn't now."

H-1 page 13— Report of Sam Houston Allen, November 15, 1939: "For those who feel we are unable to close cases because of the long period between home calls, our statistics prove that under ordinary conditions the greater number of cases are closed because of WPA work orders. And of the remainder over and above those who voluntarily furnish us with the closing information, the facts are brought to us by landlords, our rate taxpayers, employers, etc., and only a very small percentage of cases are closed as the result of case-workers making the scheduled home call of which the chiseler is forewarned.

M-9-179—William T. Brothers, SRA Investigator, Bakersfield.
H-1-13—Sam Houston Allen, former SRA Director, Los Angeles County.

H-9 page 78— PREISKER: "The controversy that we have had with the State Relief Administration has been that we attempted—they contended that we attempted to be too hard on the relief recipient. That our work wasn't suitable, that the people were sick, that they were—well, I don't know, but it was always some excuse or other, or else we were interfering with some of their state plans; with the result, as I say, we never were able to get more than about 65% at work and those that we did get to work were usually the deserving and those that didn't work were the chiselers and were the very ones that we were after. In other words, the state plan always favored the chiselers on relief."

Further: "We would eliminate these known chiselers. We have the records on them here, we know who they are. We would eliminate a certain percentage of them right away. They wouldn't enter our program, they wouldn't draw any kind of relief and those that are holding other jobs, we can find them. We have coordinators, we have men in the state reemployment service that are working right along with them, we know who the chiselers are in this county. But your state rules don't get them."

Additional examples of chiseling are to be found in P-2 pages 20 to 30, H-2 pages 212 to 219, and in W-11 pages 47 to 53.

Recovery of money improperly paid by the SRA to chiselers, or as over-payments to deserving recipients, is a difficult and nonproductive procedure.

W-15 pages 63 & 64— WOLLENBERG: "You said you had approximately five thousand odd cases, and you had $216,000.00 set up, and you had a total in your file somewhere from which you estimate 25,000 cases. Have you any idea how much the balance, the full 25,000 would be worth in round numbers, on your claims?"
BROWN: "It might total twice $216,000.00, or it might total one-third, due to the policing which has been done since this thing first started."

Relief recipients, in many cases, are known to have squandered money paid them by the State.

W-2 page 29— JACOBSEN: "Well, several criticisms have come to me on SRA from residents of the Seaside District. Out there it seems they have a Camp (Camp Ord) these

H-9-78—C. L. Preisker, Chairman, Santa Barbara County Board of Supervisors.
W-12-94—Tom Brown, Supervisor Auditor, State Controller's Office, San Francisco.
W-2-29—Andrew B. Jacobsen, Chairman, Monterey County Board of Supervisors.

people come into town here and get thoroughly saturated with wine, and they are strung all along the road there, it has created quite a problem in our county."

M-6 page 171— MYER: "I can explain that to the extent that we cleaned out the jungles on several occasions and on one instance twenty-seven of them were brought before me. Out of the twenty-seven I dismissed eleven of them, sixteen of them I committed to Fresno County jail for a period of ten days. I gave the sheriff an opportunity to take the fingerprints and check them down and run them down. Every one of the sixteen, strange as it may seem, had a prior record of some kind, some for rape, some for selling liquor to minors."

W-16 page 80— LORE: "Of the 500 you may have received in a week of notices of overpayments can you give us a little description of what that constituted? They are not all chiselers, are they? GJERDRUM: "No, they are not. That is true. Of course, they are not all chiselers. Lots of these overpayments are through laxity in the personnel."

Further:
W-16 page 90— "Of all the cases I have been on, in this particular area of the State, let us take the Adolph Linge case. I personally turned over to the SRA in Alameda County certain conditions that existed in the family which, without question, make him ineligible for relief. This man was able to purchase a brand new 1939 Oldsmobile sedan, paid $1180 for it. The monthly payments stipulated $30 per month. It was found two or three times there were other sources of income in the family, during the period they were on relief. Mrs. Linge was able to take an airplane trip back East, which she did. Social worker was aware of this but neglected to make a note of it."

Examples of restitution showing lack of proper SRA investigation are to be found in W-15 pages 44 to 64, W-15 pages 73 to 92, and W-2 pages 81 and 82.

W-2 page 14— PATTERSON: "These landlords know how much rent is allowed; they also know the unemployed person who is on relief. A person comes to rent a house and says 'How much is it'. He says, 'are you on relief' and if the man says 'Yes,' he says 'Sixteen dollars'. It is a racket. The relief administration is paying rent on those shacks that they shouldn't allow a hog to live in and they are paying the maximum of rent which is $16 per month."

M-6-171—Judge Albert L. Myer, Justice of the Peace, Firebaugh, Fresno County.

W-17-80—Thor Gjerdrum, Special Representative State Controller's Office, Oakland.

W-2-14—James Patterson, Monterey County Workers Alliance leader.

Wasteful management and improper supervision has increased the cost of SRA camps and has deprived men in them of the full benefit for which money was supplied.

P-4 page 18— COMBES: "During the peak periods of the year when the camps were filled to capacity and were double-decked in some instances and consequently the overhead of the individual camps was reduced on a man month basis. The cost dropped as low as $20 per man per month."

P-4 page 17— PHILLIPS: "Well, you have a single man budget running around $18 per month as against thirty in the camps, or you say about $25 per month in the camps as against my thirty." COMBES: "That is right."

W-10 pages 5 & 6— VEST: "After the incoming administration got into the saddle the thought was implanted in the operation section that the social service angle would be the controlling factor. Great stress was laid on the treatment of the clients. Special direction was issued that a liberty party would operate from Houdd Gibson to San Francisco every other week." WOLLENBERG: "And you brought them down in a truck?" VEST: "This was a matter of two hundred miles, a round trip, for a truck and driver, the truck leaving the project Saturday morning early and returning Sunday night in time for the evening meal. A bridge toll charge for the passage of these men is included in the charges against the operations of the camp." WOLLENBERG: "Would all the men always come back?" VEST: "No. It can be safely said that about twenty-five per cent of the men going on one of these liberty parties would fail to be on the return truck,—they knowing that it was a very simple matter to check into the intake office in San Francisco and be assigned out to Sharps Park for distribution to some other camp. A general motto of the clients and one well followed is: 'Join the SRA and see California by truck.' There did not seem to be any control in the matter of clients. A man could be checked out or check himself out and present himself to an intake office for assignment to an intake camp."

W-15 page 158— ARATA: "We can take, say we take, right here at Sharps Park, we take twenty-five men here at night that come in there, and of course, you realize that our greatest problem in the camps is booze,—there is nothing at all to a thousand men paralyzed drunk in the camps, nothing at all. It is nothing at all to see hundreds of men strung along the roads for miles, out cold as ice, particularly around pay day.

P-4-18—W. J. Combes, SRA Deputy Chief Accounting Officer, Los Angeles.
W-10-5—W. C. Vest, former SRA Camp Superintendent, San Francisco.
W-15-158—A. F. Arata, former SRA Camp Superintendent, Crockett.

W-1 page 72— SPEARES: "There are several men who were taken back to the employ of the State of California and are in camps at the present time, who were absolutely fired for inefficiency under the Pomeroy Administration,—who were fired for absolutely being drunk in camp, inciting riots and all that sort of thing. One man, whose name I can't recall, at Camp Los Posados near St. Helena, was fired for being drunk, and one night I was called and told to hurry to King's River, which isn't in operation now but was then,—on the 23d day of February, 1938; there was a riot, and told to go down and quell it, and when I went down there I found the whole camp in three sections and one sign was up saying "Second and G Streets, Sacramento," and a fellow from the Los Angeles group had a sign up 'Fifth and San Pedro,' and the other sign was 'Third and Howard Streets,' and they were all drunk,—the whole works,—the superintendent of the camp was drunk; all the administrative help in the camp were drunk,—everybody from the cooks on up."

From the Sacramento Union, Tues., Dec. 5, 1939, page 1, col. 5— "OLSON OFFERS WELCOME TO MIGRANTS

"Says State Has Room For All But Must Have Federal Aid

"By Millard Browne

"First big gun in a drive for a comprehensive federal program to rehabilitate migratory laborers was fired by Governor Olson last night as a 10-man congressional delegation was entertained at the annual banquet of the Sacramento chamber of commerce.

" 'We're going to present to congress at the next session some very definite requests for federal action in helping California rehabilitate migrant laborers,' the governor declared in an address of welcome to the senate and house appropriations and military affairs committeemen who had arrived in three army transport planes for an inspection of the Sacramento army air depot.

"*Wants Federal Help*

" 'California is ready to receive these migrants and help them in becoming self-sustaining and self-supporting citizens,' Olson told the congressional delegation and 500 chamber of commerce members in a banquet at Hotel Senator.

" 'We have resources that will support many times our present population, but while we are assimilating these people we ask the federal government to give us aid.' " (The remainder of the article has no additional quotations from Governor Olson.)

W-1-72—Willard Speares, former SRA Camp Superintendent, Oakland.

M-6 page 187— STONE: "I omitted the fact that I considered the fact of fingerprinting these individuals one of the ways in which many of them could be kept out—could be kept out. It is my belief that many of the criminal class have immigrated, or migrated to California, and they could be picked up on the border and that furthermore, if it was known that they were to be fingerprinted at the border, that a great diminution in number of migrants would be noted. These people object very seriously to fingerprinting both from the standpoint of fear of detection of previous crimes, and also there is a superstitious dread of such a practice."

H-6 page 11— STANFIELD: "During certain seasons of the year there will be anywhere from 65 to 75 a day coming to California (through) Indio (in Riverside) county." O'DAY: "Has this condition prevailed for long?" STANFIELD: "For three or four years." O'DAY: "You think it should be handled by the federal government?" STANFIELD: "I do."

H-6 page 79— JONES: "Every county has its problem. Migratory labor comes in and works for 15 or 20¢ an hour—they come from Oklahoma and other places by the thousands every year—they go back five and six times and then they come back again."

M-7 page 33— WAGY: "Do you have any more migrants on your rolls today?" COSGRAVE: "Yes, there are quite a number of migrants, I should say. I couldn't tell you the exact percentage, I haven't gotten that far yet, but judging from the comparison of number of clients on our rolls now as of the year or two years ago, it would seem that more than sixty per cent." WAGY: "More than sixty per cent today are migrants?" COSGRAVE: "That is what I would say."

M-7 page 86— STONE: "If I may offer this as an exhibit for your attention. We have primarily shown on this map, drawn up by the State Chamber of Commerce, the places where all of the migrants are coming from. We have here the basis of wages that are paid here, yonder and there over the United States. Arkansas is paying an average of a dollar a day for farm labor. Texas is paying a dollar and a quarter. Oklahoma pays about a dollar forty-five. The United States averages about a dollar and a half and California pays two dollars and eighty cents."

M-6-187—Dr. Lee A. Stone, Madera County Health Officer, Madera.
H-6-11—Ralph W. Stanfield, Chairman Board of Supervisors, Riverside County.
H-6-79—James L. Jones, former Chairman, Workers Alliance, Beaumont-Banning.
M-7-33—Carlos Cosgrave, Madera County SRA Director, Madera.
M-7-86—Dr. Lee A. Stone, Madera County Health Officer, Madera.

Further · M-7 page 98— STONE: "I have got probably a dozen or two dozen of the letters that they write back to their people back east 'Come on out. They tell you there ain't no jobs, but can make a durn sight more if you come out here and work, and then again there's plenty of relief.' I have copies of letters, not copies, they are originals, written, handwritten to me."

W-2 page 51— LEACH: "Our own assemblyman (Monterey County) phoned in yesterday, very irate, because he has found a rancher who has brought in seven carloads of people from Oklahoma and there are more coming."

M-6 page 129— WATSON · "These people that stay in your winter camps, do they draw relief checks? Do you know if any of them do?"

BRITTON: "Some of them do. There are some of them who have too much pride and they won't go on relief but there are quite a number who, during the winter months, or during the rainy season, when there isn't any work they do go on relief. I would say in the last year or two the majority of the transient help has gone on relief, yes."

Further: M-6 page 135— WATSON. "What I was getting at, these people, didn't they used to get along without the aid of the SRA and perhaps some of them stayed in camp there, made enough during picking season to tide them over?" BRITTON · "That is right. And in most cases if they needed help we would help them ourselves, but in the last two or three years there has been such a large volume of labor that it was just impossible for us to take care of all of them during those seasons." MINTER "I feel that we have more labor in the state than we can digest and if these people can't find work it is a Federal problem I can't see why the State should continue taking care of thousands and thousands of people who are coming in here from other states when there just simply isn't work enough to go around, and as far as agitation goes, in every case that I know of it has been outside influences, and they could be traced back to subversive organizations."

M-10 page 86— JOHNSON. "Since June 30th of last year, 1939, our office has returned 325 families to their home state."

W-2-51—William H. Leach, County Welfare Director Monterey County, Salinas.
M-6-129—Vernon C. Britton, farmer, Firebaugh, Fresno County.
M-10-86—D. W. Johnson, SRA Case Worker, Visalia, Tulare County.

M-6 pages 124 & 125— O'NEILL: "In one case in particular, a family comes from Los Angeles every year to pick cotton. There are five or six grown-ups in the family and they get big checks. That is they get—I have seen them draw $125 a week or $150 a week and they stay there during the picking season, return to Los Angeles and after they are gone just a short time I get an inquiry from the Los Angeles relief agency for recommendation, or inquiry. I presume they go back there and go on relief."

"Red-tape" deprives workers of employment in private industry and on WPA projects.

M-6 page 163— PALOMARES: "Yes, sir. They furnish the employment office with a statement that that ranch is—that the people on it are on strike because they do not pay certain wages and on account of living conditions and this and that and the other. The employment service can not refer labor to that farm until the strike is lifted."

M-6 page 139— WATSON: "Did they promise any of these employees of yours relief if they would go on strike, that you know of?" STEINDORF: "Yes, they did. They held meetings at night down at Los Deltas, which is a little community about an eighth of a mile from the camp and said that if they went on strike they would be given relief and asked them not to work until they would get their demand and that they would later—Lillian Monroe said that she would see that they all got on relief."

M-6 page 151— PALOMARES: "We can not go to the SRA and ask for help. We must ask through the State employment office who in turn, requisitions the relief agency. If they want to come they come and if they don't want to come they don't come. In the late years the question of wages has been quite prominent in the picture and many of them have been told that the wages that the farmers paid were not satisfactory; consequently, they are to stay on relief and they did stay on relief regardless. Yet, many of those who were on relief, rather than to be taken off of relief have taken private employment."

H-1 page 48— HOUSER: "Well, now, let's get back on this WPA 18 months' furlough. Which month would that add to the rolls? In other words, in which month was that mostly felt?" REESE: "I think it started—I'll have to refer back. September, October, November, and December we still get some."

M-6-124—Jack E. O'Neill, farmer, Fresno.
M-6-163—Frank J. Palomares, Manager, Agricultural Labor Bureau, Fresno.
M-6-139—A. M. Steindorf, farmer, Firebaugh, Fresno County.
M-6-151—Frank K. Palomares, Manager, Agricultural Bureau, Fresno.

Continuing: H-1 pages 50 & 51— "The statement was made by a number of representatives of the State Relief Administration appearing before our Social Service and Welfare Committee at Sacramento that in their opinion a tremendous increase in case-load was largely attributable to WPA lay-offs, but they told us nothing about the fact in Sacramento that at the same time the WPA workers were being laid off and put on SRA, the WPA was taking on from the SRA rolls an equal number of people." HOUSER: "Do you personally attribute the great increase in SRA rolls to 18-month layoff?" REESE: "Perhaps there is too much emphasis placed on that one point. There is a number of factors involved."

P-2 page 57— SENATOR MAYO: "Now, did you take a corresponding number and replace them with eligible SRA certificates?" LEGG: "Yes, sir; we kept our quota at all times." MAYO: "If you had to certify 5000 WPA workers from the WPA payroll, due to this act of Congress, for 18 months, you immediately take 5000 additional persons from the SRA and replace them?" LEGG: "Yes, sir."

P-2 pages 47 & 48— LEGG: "Every public agency in Southern California is eligible to be a sponsor for projects, sewing rooms, storm drains, schoolhouses, and all different sorts of projects. We did not have enough projects eligible to employ the quota that had been assigned to us." WOLLENBERG: "That was in what period of time?" LEGG: "Well, it has been more aggravated in the last five months, and we have had a quota in seven or eight thousand in excess of the number we could employ, ranging down to about three thousand at the present time. Today we can employ three thousand more, only if we had enough projects."

SECTION 3

EMPLOYMENT

Although unemployment has been the major problem of the decade, the California State Employment Service—the agency for finding jobs for men and women—has been subordinated to dole-paying activities. No small part of the difficulty arises from the effort to coordinate the State service with a Federal plan which lays emphasis on relief rather than on putting men and women to work.

M-6 page 162— PALOMARES: "Another suggestion that I would like to make without any criticism of the local officers of the employment service, the trouble is with the employment service up in Sacramento, that it has got too

P-2-57—Herbert C. Legg, Administrator WPA for Southern California, Los Angeles.
M-6-162—Frank J. Palomares, Manager, Agricultural Labor Bureau, Fresno.

many generals, lieutenant-generals, brigadiers, colonels, and lieutenant-colonels Years ago when you had only ten offices in the State of California, agriculture used to get better service because there wasn't so much red tape."

M-5 pages 85, 86 & 87— MIXTER: "Have you any idea as to the causes of the difference in placements in those two years in these two fields?" MARSH: "Last year, of course, at practically the inception of the cotton harvest your strike situation occurred, and the orders, as we received them just as others received them I believe, with some exceptions, and we also received from the CIO agricultural workers' union notice of a labor dispute with these growers and in accordance with our bulletins, we had to stop providing men pending investigation And here is what happened; by the time we investigated and had determined the existence of a labor dispute or not, the migratory worker had moved in and taken the jobs over and the jobs weren't available Consequently, the placements were filled from other sources." MIXTER: "Then the migratory workers to whom you refer came in and made direct application?" MARSH: "Yes." MIXTER: "For employment, to the grower?" MARSH: "Yes." MIXTER: "And that, to a considerable degree would be the reason for it?" MARSH: "That is the total reason for it. The harvest of cotton last year was just about the same as the previous year of '38, and not much difference in the labor demand." MIXTER: "Do you have any instructions that forbid sending labor to places where strike conditions prevail?" MARSH: "That is correct. We have a bulletin to that effect that was issued as of July 7, 1939." MIXTER: "You mean—" MARSH: "Bulletin 26 from the Department of Employment, the Unemployment Reserve Commission; this bulletin refers to a ruling by Secretary Perkins of the Department of Labor which at that time we were affiliated with, and a ruling from the United States Employment Service, of Section 21.12 which very definitely states that each employment office under its supervision shall refrain from referring any person to any position at any place of employment where there exists a labor dispute, and for the purpose of this rule, the term 'labor dispute' shall include any controversy concerning terms or conditions of employment concerning the organization or representation of persons, negotiating, fixing, maintaining, changing, or seeking to arrange terms or condition of employment, regardless of whether or not the

M-5-85—Willard Marsh, Manager, Department of Employment Office, Fresno.

dispute is then in the relationship of employer and employee. That is the clause we, of course, are still operating under."

Continuing: M-5 pages 87, 88, 89— "Our policies are all set up by the administrative headquarters and we handle the administrating as it is set up. However, I do believe that the strike regulation could be more definitely defined. Our feeling in the actual application is that it is so loose that sometimes we can not definitely find out whether there is a labor dispute or not because of the fact that the regulations state that the dispute does not have to be in the relationship of the employee to the employer. It may be a third party who has no direct relationship. That leads to the possible occurrence where an individual who desires to enter into a labor dispute with some employer, having no connection other than the desire, serves notice upon us and following our regulations, then we have for the time being at least, a labor dispute until we have investigated it. If this could be worded to state 'bonafide labor dispute directly between employer and employee' we would have a much more conclusive basis than we have at the present time. Secondly, in regard to referrals of workers on SRA on requisition from our office, I have no criticism with the local SRA because their cooperation has been splendid. However, the system itself lends to a lag in the actual separation in this point: Where you refer individuals, that individual, of course, may refuse the job and in the meantime the opening still exists in agriculture, and other workers then have to be referred to make up the deficiency. Sometimes that constant filling up the gap takes so much time that by the time you actually get enough referred the job has been filled by another source." MIXTER: "There is lots of lost motion there?" MARSH: "Yes. If there was only some way that could be expedited, whether it would be mass separation or what it would be—I don't know the answer—but I do know that occurs and I am also of the opinion that a good deal of the building up of our slowness in getting these workers to the jobs as they exist and the job being filled by outsiders. And that pyramiding may be quite a reason for the heavy residual load, plus new workers coming in In other words, I feel that we are going to have to develop some method of clearance that will be faster than it is at the present time."

M-10 page 56— MIXTER: "In the event that a complaint of this nature is registered or filed with you in your office, and under the operation of existing statutes, you are forbidden to supply any labor while the situation

M-10-56—L. D. Fisher, Manager, Department of Employment office, Visalia, Tulare County.

alleged in the complaint continues, what is the procedure by your office, do you report the circumstances to—" FISHER: "Headquarters." MIXTER: "The State headquarters at Sacramento?" FISHER: "Sacramento." MIXTER: "And are you permitted to, or do you make any investigation on your own account?" FISHER: "We make no investigation." MIXTER: "These investigations, if and when they are made, they are made by the State office?" FISHER: "I presume that to be true. At least this local field office has made none." WATSON: "Do you know whether the State office ever made any?" Fisher: "I know of none, Mr. Watson."

M-3 page 47— PARKS: "Last year at Patterson there was considerable labor agitation over there." MIXTER: "What was the nature of that, was it farm labor trouble or industrial?" PARKS: "It was mostly union, unionizing, Workers' Alliance, mostly caused by agitators; wasn't caused by workers. The trouble was caused by fellows who wouldn't work if you would give them a job, they were just trying to create trouble to force the farmers into paying a larger wage than what was the going wage." MIXTER: "In your observation, was there any attempt on the part of these people, these agitators and others to whom you refer, to intimidate, coerce the farmers into paying wages at rates other than they were offering?" PARKS: "Yes, sir."

M-3 page 94— STOKES: "More or less in case of these meetings is all that I say, the Workers' Alliance meeting." MIXTER: "These meetings that you referred to, were they generally participated in by a few people who sought to build up a type of sentiment that might be calculated to produce dissatisfaction among people who were working?" STOKES: "Very much so."

Further: WAGY: "He was a member of that organization?"
M-3 page 96— STOKES: "Yes, sir. His name was Pat Patterson, and he is the ringleader of, as we might put it, the stink stirred up right here in this county." WAGY: "What was that name again?" STOKES: "Pat Patterson. He is a Livingston registered Communist."

W-13 page 5— WOLLENBERG: "You actually place people in private employment from this office?" PATERSON: "Very much so, yes, we do." WOLLENBERG: "How many have you placed?" PATERSON: "In what period?" WOLLENBERG: "In private employment." PATERSON: "In seven months?" WOLLENBERG: "In seven months, any period that you want." PATERSON: "I would say 70 to 75."

M-3-37—R. E. Parks, business man and deputy sheriff, Hughson, Stanislaus County.
M-3-94—Charles Stokes, former WPA worker, Modesto
W-13-5—A. N. Paterson, SRA Director, San Mateo County, Redwood City.

Continuing: W-13 page 7— LORE: "How many people have the California State Employment placed?" PATERSON: "Since I have been here there has been one lady that got, I think, between three and four hours' work at $.35 an hour, and they called her from Millbrae and sent her to Menlo Park, and she had to pay one bus fare transportation down to Menlo Park from Millbrae and return."

W-13 page 9— WOLLENBERG: "Then you do know that by attacking the thing properly you think the jobs can be found?" PATERSON: "I think the jobs can be found, yes, but I do not think these people that are out of jobs can attack it in that way."

W-11 pages 160 & 161— COOLEY: "We have in San Francisco a unique system. We maintain in the San Francisco employment service a former CSES placement officer, and then we have nine or ten relief clients there. The purpose of that project is to keep the SRA addresses up to date on clients, with their telephone numbers, and also to keep a proper occupational classification of them. Then this $80 administrative worker, her job is to contact the CSES placement officers and get preference in placements for relief clients, and thus in that way we get a constant stream of about 100 jobs a month for SRA relief clients. This project which we set up, which is manned mostly by relief clients, means simply that they just get their budget, or they work for it, and get 15 per cent additional. They are not administrative employees. There is only one administrative employee at $80 a month. The cost of the project is far exceeded by the money saved in getting 100 people off relief in a month."

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "A Los Angeles informant says: 'When Allen came into power as Administrator of the Los Angeles County District, he abolished the 'Reemployment Division' which had a staff of about 20 men whose duties were placing relief clients in employment in private industries. These men were trained and influential citizens who were in touch with business concerns and factories. On September 1, 1939 Allen set up a 'Sales Department' in the Los Angeles SRA to replace the 'Reemployment Division' with a staff of about 35 inexperienced and incompetent employees.' "

W-14 pages 9 & 10— WOLLENBERG: "What success did you have when you were running your own placement department?" BLAKE: "Very good success, the reports will show that they made a great many placements and the at-

W-11-160—Edwin J. Cooley, SRA Director, San Francisco County.
W-14-9—Frank J. Blake, Director, Santa Clara County SRA, Santa Clara.

titude and instructions of the Department of Employment show it. For instance, they had on their rolls about 5% relief clients. While we were cooperating with them or rather they were cooperating with us, our placements were 4%. Later in the summer, when that cooperation was withdrawn—I will say we still are very friendly and try to help each other as much as possible—that the mechanics that we had for cooperation were discontinued, the placements dropped to less than 1%, showing that it was our work in cooperation with them that was placing most of the relief clients in private employment here, because, when that work was withdrawn from their office, they were not able to further place the relief clients, it dropped from 4 to less than 1%."

W-2 page 49— LEACH: "One big thing that is needed in SRA, in SRA in Monterey County and other counties, is more help and work placement, both by the SRA staff and by the State employment agencies, nine times out of ten, your CSES will not recommend or send out a man on relief, feeling that the man who is not on relief stands a much better chance of doing the job. That is one of the causes of our unemployment problem, the actual placement of these people back in private industry."

W-12 page 103— WOLLENBERG: "Do you feel the placement officers of the SRA gathered very valuable and essential information?" BROWN: "And did effective work in placing people into work and taking them off relief,—I really do."

H-12 pages 56 & 57— O'DAY: "The social workers don't put on a real vigorous campaign to see that people go to work?" WORCESTER: "No, we have had a placement department for that. Every person who has applied for relief has had a full account of the employment history and employability of all members of the family turned over to the placement department, and a great many of our people have been placed. I think we placed them independently for a while, but the State Relief Administration told us that wasn't legal."

H-13 page 114— PLATT: "Why, yes, give us some placement people. Let us have a couple of people to go out and contact all of these people and try to place them. I think it would be a good thing to have SRA placement people to go out and contact these ranchers and packing houses and all that and see if we couldn't get the

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W-2-49—William H. Leach, Welfare Director, Monterey County, Salinas.
W-12-103—Tom Brown, Supervisor Auditor, State Controller's office, San Francisco.
H-12-56—Mrs. Daisy Lee Worcester, SRA employee, San Diego.
H-13-114—Lawrence Platt, SRA Director, Orange County, Santa Ana.

people off our rolls and find employment for them. I really believe it, they'd pay for themselves 100 times over."

H-13 page 113— HOUSER: "As I understand it, you don't make any real effort at the present time to locate jobs for these people, you pass the word on if any word comes in to you, to the California Employment Service." PLATT: "Yes, sir." HOUSER: "But, you went further and said that the California Employment Service devotes most of its time to Social Security and not to getting jobs." PLATT: Yeah, that's true."

M-9 page 150— FRICK: "On this unemployment insurance, we do pay a portion of that, but we sometimes get men who have been employed industrially, and I have known of cases where they have drawn the unemployment insurance and also been employed steadily, all the work they wanted" WATSON: "You have personal knowledge of some cases of that sort?" FRICK. "Yes, well I have personal knowledge, it comes rather direct. Right in my own case, and in one place I received the notice because he lived there, that they were contemplating paying him this insurance. I know that they contemplated paying him this insurance because I received notice of it."

H-5 page 26— O'DAY: "Do you think the Legislature should make it part of their business to attempt to see that these people are reemployed?" GRIER: "The reemployment service is that. They have devoted too much time to securing jobs for those who are here in California and ineligible for relief. If their whole activity were devoted to ridding relief rolls, their reemployment activities would be much better than they have operated in the past."

H-9 page 197— MRS. KENNEDY: "Mr. O'Day, I feel that when a family apply to us for relief they only come with one thought or one problem and that is unemployment. The only thing that can solve that problem is getting the person back into private employment."

SECTION 4

PERSONNEL

The SRA has been over-staffed, many executives and employees being untrained for their duties while experienced workers have been released or demoted to make places for political appointees. SRA social service workers have too little regard for the taxpayers' problem of paying increased relief costs.

M-9-150—Forrest Frick, farmer, Bakersfield.
H-5-26—C. E. Grier, Chairman Board of Supervisors, San Bernardino County.
H-9-197—Mrs. Helen Kennedy, SRA Director, Ventura County, Ventura.

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "There is evidence indicating the breaking down of morale. This appears to be due largely to internal dissensions and jealousies; to constant changes in personnel and in policy; to the appointing in supervisorial and key positions of inexperienced persons, lacking the necessary qualifications to direct a business of the importance and magnitude of the SRA."

P-1 pages 111, 112 and 113— PHILLIPS: "I am just bringing up as a matter of record that, although in April and May and June of last year there was constant discussion between the Senate and the Assembly and representatives of the State Relief Administration that it was absolutely necessary to cut the cost, that one thousand additional people were added to the administrative staff of the SRA in that time; and that in setting up this encumbrance of money there was no contemplation of reducing the load whatever." SERAFINO: "As to that, Senator, may I say again that that is not my function. In other words, that is not my responsibility." PHILLIPS. "I am not asking you about that. I am asking you: Is that a fact?" SERAFINO: "Well—" PHILLIPS: "You were at these conferences—many of them. You know what the discussion was." SERAFINO: "That is right." PHILLIPS: "I am not asking you as a matter of policy; I am asking you as a matter of fact. Isn't it a fact that the discussion through all those conferences was the necessity of keeping down the cost of the SRA?" SERAFINO: "That is right." PHILLIPS: "Then, also, that the constant repetition of the fact that the SRA Administrative cost was not only high but was rising?" SERAFINO: "That is right." PHILLIPS: "That is a fact. All right, isn't it a fact that the estimate you gave under this House Resolution 42 is the highest administrative cost in the monthly history of the SRA?" SERAFINO: "Not entirely right, Senator. I would say it is the highest payroll in the history of the SRA."

P-1 page 203— SERAFINO: "I would like to indicate to you that the reason that this figure of salaries outstanding was so large during the month of February is this, that we file our budget statement as of February 1st." PHILLIPS: "You filed your budget statement with Mr. Richards. Is that right?" SERAFINO: "That is right, and—" . . . PHILLIPS: "You might say Mr. Richards was startled; am I right?" SERAFINO: "I don't know whether he was or not. I imagine he was."

P-1-111—E. A. Serafino, SRA Chief Accounting Officer, Los Angeles

W-11 page 59— SPEARES: "There seems to be a big difference in this administration and the last administration in the way those men are handled. I have noticed there is a tendency on the part of this administration to create as many new administrative jobs as they can. In other words, there have been no restrictions. We haven't been held down."

Generally the SRA has been over-staffed with unqualified executives and employees.

H-6 page 88— HOUSER: "Do you think he (Mr. Berkowitz) is qualified?" MACK: "I don't think he is qualified at all." HOUSER: "To what do you think he owes his appointment?" MACK: "The same thing I did." HOUSER: "What was that?" MACK: "I was county manager for the Governor for Riverside county."

W-16 page 34— WOLLENBERG: "Other than the experience you have shown us as a man with a certain business and working experience and a man who apparently, as you have put it yourself and as Mr Chambers has aptly put it, is 'an honest and forthright individual'—" GALLAGHER: "I hope so." WOLLENBERG: "—you have had no particular experience or qualifications for that type of work, is that correct?" GALLAGHER: "That is correct."

W-16 page 104— JOHNSON: "So that within eleven months after you first entered the service you had become the chief of the personnel division of this county office?" MISS LOUGHREY: "Yes," JOHNSON: "Who are the three people who work under you in personnel now?" MISS LOUGHREY: "Miss Maretta de Sallier. She is classified as intermediate stenographer-clerk. Mrs. Elizabeth Gallagher, classified as intermediate accounting clerk." JOHNSON: "That is Mr. Gallagher's daughter-in-law?" MISS LOUGHREY: "That's right. And Miss Amelia Scalzo, classified as junior stenographer-clerk."

W-9 page 47— WOLLENBERG: "Was there any period there that you might have felt that you were over-staffed?" COOLEY: "Yes. I was over-staffed in—I was over-staffed in this county during October, November. I was over-staffed in this county both professionally and clerically, to a very considerable extent. I had asked Alexander in writing on several occasions to tell the State office to reduce the staff to yardstick. He refused to do so because he didn't want to remove these political appointees."

W-11-59—Willard Speares, former SRA Camp Superintendent, Oakland.
H-6-88—Fred Mack, SRA Technical Field Director, Riverside.
W-16-104—Wilhelmine E. A. Loughrey, Senior Personnel Interviewer, Oakland.
W-9-47—Edwin J. Cooley, SRA Director, San Francisco County.

W-7 page 7— WOLLENBERG: "Do you know how many people are employed in the warehouse?" MISS McFADDEN: "Approximately 78, including truck drivers." WOLLENBERG: "How many stenographers were there in the place?" MISS McFADDEN: "There were seven including myself." WOLLENBERG: "And was there plenty of work for seven girls?" MISS McFADDEN: "No." WOLLENBERG: "What would you say about the volume of the work you had to do as a stenographer over there?" MISS McFADDEN: "The amount of work I had to do over there could have been done by a girl coming in half a day for three days a week."

Further:
W-7 page 9— WOLLENBERG: "What about the men, aren't the other employees there busy all the time?" MISS McFADDEN: "No." WOLLENBERG: "And was there work there that they should be doing?" MISS McFADDEN: "There wasn't any work to do. They were willing to do the work, anxious to do the work, if it is there to do."

W-7 page 19— WOLLENBERG: "How many men were there around there in the administrative force; how many men and women?" KEITH: "At the inception, the starting of the warehouse, there was, I would say, around fifteen" WOLLENBERG: "That would include what type of help?" KEITH: "I did not include the garage in that,—around 35." WOLLENBERG: "Around 35, including all departments?" KEITH: "Including all departments." WOLLENBERG: "And that was what month?" KEITH: "That was in August." WOLLENBERG: "August, 1939?" KEITH: "Yes." WOLLENBERG: "And how many are there now, do you know?" KEITH: "To the best of my knowledge, about 78." WOLLENBERG: "And is there any increased work or duties requiring over double the number of men?" KEITH: "There is less work."

W-10 pages 3 & 4— VEST: "Then we had a traveling steward, a man of no experience at all as a cook. He took over the management of all the kitchens in the Northern Area." * * * "I fail to see why we needed him. I could say that this job, in my estimation, was superfluous for the simple reason we had a regular inspector from Camps Department who took up all departments and who would have taken this up when he came through." WOLLENBERG: "In fact, there were three regular inspectors on the Northern Area?" VEST: "That is, in the Northern Area." WOLLENBERG: "And in

W-7-7—Kathryn McFadden, former SRA Stenographer, San Francisco.
W-7-19—Hiram R. Keith, former SRA Associate Engineer, San Francisco.
W-10-3—W. C. Vest, former SRA Camp Superintendent, San Francisco.

addition to the three regular inspectors who had always been there and watched everything about the camps there appeared an inspector of cooks?" VEST: "Appeared an inspector of cooks." WOLLENBERG: "Any other inspector?" VEST: "Yes,—meat and vegetable inspectors, but did not co-operate at all times with the superintendent."

H-4 page 690— MRS. RETTIG: "Well, there were a great many new people put on, who made no bones about the fact that they were political appointees. We had an ambulatory receptionist, for instance, put out in each district. And our ambulatory receptionist didn't ambulate, so I don't know just why she had that name, but that was her name." HOUSER: "What do they do, these ambulatory receptionists?" MRS. RETTIG: "Well, ours stood behind the desk and took the name of the client for the purpose of finding out what they wanted—whether it was a new application or what. But in some districts I understood at the beginning they were just supposed to wander around and make the clients comfortable and happy. That was the original philosophy I was told." HOUSER: "And were they needed in your opinion, or were they superfluous?" MRS RETTIG: "We lived for five years without them And they are gone now and we are surviving."

Procedure in handling SRA personnel is complicated and inefficient.

W-9 page 45— WOLLENBERG: "Did you have any breakdown in employment procedure while Harry Miller was State Director of Personnel?" COOLEY: "Yes, a very serious one. For a period of three and a half to four months, or over, over a hundred employees or more in this county did not receive their pay-checks." WOLLENBERG. "Do you know the cause of that?" COOLEY: "It was the failure of the SRA State Personnel Division under Miller to follow through on the necessary mechanics to clear with the Personnel Board, the Division of Finance and our Payroll Division and accounting in Miller's office in order to get the warrants executed."

H-1 page 78— HOUSER: "But it was felt in addition to your district case supervisors and in addition to your office managers you needed a new appointee in each of these fourteen districts?"
REESE: "Yes. And also for the fact that it was planned or under our present administration were

H-4-690—Mrs. Marilla Rettig, SRA Case Worker, Pasadena.
W-9-45—Edwin J. Cooley, SRA Director, San Francisco County.
H-1-78—James B. Reese, Administrative Assistant to SRA Administrator, Los Angeles.

putting more responsibility on to the district offices than previously had in breaking down the centralized control which doesn't always result in efficient operation."

W-7 page 24— KEITH: "It was taken by Mr. Crossen and Walter Mall and someone else,—men that weren't qualified at all to take an inventory, due to the fact that they didn't—couldn't discern or discriminate between the different articles. They didn't know the trade names of them."

W-10 page 2— VEST: "After the incoming administration, during 1939, assistant superintendents were appointed to camps; men of absolutely no experience in that line of work."

W-1 page 30— SPEARES: "His men (Serafino's) that came were men who were thoroughly familiar with what they were doing; in other words, there was no trouble whatsoever in taking the record. The men that were sent to Camp Stockton after the 15th of September when I started there this last year—1939. The record which they took wouldn't have been worth anything at all if it had been left up to them to take it. In other words, they didn't know the nomenclature of anything they were taking. They didn't know anything. They had to get out a rule and measure every stick of lumber—they couldn't tell if they were undercharging a desk."

Many women whose husbands are employed hold SRA positions.

H-7 page 87— HOUSER: "There are about 30 out of this local office, out of the 114, whose respective husbands or wives are employed by some public body?" EVERETTS: "Well, public or commercial." HOUSER: "And you think that when the lay-off is made that the married spouses ought to be laid off first?" EVERETTS: "I think so, yes, sir; I don't see why not."

M-5 page 94— MRS. HUGHES: "Well, I might say this: that in speaking on the observations I have made, I have been quite opposed to the practice of so many married women being employed in the SRA due to the fact that that is a relief program and these women have a substantial income from their husbands and still they are employed in positions that are of much interest. That might be one."

W-7-24—Hiram R. Keith, former SRA Associate Engineer, San Francisco.
W-10-2—W. C. Vest, former SRA Camp Superintendent, San Francisco.
W-1-30—Willard Speares, former SRA Camp Superintendent, Oakland.
H-7-87—Howard C. Everetts, WPA employee, San Bernardino.
M-5-94—Mrs. O. S. Hughes, housewife, Fresno.

H-9 page 69— O'DAY: "And even though you discharged these people, why you retained these other women whose husbands are working. Now, for instance, Mrs. Paul, her husband is the manager of the Gallenkamp Shoe Store here, and Mrs. Stowell, whose husband is a member of the Santa Barbara Police Department."

Evaluations of employees' services are ignored in handling the SRA staff.

H-10 page 41— HOUSER: "Was there any definite procedure followed in the layoff?" MRS. WORCESTER: "Most of the layoffs were of people with the highest evaluations; none from the lower group." HOUSER: "What was the reason for it?" MRS. WORCESTER: "Mr. Roe felt very strongly about these people put on since he had been put on the staff. Many single people are going to be laid off. The people on the staff a few months can not be as competent. Mr. Roe said not one of his people would be laid off" HOUSER: "Are his people all Democrats?" MRS. WORCESTER: "He said his people would not be laid off. Some of these people are good, although they are recent additions to the staff; some ought to be retained."

M-6 page 285— MIXTER: "Will you state briefly to the committee what you desire to present at this time." FORS: "Well, just in connection with the laying off. I read in the paper that the lay-offs were based on seniority. However, I know that was not so and I personally believe it wasn't based on efficiency."

H-12 pages 38 & 39— HOUSER: "And what was the basis for laying these people off, do you know?" MRS. SHIRLEY: "No, I really don't, I am at a loss to know because not only I but many of the most efficient people who worked for me were laid off. I do know one-fourth of the staff, who had lower evaluations, have not been laid off, they are also the least experienced people. I know they weren't made on efficiency. I have here a letter.—It's a lay-off letter of one of the women who worked for me, and I think it will be interesting—and, by the way, I am a union member, and she was not a union member, she was however a very good worker, and I gave her an evaluation of 89 per cent. She asks Mrs. Worcester to give her—since she wasn't given a copy of her evaluation—to give her a copy of what her evaluation was. And there is Mrs. Worcester's statement as to what it was. She is a person experienced in social work and had a very fine attitude toward clients, and was an efficient person. Then on March 22 she received this

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H-10-41—Mrs. Daisy Lee Worcester, SRA employee, San Diego.
M-6-285—Alvin Fors, former SRA Case Aide, Fresno.
H-12-38—Mary Mercedes Shirley, former SRA employee, San Diego.

letter. As you will notice here, the evaluation that I gave her was 89. 'Your over-all efficiency rating as a case worker is .778; seniority rating is 2 points; grand total .788. We wish at this time to thank you'—and so forth There is that letter." HOUSER: "When was that? What is the date of that letter?" MRS. SHIRLEY: "That 's the 22d. She went in to Mr. Roe on March 26, and asked Mr. Roe if she might be allowed to resign, since if she ever wanted to get employment anywhere else or return to school a letter of that kind would be very damaging. She asked if she might have the efficiency rating I gave her, and this is the letter she received: 'Dear Mrs. Davis: We regretfully accept your resignation from our staff effective March 23, 1940. Your overall efficiency rating is 89 points with 2 points for seniority making a total of 91 points as a case-worker."

P-1 page 271— PHILLIPS: "What grounds were given when you were separated?" DUNKELBERGER: "Economy reasons. In other words, because the relief bill was only twelve million two hundred, that they had to cut on account of economy reasons, and then they put two men in my position, after they fired me, three days later. That is economy; that is what we mean by this report, and it comes right down to it. In other words they transfer people around to hide them out some place."

H-3 page 540— HOUSER: "Did that go on to any great extent?" MRS. CRUICKSHANK: "Yes, there were quite a few of the evaluations that were changed." HOUSER: "What was the purpose of making those changes?" MRS. CRUICKSHANK: "First they picked out those that they thought should be in the upper five per cent, and then they just raised or lowered other percentages accordingly, so that they would fall in line." HOUSER: "In other words, whoever was running the office made up his mind, made up her mind as to who they wanted to go and who they wanted to stay, and only shuffled the evaluations around so as to meet their desires, is that it?" MRS. CRUICKSHANK: "I suppose it could be interpreted that way."

H-11 page 9— HOUSER: "In making evaluations, would you say being a SCMWA member had any influence?" HOERGER: "I would say yes." HOUSER: "A union member would be inclined to give a fellow member a higher evaluation?" HOERGER: "Yes, sir."

H-13 pages 128, 129 & 130— MISS THOMPSON: "According to Mrs. Alice Cox my rating in the Orange County Office was 93% and when

P-1-271—Jerry G. Dunkelberger, former SRA District Supervisor, Los Angeles.
H-3-540—Mrs Merriby Cruickshank, SRA Case Supervisor, Los Angeles.
H-11-9—Myron E. Hoerger, SRA employee, San Diego.
H-13-128—Zelta Thompson, former SRA Clerk, Santa Ana

the ratings came in from the State Office I was—the only intermediate—in the 5% bracket."

Continuing: "She called me over on March 15, and told me that Mr. Platt said that I was on the layoff list effective March 16, and she referred me to him and when I went in his office I asked him the reason for my dismissal and he said that he didn't have to give me one. I asked him if my seniority shouldn't count something and he said, 'There's no such damn thing as seniority.' " KUCHEL: "Did he say anything else to you?" MISS THOMPSON: "I asked him if my efficiency rating shouldn't count anything, I said that Mrs. Cox had told me that my efficiency rating was the highest of all of the intermediate clerks in the office, and he says, 'As far as those damned efficiency ratings are concerned,' he says, 'I'm changing those.' "

Political appointees of the SRA enjoy unusual privileges.

W-1 pages 61 & 62— SPEARES: "When I was on this relief job in the summer, relieved Mr. Amundsen, who is the superintendent of Camp El Dorado at Placerville. His assistant superintendent was Mr. Gordon See, who is a brother of Harry See who holds some political job with the State. Just what it is I don't know, but anyway he was not there. He appeared on the roll but he wasn't present. So I inquired from the men there as to where the assistant superintendent was and they said, 'Well, he doesn't come out to camp; he lives in town.' I said, 'How can he be assistant superintendent?' And they said, 'He says he was told when he was sent here they had some political job for him, but to come out every other day and sign the camp payroll,'—which he did. I called up Mr. Baumgartner, my chief, 182 Montgomery Street, and told him the story. He said, 'Bill, you are the superintendent, you certainly know how to run the camp.' So I sent for him and I informed him that he should stay in camp, and he said that he had been told when he was given the job he didn't have to stay in camp and his only job was pertaining to Saturday night and Sunday, when the men came in for week-ends, and it was his job to see that they were kept behaving themselves. I said, 'Why not leave that to the authorities in Placerville, when the men misbehave themselves?' He said, 'I'm a deputy sheriff.' Anyway, I made him stay in camp. But I only stayed there two weeks when I was sent to Hurleton, out of Oroville, as camp superintendent."

W-15 page 141— WOLLENBERG: "Now, in regard to the men who were signing the payroll up there at Camp Placer, did you have any men who were not in camp, but would

W-1-61—Willard Speares, former SRA Camp Superintendent, Oakland.
W-15-141—A. F. Arata, former SRA Superintendent, Crockett.

come up and just sign the payroll?" ARATA: "One, yes." WOLLENBERG: "There was one, and what was he on the payroll,—what was his title?" ARATA: "I believe his title was a watchman, I believe that was what they called him." WOLLENBERG: "What was he supposed to do?" ARATA: "He was the constable in the town of Auburn." WOLLENBERG: "How far from Auburn is the camp?" ARATA: "Twenty-three miles." WOLLENBERG: "When would he be in camp?" ARATA: "Well, he usually come up in the afternoon around three or four o'clock, signed the payroll once or twice a week, and that was the only time you would ever see him."

P-4 pages 69 & 70— PHILLIPS: Did you have the same instructions from the director on him?" SERAFINO: "Yes, the director—the administrator approved advances to Voshell and also advances to Bamrick." PHILLIPS: "Well, I think it might be interesting for the record to show it, I wasn't looking for this. This just turned up accidentally; but it's very interesting that on August 23, 1939 Mr. Edward J. Bamrick started his career with an advance of $200 and that he had subsequent advances up to and including April 15, as shown by the ledger, that the unpaid balance, that is, the balance of money owed the revolving fund went as high as $335.35 on the 30th of December, but was reduced by taking both his pay checks for the 16th of February and the 7th of March which reduced his balance as of the 7th of March to $30.37, since when it has risen again to a present balance of $269.70 and that this treatment is an exemption from the regulations of the administrator."

W-13 pages 35 & 36— WOLLENBERG: "Are you employed by the SRA?" KEHOE: "Yes." WOLLENBERG: "Do you still maintain a real estate office in this county?" KEHOE: "I have an office but Mr. Diamond is the one that is conducting it, the one who was with me previous." WOLLENBERG: "Do you still maintain the office there or are you out of the business?" KEHOE: "Well, the office is still there." WOLLENBERG: "Are you associated in that business?" KEHOE: "Well, I am to a certain extent, yes, sir." WOLLENBERG: "Well, your answer is, 'Yes,' you are associated in the real estate business?" KEHOE: "In the Insurance."

P-3 page 40— BAUER: "The State of California allocates $5 a day by law to those boys. The boys of their own free will and accord here some time ago before, if you please,

P-4-69—E. A. Serafino, SRA Chief Accounting Officer, Los Angeles.
W-13-35—James J. Kehoe, SRA Senior Interviewer, San Mateo.
P-3-40—Frederick Bauer, State Transportation Supervisor, Los Angeles.

any economy or streamlining was considered, offered voluntarily to cut their expenses and keep them down to $3 a day, which I am happy to state that they have done."

The foregoing, regarding the reduction being sanctioned in "free will and accord," is contradicted by the following:

P-4 page 47— SERAFINO: "Well, are you familiar, Mr. Heffner, with any agreement in the Transportation Division on a $3 a day basis instead of $5 a day basis?" HEFFNER: "No, the only thing that I know about that agreement was that two or three of the truck drivers who are really intelligent boys came over here and told me that they had been instructed that while they were on the road to only turn in their expenses at the basis of $3 a day." SERAFINO: "Instructed by whom?" HEFFNER: "Mr. Bauer."

Social service workers of the SRA disregard the taxpayer in their zeal to assist the relief recipient.

H-2 page 205— WILSON: "There are about 40 per cent of the social service that are solicitous not only of the client, but of the taxpayer. About 60 per cent of them, and I use that figure because of a division in a particular district that I know of, I would say their sole interest is the welfare of the client."

Continuing: H-2 page 240— "Well, gentlemen, you have had testified here yesterday a means whereby the Social Service Division padded their rejections. Now, you perhaps wonder why that padding took place. Well, there was never any rule laid down in the yardstick that somebody didn't figure out some way to beat the yardstick and your padding of your rejections and so on is just another way of adding to your required personnel."

W-12 pages 88 & 89— FALLON: "Well, my personal viewpoint would be the understanding of the Social Service Division, that we are actually spending money, instead of just figures on paper; we realize the value of the dollar, and every time they make a mistake or certify a wrong person to relief, they are spending the taxpayers' money,—the sooner they realize that, the longer our money will last. That has been my experience in my connections with some of the social service people In fact, I have had some of them make statements they don't care anything about the money end; that's my job. They are merely interested in seeing the people get the amount of relief they are entitled to; they are not interested in the money end of it. I think, as long as they are

P-4-47—M. Heffner, SRA employee, Los Angeles
H-2-205—A. M. Wilson, Paymaster, State Controller's office, Los Angeles.
W-12-88—Joseph S. Fallon, Chief Paymaster, State Controller's office, San Francisco.

distributing State funds, the case-aides should be interested in the dollar and cents point of view."

W-12 pages 97 & 98— BROWN: "I am always willing at all times to fully co-operate in all phases of the SRA, especially with the accounting division which, I think, should be given more consideration in determining really what is just and due the clients in conjunction with the social workers. In other words, the social workers have dominated the picture. The accounting end doesn't figure at all."

H-9 page 105— HOUSER: "You don't think that the State should employ a number of social workers to go around and discuss the marriage relationships of these people—" PREISKER: "I think that there is only one thing for them to discuss and that is, what the family needs to carry on a decent standard of living, to look into it to see whether there is another employable that should support them. I do believe in trained workers for the case work, but I believe we need a business man and not a social worker at the head of it, and I believe that the present thing that is wrong and the thing that has always been wrong with it is your relief commission. There's where we have struck our trouble, has been the relief commission and not the administrator."

M-8 pages 83, 85 & 86— MIXTER: "Mrs. Robinson, are you connected with the SRA in any way?" MRS. ROBINSON: "I am." MIXTER: "In what capacity?" MRS. ROBINSON: "Field—Technical Field Representative." MIXTER: "In what area?" MRS. ROBINSON: "In the Seventh and Eighth Areas; Technical Field Representative, Seventh and Eighth Areas." MIXTER: "The committee has been led to believe that the Technical Field Representative for the Eighth Area was a Mr. McClintock. Had we erred in that understanding?" MRS. ROBINSON: "The areas have been so large and the case load so heavy I have been working in both areas coordinating with Mr. McClintock and Mrs. Jackson."

Further: MIXTER: "Are your duties or the carrying out of your duties necessarily always in conference with one or the other of these Technical Field Representatives of the two areas mentioned or sometimes carried on independently?" MRS. ROBINSON: "Not independently; with the State, possibly Mr. Chambers and Mr. Mather, and then I bring back the interpretation of the laws to the others."

W-12-97—Tom Brown, Supervisor Auditor, State Controller's office, San Francisco.
H-9-105—C. L. Preisker, Santa Barbara County Supervisor.
M-8-83—Mrs. Margaret Robinson, SRA Technical Field Representative, Fresno.

Continuing: WATSON: "What is your salary?" MRS. ROBINSON: "$260." WATSON: "You said that the State furnished you with a car?" MRS. ROBINSON: "Yes." WATSON: "What is the make of that car?" MRS. ROBINSON: "A Plymouth." WATSON: "Are you married now?" MRS. ROBINSON: "Yes, sir." WATSON: "Husband employed?" MRS. ROBINSON: "Yes, sir."

Additional: WATSON: "You are a secretary of the Democratic Central Committee, are you not?" MRS. ROBINSON: "I hold that title now." WATSON: "Do you receive any salary from that?" MRS. ROBINSON: "I don't." WATSON: "Do you do any politics on the side?" MRS. ROBINSON: "I don't. Not since this little bill was passed by your legislators I haven't participated in or attended a meeting."

SECTION 5

WASTE AND INEFFICIENCY

Study of the business methods and practices of SRA has developed an amazing record of duplication, "red-tape," waste and inefficiency.

W-11 page 244— McLAUGHLIN: "When Mr. Cooley appeared before the Board of Supervisors on March 6th he had a set of figures that showed there was only $2,425,000 available for direct relief payments."

W-11 page 245— Further: "Three days later that had been increased by almost $500,000, and it was $2,908,000 available. Three days later the figures I received from the office of the Director of Finance showed that the $2,908,000 became $3,021,000, and I have a letter in there from the State Relief Administration that shows that the total amount of money available for March, instead of being $4,200,000, is $4,500,000, and that the costs other than direct relief will not greatly exceed 20 per cent."

The SRA revolving fund demonstrates how SRA business has increased.

P-4 page 33— COMBES: "Going back to '36 and '37 I think the amount of the revolving fund was $15,000 at that time to the best of my recollection."
PHILLIPS: "What is the amount today?" COMBES: "The amount in the current revolving fund is $65,000 consisting of two sources. There was no provision in the $35,000,000 appropriation for a revolving fund and consequently we were permitted to continue to use the revolving fund which originally came from the 90th fiscal year consisting of $40,000 and we obtained a loan from the State Emergency Fund total-

W-11-244—Frank Y. McLaughlin, Director of Public Welfare Department, City and County of San Francisco.
P-4-33—W. J. Combes, SRA Deputy Chief Accounting Officer, Los Angeles

ing $25,000 for this particular revolving fund and this revolving fund is exclusive of the one that was maintained for the food stamp distribution which is a new item just recently."

Further:
P-4 page 34— COMBES: "In addition to that then is the food stamp revolving fund which at the present time totals $275,000. $75,000 being for the North and $200,000 for the South." (The stamp fund has since been increased to $350,000.)

Advances to SRA employees accounts for the increased size of the revolving fund.

P-4 page 41— SERAFINO: "Before this bulletin went out we tried to keep a person's advance down below his salary and wherever possible is accumulated or a percentage of his accumulated salary. We generally tried to keep it within a half or three-quarters of his salary, is that right?" COMBES: "Yes." PHILLIPS: "Of his month's salary?" SERAFINO: "Of his month's salary." PHILLIPS: "But you weren't very successful?" SERAFINO: "No, we weren't very successful."

Absence of close control of SRA property is shown by testimony regarding inventories:

W-9 pages 8 & 9— COOLEY: "Decentralized accounting is a much more effective type of administration. Why we don't adopt it in all counties I don't know."

W-14 page 30— WOLLENBERG: "How do your inventories check out, are they all right, or is there a shortage shown at any time?" SCHUMANN: "Well, at the present time we are over and we have submitted that list to Serafino's office" WOLLENBERG: "In other words, you have more physical property on hand than you are charged with?" SCHUMANN: "That is right."

P-1 pages 6 & 7— PHILLIPS: "From 1936 to the present time in 1940 there has been no physical inventory taken?" SERAFINO: "No complete physical inventory. There have been periodical inventories taken at various times of various locations." PHILLIPS: "And in 1940, as of the moment, the value of the assets—the physical assets of the SRA are three and one-half million?" SERAFINO: "Approximately that." PHILLIPS: "What would you say they were four years ago?" SERAFINO: "Oh, I would say about half that figure."

P-4-41—E. A. Serafino, SRA Chief Accounting Officer, Los Angeles.
W-14-30—Louis Schumann, SRA Office Manager, Santa Clara County, San Jose

H-7 pages 57 & 58— HOUSER: "Mr. Serafino testified before the Committee that there had not been any actual physical inventory taken for over three years." FITZER: "I cannot understand that because we have taken them ever since I can remember."

W-5 page 3— BLACK: "There were instances such as deliberate removal of tags, holding of State property in a private home, deliberately defacing State property, gross negligence in storing State property, where the location and manner of storing State property, where the location and manner of storing ruins the property and damages other private property, to be paid for out of relief funds."

W-6 page 11— BURNETT: "If articles were missing, which a number were from camps, apparently no effort was made to find them. It was a write-off. As far as I know there has never been an attempt to locate missing articles in camps."

P-7 page 356— WOLLENBERG: "Do you keep an inventory of those stores?" GRAY: "We have tried to. We never had a true inventory."

Further: P-7 page 357— PHILLIPS: "When you signed the sheet was an inventory made, or a sheet laid before you and you just signed it?" GRAY: "I have never signed an inventory." WOLLENBERG: "Has one been presented to you for signature?" GRAY: "Yes; inventories have been taken and presented for signature, but I never signed one." WOLLENBERG: "Why haven't you signed one?" GRAY: "Because we never had a true physical inventory."

W-1 page 75— SPEARES: "You take those fellows who were paid to come around to inspect and take inventory of property for Mr. Serafino, they were the most laughable thing, —they come to your place, and they are simply being paid off because there wasn't any place to put them and they had to pay them off, and so they sent them to take inventory,—that is the thing that raises Cain with the morale and everything else."

W-12 pages 151 & 152— WOLLENBERG: "How often did you make those inventories?" LANTHEAUME: "Every three months." WOLLENBERG: "Do they balance, as to the equipment that had been purchased and assigned to the departments?" LANTHEAUME: "No they didn't." WOLLENBERG: "Recite to us the cases where

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H-7-57—William F. Fitzer, SRA Director San Bernardino County, San Bernardino.
W-5-3—John Black, former SRA employee, San Francisco.
P-7-356—Clifford C. Gray, SRA employee, Oakland.
W-1-75—Willard Speares, former SRA Camp Superintendent, Oakland.
W-12-151—Harold T. Lantheaume, former SRA Chief Timekeeper, San Francisco.

they didn't,—in what instance?" LANTHEAUME: "For instance, we had about twelve typewriters missing, and four or five desks, and numerous other equipment." WOLLENBERG: "Well, was there any effort made to determine where those typewriters might be, or the desks might be?" LANTHEAUME: "Well, I don't think there was." WOLLENBERG: "Do you mean, not by you or your department?" LANTHEAUME: "I mean, by my superiors" FIELD: "Did you report to your superiors the typewriters and desks were missing?" LANTHEAUME: "Yes." FIELD: "What did he say, —that is, Mr. Maitre?" LANTHEAUME: "Mr. Maitre says, 'I'll show you how to write off inventory', so he wrote it off." FIELD: "What do you mean by writing it off?" LANTHEAUME: "Which meant that he took, for instance, we might have a, —well, for instance, a oak file cabinet, with the number so-and-so,—so we tack a number on that, and that would be it."

Exactness of SRA records is placed in question by testimony heard by the committee.

W-12 page 124— WOLLENBERG: "You know there were changes made in the actual record, in that regard?" LANTHEAUME: "There was. As far as my records are concerned, that is, the timekeeping records, they still remained the same, as far as I know." WOLLENBERG: "And the changes were made in the cost accounting records?" LANTHEAUME: "In the accounting department records, the change was made."

W-15 pages 117 & 118 COOLEY: "I would like to say for the record, this San Francisco office of the SRA suffers deep embarrassment in this case, because of the inability of the administration to produce work order No. 1. I want to say further, for myself and for the staff, that I have examined on it, no one of them has been able to indicate what happened to work order No. 1. Assuming as I do assume, it was issued, for the rest of the case, it seems to me there is an adequate explanation on the record, even though we all may differ as to interpretations."

W-12 pages 213 & 214— WOLLENBERG: "This morning we had testimony from Mr. Lantheaume and Mr. Dewey Lee, the cost accountant, to the effect that in that project, there was work done on high chairs, that the actual cost of both labor and materials was so excessive, that the supervisor, Mr. Maitre, instructed them not to put either the time or the materials of record; that they had made it of record previous to his instructions and that when Mr. Maitre saw the record, that Mr.

Maitre, on inspection of this record, stated that that record should be changed; that the excessive cost that went into that record should be charged to general maintenance, and the record was changed. Mr. Lee testified he personally had changed and altered the record, in accordance with the instructions of his superior."

V-12 page 133— FIELD: "Now the actual cost of prevailing wages of cabinet men and carpenters,—and, you heard what Mr. Lee said, that prevailing wage would be around 80¢ to 90¢ an hour. If that were true, what would be your best recollection as to the actual cost to repair these two high chairs?" LEE: "Under prevailing wage?" FIELD: "Yes." LEE: "It would be around $190 to $200."

In selling salvage materials the SRA did not receive full value.

W-1 page 71— WOLLENBERG: "We had in the meeting at Los Angeles a statement from Mr Serafino that they had gathered together a great deal of material in Camp Stockton and had a survey and then sold it as salvage material and worthless material, and I think they had gotten $30 for the whole lot." SPEARES: "Yes, I would like to have bought it for $150,—I was there when it was moved."

Purchase of supplies by the SRA may be a cumbersome process.

P-1 pages 88, 89 & 90— SERAFINO: "The original requisition for the purchase of those tomatoes came from our cannery unit —one of our co-op cannery units, and this unit had specified a certain type of tomatoes. I believe they were specified as Santa Clara Valley tomatoes. And they claimed that this was a superior canning tomato. My procurement department upon receiving the requisition immediately questioned whether that explanation was a reasonable one, and they doubted very much whether the purchase would ever even get through the State Bureau of Purchases, let alone our own procurement department. And there was quite an argument about it. However, the technical advisers in the co-op canning unit claimed from their own expert—supposedly expert knowledge that they knew what they were talking about." PHILLIPS: "Well, now, when you come in with this purchase order and you buy the material, who is responsible? Who has the final say as to whether an item should or should not be bought?" SERAFINO: "I would say that the Administrator has the final say. In other words, as head of the procurement office,—" PHIL-

W-12-133—Dewey J. Lee, former SRA employee, San Francisco.
W-1-71—Willard Speares, former SRA Camp Superintendent, Oakland.
P-1-88—E. A. Serafino, SRA Chief Accounting Officer, Los Angeles.

LIPS: "Do you mean to say that if you wanted to buy a hammer or a hundred tons of food and there was a question as to whether or not you needed them, it would have to go to Mr. Chambers?" SERAFINO: "Not necessarily to Mr. Chambers. I act in an advisory capacity to Mr. Chambers in that respect. PHILLIPS: "But you say that you advised against these purchases, and still they were made." SERAFINO: "They were made for the reason that the technical experts in the canning unit convinced the Administrator that that purchase should have been made, over my objections."

P-1 pages 90 & 91— POULSON: "The day that I put out this information, when you gave us this statement, I went over to the purchasing agent and there was an order for $2200 worth of jam, and they had written to your office wondering why you were ordering jam when you were supposed to be having it manufactured." PHILLIPS: "What we are trying to get at is just where responsibility rests on this matter of purchases, and also why, say, the SRA puts out statements that the money is all gone and there isn't any money for these people who are on relief, and buys in $2200 worth of jam when they don't need it."

An indication of the volume of and difficulties with SRA purchases is also furnished by the following:

P-1 page 122— PHILLIPS: "Now, then, you have Item 4, purchase orders food for the camps, for which claims are not yet filed with the State Controller, $433,877.61. SERAFINO: "That may best be explained by telling you that we purchase for camp use approximately $150,000 a month in perishables alone, plus possibly another hundred thousand dollars in various other materials and supplies."

W-10 pages 4 & 5— W. C. VEST: "The question of the inspection and receipt of fresh fruits and vegetables and meats from the various vendors was always a troublesome item. The specifications under which a camp superintendent operates are those furnished from the main office, and in the case of fruits and vegetables provide that those products shall be U. S. No. 1, as far as the inspection and receipt was concerned. The receipts of these things were not up to standards. Complaints to the State Bureau of Purchases would meet with a rebuff, and instead of having the support of the Purchasing Department we would incur their enmity."

An indication of the variety of SRA expenditures is given by the following:

W-10-4—W. C. Vest, former SRA Camp Superintendent, San Francisco.

P-1 page 158— PHILLIPS: "You have even set up a $170,000 backlog for emergency orders for dental work."

P-1 page 218— SERAFINO: "Fifteen thousand dollars for telephone for the month of February. Now, that is ample to cover our needs, statewide, to our best estimates; and there is no doubt a certain amount of surplus in there that will never be expended. But we have got to have that. In other words, we have got to budget more than we intend to spend."

W-3 page 17— MORGAN: "They went to Mr. Harris to get some lumber, and it was shipped to Sacramento (from Santa Cruz in 1938) and the next day or two they shipped it back—over night the lumber came back within a mile of where they had bought it. We know, because Mr. Harris had his mark upon it, and they built the camp out of some of this lumber."

P-1 page 127— SERAFINO: "We spend approximately between twelve and fifteen thousand dollars a month on rentals, but I can tell you how many of those for previous months might not have been paid that are included in this figure; and the same for every other item that appears in that figure."

W-12 page 18— KENNEY: "There are approximately 300 existing leases as affecting the State Relief Administration in California; that includes leases for camps, leases for the surplus commodities, and if we get into food stamps, we will have both, and county administrative offices in the fifty-eight counties of the State."

The SRA spent $7650 for office space for a program rejected by the Legislature.

W-12 pages 19, 20, 21, 22, 23 & 24— WOLLENBERG: "What is paid for the area here?" (180 New Montgomery Street, San Francisco). KENNEY: "We are paying $1000 per month for this building for the third floor, and in addition, we are paying for our own janitor; we are receiving no utilities outside of water and lavatories." WOLLENBERG: "What about the garage?" KENNEY: "That is a separate lease." WOLLENBERG: "You have a separate lease on the garage?" KENNEY: "Yes, we have. It has nothing to do with this building at all. That lease is probably $150 or $175 per month." WOLLENBERG: "What area is covered over there?" KENNEY: "I don't remember the exact area." WOLLENBERG: "Is it the whole garage or the upper floor?" KENNEY: "Just a portion of the upper floor." FIELD: "What did it cost to fix up these

W-3-17—George A. Morgan, Supervisor, Santa Cruz County.
W-12-18—John M. Kenney, SRA Attorney, Oakland.

offices?'' KENNEY: ''It cost approximately to fix up the second and this floor here, about $18,000 per floor, and on June 1st of last year we took over half of the fourth floor upstairs, in anticipation of the Richards program being enacted.'' FIELD: ''The production for use?'' KENNEY: ''The production for use, and all the other things that were programmed at that time, and this being a State office, and we had no thought at that time the State office would later be moved to Los Angeles, and we were rather crowded—'' WOLLENBERG: ''You mean, you had no thought in your mind?'' KENNEY: ''Well—'' WOLLENBERG: ''I mean, you don't know what was in the mind of any one else?'' KENNEY: ''Oh, no. In anticipation of the enlargement of the relief program, one-half of the fourth floor was taken over.'' WOLLENBERG: ''That was on June 1st?'' KENNEY: ''June 1st, 1939, at the rental of $550 per month. The State office was moved to Los Angeles on October 1st, 1939.'' WOLLENBERG: ''The announcement of that move, do you remember when that was made?'' KENNEY: ''The announcement?'' WOLLENBERG: ''As a recall, it came from the Governor's office direct in Sacramento?'' KENNEY: ''The announcement I recall, I happened to be walking along the street and looking at a headline in the newspaper that said that Governor Olson states that the SRA office is to be moved to Los Angeles,—that was the first week in July of last year.'' WOLLENBERG: ''Then you had entered, or the Administrator, or whoever the responsible party is, had taken over a half floor at the rate of $550 a little over a month prior to that?'' KENNEY: ''Yes. I myself, nor any one associated with me, knew there was any move contemplated at all. In fact, there was rumor the State office would be moved in toto to the Ferry Building, because of the ample facilities in the Ferry Building, and the vacant space caused by the State Chamber of Commerce having moved, and the proposition we would enjoy free rental there.'' FIELD: ''Who was the man who authorized the rental of the fourth floor?'' KENNEY: ''The rental—'' WOLLENBERG: ''Who requisitioned it?'' KENNEY: ''Mr. Grant Friel,—he was the Acting Director of the Division of Operations, at that time.'' WOLLENBERG: ''How much money was spent on that floor?'' KENNEY: ''ABOUT $6,000.'' WOLLENBERG: ''In preparation of the State offices?'' KENNEY: ''That is right.'' WOLLENBERG: ''What was done with the lease.'' KENNEY: ''The lease was canceled as of September 30th, at midnight, 1939.'' FIELD: ''Getting back to the fourth floor,

do I understand you paid $6,000.—it cost you $6,000 to get the fourth floor in shape?" KENNEY: "That is correct." FIELD: "In addition, you paid four months' rent at $550?" KENNEY: "That is correct." FIELD: "A total cost of about,—$8,200, to be exact?" KENNEY: "That is approximately correct." FIELD: "Isn't that assuming a lot on the part of the State Relief Administration, to take it for granted a certain program is going to be in effect and spend a lot of money on that assumption?" KENNEY: "Well, of course, that isn't for me to answer." FIELD: "What I was trying to ask,—who gave you orders, or who actually had the say to fixing up the fourth floor and running up more charges?" KENNEY: "It probably emanated from Mr. Friel; he was acting directly under Mr. Chambers, and I received instructions that Mr. Grant Friel was acting Director of Operations, as I indicated a few moments ago, the fourth floor was taken over because of a crowded personnel condition existing on the second and third floors, and also in anticipation of an enlargement of the program pursuant to the program which was being prepared at that time by the Governor's—" FIELD: "The Richards committee?" KENNEY: "The Richards committee,—that is correct." FIELD: "Do you think any one of the State relief had any idea what the Richards report would contain?" KENNEY: "No. Personally I don't know; I couldn't answer that question." FIELD: "Do you know any one in the administration that did?" KENNEY: "No, I do not."

P-1 page 53— SERAFINO: "This building at 155 Washington." PHILLIPS: "And how much did you actually spend? Around twenty thousand?" SERAFINO: "We spent about twenty thousand for alterations to the building."

W-7 pages 13 & 14— WOLLENBERG: "Now, in connection with Camp Natoma, did you have anything to do there with the construction of a warehouse?" KEITH: "Completely designed and built it." WOLLENBERG: "And that was a large warehouse, was it?" KEITH: "Yes. I would say around 30,000 square feet." WOLLENBERG: "And was it designed to be adequate to do warehousing for the Camps Department of the SRA in the Northern Area of the State?" KEITH: "Yes." WOLLENBERG: "How much was spent on that warehouse for construction, approximately?" KEITH: "Approximately $12,000." WOLLENBERG: "Was it ever used for the purpose for which it was built?" KEITH: "Not to my knowledge."

W-7-13—Hiram R. Keith, former SRA Associate Engineer, San Francisco.

P-1 pages 47 & 48— PHILLIPS: "Do you send somebody out from your department to look at the building?" SERAFINO: "On the major locations we do In the past, however, we have only hit the major locations." PHILLIPS: "Generally speaking, outside of Los Angeles or San Francisco, you simply take the word of the local director?" SERAFINO: "That is right" * * * PHILLIPS: "And then you would transmit that request to the Department of Finance?" SERAFINO: "That is right." PHILLIPS: "Would the Department of Finance then make any check upon it?" SERAFINO: "They have the privilege, Senator, of making the check, and in certain instances they have. However, they generally follow the same policy that—" PHILLIPS: "Have you ever known your office to send, we will say, a teletype request to the Department of Finance for the approval of a lease and to get another teletype approval back that it is all right to take the lease?" SERAFINO: "That is done quite often, Senator." PHILLIPS: "That is the common procedure?" SERAFINO: "I think you are about right That is about what we have been following." PHILLIPS: "Then, if we follow your trail backwards—that is, if we follow your statement backwards, we find that in practice the local director rents a building at his own desire and at his own rent?" SERAFINO: "Well, I don't know as I have a right to answer you to that or not." PHILLIPS: "Can you answer anything else?" SERAFINO: "I am afraid not."

Removal of SRA headquarters from San Francisco to Los Angeles was expensive.

P-1 page 62— PHILLIPS: "It cost around $50,000 to bring the personnel down. Did you include transportation in that?" SERAFINO: "That is right." PHILLIPS: "By what authority was that allowance paid? By what state law or state regulation?" SERAFINO: "As far as I know there is no authority for it, other than the administration's action." PHILLIPS: "Was it an order of the administration or was it passed upon by the State Relief Commissioner?" SERAFINO: "It was an order of the state administrator."

HOUSER: "You think they (E.R.O.'s) were given where not needed?" HOERGER: "Yes; I was told by relief clients they found it an advantage to demand EROs because the case would be opened quicker." HOUSER: "Did many demand who were not entitled to them?" HOERGER: "It happened quite often."

H-11-14—Myron E. Hoerger, SRA employee, San Diego.

H-3 page 517— PHILLIPS: "We have one photostatic copy of an ERO issued for unpaid water assessments on clear property, on property which was farming property. . . . Now where is the emergency in the payment of an ERO in what amounts to back taxes on—" MRS. COPLAND: "I would say that that was an effort to make use of the ERO."

W-16 page 96— JOHNSON: "Isn't it also true where your case workers or people out in the field are lax in the original investigation, you have a heavy percentage of non-collectibles where overpayment is made?" GJERDRUM: "That is right." JOHNSON: "And even if the people cooperate in the administrative office it won't be much help unless the individual workers in making their periodic check-ups are imbued with the same spirit of cooperation?" GJERDRUM: "That is absolutely true. That's right."

M-6 page 243— WATSON: "Do you think these shoes that the SRA has been giving them were cheap shoes?" ANDERSON: "Unquestionably they were. As I understand it they merely give them a shoe order and they can go and buy them where they want to. In fact, I had one of our local merchants tell me not so long ago that a man came in to him and wanted to trade him two shoe orders for women's shoes that he had for a nice $6 pair of tan and white ones that he had in the window, men's shoes. There is no control over it. There is nothing you can do."

M-5 page 115— WATSON: "How would they decide as to how many sheets or pillow cases that a family should have? How would they decide that? The number that was in the family? MISS KEMPF: "That was left up to the case-aides." WATSON: "How many did you usually issue to a family?" MISS KEMPF: "Sometimes as high as six with request and sometimes more than that."

W-10 page 6— VEST: "The camp superintendent was directed to issue such necessary clothing as the man needed. This clothing had a small sales value, and under the social service set-up a man after leaving one project could dispose of that clothing and draw out necessary clothing to replace that he disposed of." WOLLENBERG: "And you know that a lot of clothing, shoes, and things like that, were sold right along?" VEST: "Yes, —even those branded not to be sold."

H-3-517—Mrs. Bernice G. Copland, former SRA Supervisor, Los Angeles.
W-16-96—Thor Gjerdrum, Special Representative, State Controller's Office, Oakland.
M-6-243—C. J. Anderson, Executive Secretary, Fresno Community Chest, Fresno.
M-5-115—Miss Mary B. Kempf, former SRA employee, Fresno.
W-10-6—W. C. Vest, former SRA Camp Superintendent, Oakland.

Paper-work, or "red-tape" procedure abounds in the SRA.

W-9 page 56— COOLEY: "Well, I think the thing that is basic with us as a need is a simplification of our paper work and better relations with the Comptroller. That is number one. . . . "Number two is, we haven't ever worked out satisfactorily the right kind of coordination between the SRA and WPA. The paper work moves too slowly. It doesn't come over fast enough and our paper work doesn't get over there fast enough and we are not close enough together in our paper work. That is the main trouble."

H-2 pages 346, 347 & 373— RYMARCZICK: "In other words, by the time you get through running a check that has been written and delivered to the paymaster and carried out in the field for delivery and returned, transferred to social service for disposition, returned to the paymaster, cancelled and sent back to Sacramento for redeposit, it costs approximately the same amount. We usually estimate around 75 cents."

Further: "At the present time, there are about 5000 or 6000 checks being cancelled in the Los Angeles office." (each month) "The amount of waste that is involved in the administration of relief, it runs into hundreds of thousands and possibly larger sums than that in the course of a year."

W-2 page 38— LEACH: "To send a single man to a camp there are 14 forms to be made, four or five people have to go over them and sign them. I think that could be done away with."

W-16 pages 188 & 189— LORE: "There has been testimony, not only in this county yesterday, but in several counties we have been in, of overworked SRA employees, of long hours to do the work, many hours overtime in order to keep up with the work." THOMPSON: "Yes, I talked with one out here in the corridor yesterday who gave me a story about an error made by the case-aide and how many people it went on up through until it got to the higher-uppers, then the error was passed all the way back down through all the hands, and it was just a little error—and then it was fixed. And I think some of those separated from the service will give you a pretty good idea where the 'red tape' tangle messes SRA up. I think they will back me up in my statement, and if the administrative tangle of 'red tape' given them is finally cut it would be 2.25

W-9-56—Edwin J. Cooley, SRA Director San Francisco County, San Francisco.
H-2-346—Lyal B. Rymarczick, SRA employee, Los Angeles.
W-2-38—William M. Leach, County Welfare Director of Monterey County, Salinas.
W-16-188—S. H. Thompson, Director of Charities, Alameda County, Oakland.

instead of maybe 4%. I don't claim we have any particular abilities, but we do get quick decisions and quick answers on legal decisions on all questions without holding up two days' work and without the encumbering tie-ups of the State office O K."

Transportation of SRA supplies is an extensive, statewide enterprise.

P-3 pages 18, 27 & 28— PHILLIPS: "How many trucks does the State of California—or that are operated by the State Relief Administration?" BAUER: "I would say approximately 335. I may be a little off." PHILLIPS: "All right. Now, in addition to the present trucks, how many trucks does the State rent?" BAUER: "We have on rent 20 and 16. That's 36. When I say rental, it's purchase rental."

P-3 pages 32 & 33— FIELD: "You mean to tell me that the SRA or the State would rent trucks for $150, a small Ford truck, for 4,000 miles minimum mileage and 5 cents a mile after 4,000, you pay all the upkeep, the driver, the gas, oil, and they don't even furnish the insurance?" BAUER: "That's correct. That's my understanding."

W-7 page 4— WOLLENBERG: "How many State trucks would you guess were standing idle day in and day out—standing idle around the yard there?" MISS McFADDEN: "I would say at least five, possibly more." WOLLENBERG: "During that time the rented trucks were in operation?" MISS McFADDEN: "Yes, sir." WOLLENBERG: "Do you know whether or not those idle State trucks were in good repair, able to run?" MISS McFADDEN: "They were apparently operated up until the day the rented trucks came in and then immediately parked in the yard and left."

W-15 page 126— WOLLENBERG: "A ton and a half truck would take a dollar and fifty cents' worth of groceries for a 300 mile ride, is that right?" ARATA: "Yes"

Further:

W-15 pages 127 & 128— WOLLENBERG: "These trucks that run—do you know a driver named Quinn, Tom Quinn?" ARATA: "Yes, I know him." WOLLENBERG: "Do you know anything about a delivery he made from Oakland to Los Angeles around Christmas?" ARATA: "Well, he told me about it, yes." WOLLENBERG: "What did he say, what was the delivery he made?" ARATA: "Well, he delivered a six-bit Christmas tree from Oakland to Los Angeles" WOLLENBERG: "Was there anything else on the truck?" FIELD: "A seventy-five cent Christmas tree, from Oakland to

P-3-18—Frederick Bauer, State Transportation Supervisor, SRA, Los Angeles
W-7-4—Kathryn McFadden, former SRA employee, San Francisco.
W-15-126—A. F. Arata, former SRA Camp Superintendent, Crockett.

Los Angeles?" ARATA: "Yes." WOLLENBERG: "And what year was that?" ARATA: "It was sometime in 1938." WOLLENBERG: "In the Christmas of 1938; when was it?" ARATA: "Well, I am not positive; it was a week before Christmas—it may have been 1937 or '38." WOLLENBERG: "But the Oakland warehouse wasn't open then?" ARATA: "Oh, yes. They had the warehouse in Oakland for years, but not the warehouse they have now." WOLLENBERG: "He drove a 1½ ton truck with a seventy-five cent Christmas tree—what did the truck bring back?" ARATA: "Nothing."

Further:
W-15 page 149— ARATA: "Well, usually, if the truck driver wants to have his truck greased, he'll go into the service station and have it serviced and greased there." WOLLENBERG: "The greasing isn't done in the camps by the driver?" ARATA: "No, you see they have no way of paying. Some of the larger camps, like Natoma and Sharps Park, would have a man to grease, but you take the smaller camps—they go into the service station and have the service station attendant grease the truck. The only way he can pay him for the job is by charging it out in gasoline; that's the way they do." WOLLENBERG: "Do they do the same thing in repairing tires, and changing tires?" ARATA: "Yes."

P-1 pages 285 & 286— DUNKELBERGER: "In other words, they deliver on an average of about a hundred or a hundred and fifty pounds of commodities to each school and made about five stops. But we were operating under the basis down there, which our superior told us: the minute we received an order, to make a delivery, regardless of whether it was a hundred pounds or fifty pounds. And in one instance, why, we ran a truck into Baldwin Park out here four times in one day with about a hundred pounds on it each trip. That is one reason why your trucking costs are going up."

W-7 page 10— WOLLENBERG: "Do you know any other instances of Mr. Dunne's having financial transactions with other employees?" MISS McFADDEN: "Yes. He dispatched a State car to Madera and back, and this man picked up postal savings of his own and they were loaned or transferred to Mr. Dunne in amount of $100."

W-11 page 197— MISS DOUGLAS: "There is one thing I don't want to forget. You see, SRA was going to sponsor the project and the county was its co-sponsor, which meant the county would spend about $4,500. When Miss Porter was placed on the job the attitude of the county was that as long as they were putting the money into

P-1-285—Jerry G. Dunkelberger, former SRA District Supervisor, Los Angeles.
W-11-197—Miss Helen Douglas, nutrition worker, San Francisco.

the project they should have some voice in choosing the supervisor. The SRA wrote the county and told them that they did not want their contribution of $4,500 for the running of the project."

H-9 pages 85 & 86— PREISKER: "Mr. Chambers ordered immediately that the work should start. That is, that the county would be furnished with all the relief clients and they would be certified to the co-ordinator that the county maintains and to the road department to work out their relief. It had taken about two weeks, I imagine, to get a form of a contract—or I might say that two or three days following Mr. Chambers—after Mr. Chambers was here, that the project was authorized to start and then stopped, and authorized to start and then stopped, as least four changes were made in one day." HOUSER: "When was he here?" PREISKER: "Well, it was about a month ago, it was somewhere along a month ago, and within two days after that we got word to start, we got our—you know you can't just put on three or four hundred men right now, you have to build your project up a little bit, get your foremen and your trucks and your machinery and everything of that kind ready to go, and the particular day that we were to start the orders were changed about four times from Los Angeles and finally the fifth order was that we would have to wait for a contract."

The provision of excess quantities of surplus commodities resulted in inefficient distribution of thousands of pounds of articles in outlying areas and to schools.

H-1 page 129— O'DAY: "And that was the first time that you had been told about building—to go out and build up those quotas?" DUNKELBERGER: "No, that was the general meeting—and telling us to go out and more or less liberalize the program. I was told by Mr. Olmstead around the first of the year that I had charge of the lunch program in Los Angeles County. And he at that time had the position that Mr. Lubin holds now." O'DAY: "But the first time you were informed that the policy was to be liberalized was on February the 8th, is that correct?" DUNKELBERGER: "That is correct."

P-1 page 291— DUNKELBERGER: "We went out there (Herbert Hoover High School in Glendale) and they certified 43 students. We went out there when we got that certification. It was signed by the SRA District Director

H-9-85—C. L. Preisker, Chairman, Santa Barbara County Board of Supervisors.

P-1-291—Jerry G. Dunkelberger, former SRA District Supervisor, Los Angeles.

certifying it to 600. I think that Assemblyman Fields knows that there is probably not 600 needy children around Herbert Hoover High School, but that is what they certified for."

Further: "A cafeteria will use, say, 600 pounds of flour. In other words, all the flour they use is given to them by the—by our division. They don't go out and buy flour because we give them more than they need. And the same thing holds true on butter and eggs. For instance, Herbert Hoover High School is using about 15 pounds of butter a week. On the advent of Federal Surplus Commodities coming in, they jumped up and started using about 60 pounds of butter a week."

P-2 pages 30 & 31— GOOCH: "They (relief recipients) are supposed to get all sorts of surplus commodities, as a matter of fact, flour, vegetables, and a few of those sort of things, which it is pretty hard to use a great deal of, are the ones that are given out. I will give you this: On April 13th I made a careful survey throughout the territory to ascertain whether vegetables were being distributed correctly. A check was made to cover the whole of one route. Temple Street: clients were being given more than their requirements, to get rid of vegetables. Some threw them on the way after leaving the commissary. South Central Avenue: generally okay, but some surplus. Bellflower: surplus. Long Beach: no deliveries for a week; previous delivery very intermittent. Torrance: okay. Wilmington: surplus. And so on 2174 Washington Boulevard had never received any; one week later, no vegetables; one week later, just being received. I believe these conditions are being corrected."

H-2 page 300 & 301— WILSON: "There is one other suggestion on procedure that I want to offer for the consideration of the committee. Under your Unemployment California Benefits, a person who is unemployed has to report once a week at the office of the employment agency or the UCB office. Under our system the case-aide is supposed to chase the client down and ask him a lot of questions and take his answers and then go on to another client's home until she makes the rounds. In the first place, that is costing a lot of money, that could be better used for relief. Why wouldn't it be just as practical to ask the client to twice a month to come in and make a new certification each time and then have your flying squads to go out and hunt the 'hot spots'. I believe that—I leave that to you as a thought."

P-2-30—Captain Donald A. Gooch, SRA Inspector, Los Angeles.
H-2-300—A. M. Wilson, Paymaster, State Controller's Office, Los Angeles.

P-1 pages 279 & 280— DUNKELBERGER: "When Mr. Lubin came into the picture, he set up selective clothing stores. And gentlemen, I don't know why they call them selective clothing stores because there is not over half a dozen items that a relief client can select from." PHILLIPS: "Has that materially increased the expense?" DUNKELBERGER: "Very definitely; in my estimation, I would just say that it had increased in about three times over what it was before" PHILLIPS: "By rent and by the people who were working there to give out the clothing?" DUNKELBERGER: "That is correct."

W-16 pages 228 & 229— SPEARES: "I attribute the loss solely to the idea the State relief, after buying the cattle, didn't go ahead with their program of feeding and slaughtering. In other words, they were kept there over a period of six months; I know they would have to be fed something." LORE: "They were purchased for slaughtering rather than breeding stock?" SPEARES: "They certainly weren't going to breed them; they were bought to fatten and kill for the use of the camps." WOLLENBERG: "They were pretty fat when they were bought?" SPEARES: "Yes, when they were dumped at Seventy-third Avenue, they could have been killed then."

Further: W-16 page 211— "Mr. Hank Kirstan, Henry Kirstan, the superintendent of Camp Placer, at Auburn, told me that when they arrived there each one of them had lost right around—oh, I would say—he estimated about 25 pounds loss per head in weight." WOLLENBERG: "Where are those cattle now, do you know?" SPEARES: "As far as I know they are still at Camp Placer." WOLLENBERG: "What was done with them around Camp Placer?" SPEARES: "They were fed there." WOLLENBERG: "And by 'fed,' you mean by bought feed?" SPEARES: "Yes, sir."

W-16 page 183— WOLLENBERG: "May I interrupt a minute and ask Mr. Lore: I looked these over last night, Mr. Lore, the statements Mr. Gallagher volunteered, the information he gave us. He has something here about a cabbage-growing project and he gave us these figures. I wish you would look at it. He has added up for salary for approximately five months—" LORE: "Mr. Wollenberg, I have looked at those figures." WOLLENBERG: "$3200 was spent, and $30 worth of cabbages grown."

W-16 pages 49 & 50— WOLLENBERG: "Now, can you give me any idea of what the administrative cost is in Alameda County of administering relief, under the present set-up?" GALLAGHER: "We don't keep any. No cost set-up in

Alameda County can tell us what it costs to administer relief." WOLLENBERG: "You don't know?" GALLAGHER: "No. And we have tried to get it from the State office, but we couldn't get it from the State office. That is one of the things we were deeply interested in when I went into the position first, was the cost. So the only information I have I get from Kenneth Lieb, and he told me the county here was operating at about fourteen and one-tenth per cent. I don't think the State office expense was added to that."

P-4 page 37— COMBES: "Now in the event that a person went to work and we did have some instances of that prior to the time that a position was established for them then under those conditions we would not disburse from our revolving fund because the person was not officially an employee of the relief administration." PHILLIPS: "Well, now, do you refer to this group who signed the waivers?" COMBES: "Yes, I am referring to that group in particular They went to work when there were no jobs for them and the jobs had to be created after they went to work."

SECTION 6

PRESSURE

The cost of relief to California has been higher than necessary because of the activities of the SCMWA among SRA employees and of the Workers Alliance among relief recipients. These unions have coerced employees and needy alike to obtain preferment for their members.

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "Information has been obtained indicating that unions and politicians exert a strong voice in the control of SRA; that certain of these from without which have been termed as 'radical' are able to dictate appointments to the SRA of persons without fitness or experience, apparently the only qualification required being loyalty to their sponsors. The SCMWA (State, County and Municipal Workers Association), a CIO union, whose membership consists of SRA employees, not only usurps an unwarranted influence in establishing the policy of the SRA but also intimidates the personnel into joining the union; that another CIO union, the Workers Alliance, which works closely with the SCMWA, and which appears to be more or less closely connected with the politicians or political factions, apparently wields sufficient power to have its members placed in key positions, thus enabling the Workers Alliance to persuade relief clients to join their unions by

P-4-37—W. J. Combes, SRA Deputy Chief Accounting Officer, Los Angeles.

promising preferred attention in securing relief; that many employees of the SRA are reported to have extremely liberal, if not radical, ideas, which they discuss with relief clients, attempting to and often converting them to their cause."

W-9 page 81— STANSFIELD: "They were only as strong as the administration allowed them to be. They have no power to strike, and until recently I couldn't think that they had the power to picket. The constitution, as I read it, never provided for that. I was president of this when it began." WOLLENBERG: "You were president of the SCMWA?" STANSFIELD: "Yes. Please don't hold that against me. I later resigned. It didn't take me very long. I resigned after attending a few executive meetings."

Further: "With the coming of the new administration they were given a free hand. There is no question about it."

H-10 pages 24 & 25— HOUSER: "What is your opinion of the SCMWA?" ROE: "I don't think they benefit the workers or the State." HOUSER: "Why not the State?" ROE: "They take too much time off running union business." HOUSER: "Do they exert much pressure?" ROE: "They are absolutely a pressure group. They put pressure on the director, who works for the State. There must have been pressure on Mr. Chambers. I think there is pressure by them all over the State, wherever they are. They told me unless I laid off personnel the way they read No. 7, they were going to bring charges against me of misuse of State funds. The demand was given verbally. I said if I have misused State funds I should be fired; if I haven't, those people should remove that charge. It sounded like blackmail to me."

Employees of the SRA are subjected to pressure by the SCMWA.

H-3 page 549— HOUSER: "How do they exert that pressure?" MRS. CRUICKSHANK: "In some instances they continually are asking people to join, to go to their meetings, to read their literature and their books, even to the extent that they had to have an excuse for not joining—that they couldn't afford it at the time." HOUSER: "Did they get any results from their practices?" MRS. CRUICKSHANK: "Yes. Some people were afraid of losing their jobs if they didn't join it." HOUSER: "They had sufficient influence among the appointive powers so that people were afraid of losing their jobs?" MRS. CRUICKSHANK: "Yes."

W-9-81—John W. Stansfield, SRA Case Worker, San Francisco.
H-10-24—William B. Roe, SRA Director, San Diego County, San Diego.
H-3-549—Mrs. Merriby Cruickshank, SRA Case Supervisor, Los Angeles.

H-4 page 695— HOUSER: "And you are a member of SCMWA?" MRS. RETTIG: "Never." HOUSER: "Do you think that your lack of membership in that organization might have had anything to do with—" MRS. RETTIG: "I am sure that it had a lot to do with it. That, and the fact that they told me that I knew the wrong people. After I went to Pasadena I kept asking the district supervisor there if any evaluation had ever been sent on me and it hadn't been. And while I was acting supervisor Mr. Kievits was at that time district director and he thought I was efficient and tried to get me reclassified back to a supervisor. And Mrs. Orans told him that no evaluation had ever been sent through and she didn't know why I had been demoted. She suggested that he go down-town and find out and he came back and her statement to me was that Mrs. Orans told him that nothing could be done for Mrs. Rettig, that she knew the wrong people."

H-13 pages 107 & 108— HOUSER: "What do you think about the SCMWA?" PLATT: "I'm not in sympathy with their tactics." HOUSER: "You aren't?" PLATT: "Absolutely not." HOUSER: "Why not?" PLATT: "Well, I think they're a pressure group. I don't believe that social workers should be registered like coal miners and they may need some protection against their boss, but most of them are professional people, well educated people and I don't see any need for pressure groups or anything like that: like they've treated the administration, most of the SCMWA are the old social workers of Los Angeles and in different parts."

P-1 page 307— DUNKELBERGER: "I was told that I had better join that organization (SCMWA)—well, that was about six or eight weeks prior to this report coming out. Of course, then, after that report coming out, why, they come around to me and they says, 'Oh, so you belong to the company union, is that the idea? Well, we will get you.' They did threaten me."

H-2 pages 236 & 237— WILSON: "Well, I will give you an example: There was a young lady by the name of Louise Lake who was employed at the Hollywood office and she was one of the group that hadn't been there six months and under the administrative letter number 21 she was cut off. But the question came up as to her evaluation on the basis of possible future employment and she was—I don't happen to have one of those evaluation forms here but perhaps you are familiar with it. She was evaluated at the time at

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H-4-695—Mrs. Marilla Rettig, SRA employee, Pasadena.
H-13-107—Lawrence Platt, SRA Director, Orange County, Santa Ana.
P-1-307—Jerry G. Dunkelberger, former SRA District Supervisor, Los Angeles.
H-2-236—A. M. Wilson, Paymaster, State Controller's Office, Los Angeles.

five which is the highest evaluation on all except one item and that item was co-operativeness toward her fellow workers and she very promptly questioned her superior on the why of that. She said, 'There hasn't been a single time in the course of my duty that I have ever failed to co-operate with any other members of the staff,' and this supervisor told her very frankly that it was her attitude toward SCMWA was the reason for her two point cut on that."

Continuing: "Now, it happens that this supervisor is a member of CSEA. And it happens that the case workers in the district were members of another organization. It is especially significant that her workers rated Mrs. Blank the lowest of the nine case supervisors in this district office. The other eight case supervisors were all members of the other organization." HOUSER: "What was the other organization?" WILSON: "The SCMWA."

H-2 page 283— HOUSER: "What do you class in that new philosophy group, do you have any specific organization in mind?" WILSON: "Yes. The SCMWA is decidedly a new philosophy group organization." HOUSER: "What other organizations?" WILSON: "The Workers Alliance is another new philosophy group organization, very decidedly."

W-9 page 22— PHILLIPS: "You mean, they asked you to put back all of the SCMWA employees?" COOLEY: "That's right." FIELD: "And reclassify the others that he had bumped down." PHILLIPS: "Was it their idea that you should generally remove from your rolls an equal number of people to make a place for them?" COOLEY: "I raised that question with them, and they said it was the administration's business. That is what I would have been obliged to do. I couldn't have reinstated union members without firing some other people to make room for them because I have to cut my staff in accordance with my declining case load."

The SCMWA is dominated by leaders who are radical and inclined toward Communism.

H-12 page 124— HOUSER: "Just how strong do you think the Communist Party is in the SCMWA?" FISHER: "I would say it was the dominant force." HOUSER: "You think it is the leadership?" FISHER: "It is the leadership. It is not the rank and file, no. The rank and file in all organizations Communistically dominated are all right, but the leadership is dis-

W-9-22—Edwin J. Cooley, SRA Director, San Francisco County.
H-12-124—George W. Fisher, Attorney, San Diego.

tinctly red." HOUSER: "And you feel the same way about the Workers Alliance?" FISHER: "Decidedly so."

H-10 page 26— HOUSER: "Do you feel that some members of the SCMWA are members of the Communist party?" ROE: "Yes." HOUSER: "Have you any particular members in mind?" ROE: "I would rather not name them today." HOUSER: "Will you give us the names later?" ROE: "Yes; there are two absolutely known and I think there are some more; at least one of them occupies a position of prominence in the SRA."

W-1 page 67— SPEARES: " 'The (SCMWA) dues,' they said, 'are one dollar for the dues, and for the good of the organization in this State all money stays here.' Well, now, they had a little argument as to just where that money did go, and finally they admitted 75% of the money was sent East and 25% of it was used in the State of California. Someone wanted to know if any of the money was used in the Mooney defense, and they admitted that it was used on the Mooney defense and also that it was used on the Harry Bridges defense."

H-3 page 546— HOUSER: "To what do you attribute that attitude?" MRS. CRUICKSHANK: "It has been my personal opinion that that has been an effect upon the workers by the SCMWA. They have issued bulletins in the lobbies of the buildings setting forth their demands."

M-1 pages 225, 226 & 227— MIXTER: "Do you know whether or not administrative information has been made available to the representatives of the SCMWA before it has been given to the general staff at all?" MRS. SMITH: "In some instances it appears to have been so."

H-3 page 496— HOUSER: "It has been reported that during the time that Mr. Maben occupied the position of County Director, I guess it was, that a so-called purge list of employees to be removed from office and a list of new appointees to be made to the vacant positions was submitted by the SCMWA and the Workers Alliance. Have you any knowledge of that matter?" MRS. COPLAND: "Yes, I have heard that a great deal and understood that I had the dubious honor of being on the purge list and had asked Mr. Anderson about that. He admitted that there were only three that were definitely on the list naming two others and myself. He inferred that that list had been presented by the groups mentioned."

H-10-26—William B. Roe, SRA Director, San Diego County, San Diego.
W-1-67—Willard Speares, former SRA Camp Superintendent, Oakland.
H-3-546—Mrs. Merriby Cruickshank, SRA Case Supervisor, Los Angeles.
M-1-225—Mrs. Maona Smith, former SRA Supervisor, Stockton.
H-3-496—Mrs. Bernice G. Copland, former SRA District Director, Los Angeles.

M-9 pages 94 & 95— WATSON: "We have asked several people that question here, people who were in this organization in Bakersfield. They have all avoided the question just as you have avoided it. It looks to me like it is mighty poor bookkeeping in your organization or else there is something wrong there." WHALEY: "What do you want, a black list or something?" WATSON: "Black list of what?" WHALEY: "People who are in the union." WATSON: "No, we do not want a black list of the people who are in the union. We have asked you for a list of people in your organization who are employed in the SRA." WHALEY: "I wouldn't give it to you."

W-15 pages 234 & 235— FIELD: "I would like to ask you one or two questions: When the Workers Alliance picket line was picketing the headquarters, when you made the 40% cut——" COOLEY: "They never picketed." FIELD: "You had no picket line here at all?" COOLEY: "No." FIELD: "Didn't the SCMWA picket?" COOLEY: "That's right; they did what they called a street demonstration." FIELD: "They had a street demonstration,—how long did it go on there?" COOLEY: "Wednesday, Thursday, Friday, and Saturday." FIELD: "It was quite a long demonstration, without calling it a picket line?" COOLEY: "They called it a street demonstration; that was their term for it." FIELD: "All right. I am willing that they might call it anything they want to, but during that demonstration, how many of your employees would get in it and participate in it?" COOLEY: "During their noon hour, the employees that belonged to the SCMWA participated in this demonstration. I believe it was compulsory service." FIELD: "On the part of the SCMWA members?" COOLEY: "Yes, I believe it was."

The Workers Alliance exerts pressure on SRA employees to gain special privileges for persons asking relief.

W-9 pages 78 & 79— STANSFIELD: "The Administration is bent more quickly by pressure groups today than it was."

Again: "Workers Alliance groups never used to come in and sit in a booth while you were interviewing a client."

M-5 page 98— MRS HUGHES: "Well, I would imagine just—this is my opinion—but just from the pressure that was brought." MIXTER: "By whom?" MRS HUGHES: "By the Workers Alliance." MIXTER: "Upon these relief clients?" MRS. HUGHES

M-9-94—Hal Reed Whaley, SRA Investigator, Bakersfield.
W-15-234—Edwin J. Cooley, SRA Director, San Francisco.
W-9-78—John W. Stansfield, SRA Case Worker, San Francisco.
M-5-98—Mrs. O. S. Hughes, housewife, Fresno.

"Yes, and upon the personnel." MIXTER: "In the office?" MRS. HUGHES: "Yes. And I know they went through a special door; they didn't have to sit out in the waiting room as the other clients had to because they had them lined up and then went through another door."

M-1 page 143— MRS SMITH: "Again, it depends upon what you term 'pressure' The Workers Alliance, I have known the Workers Alliance to come back into the office and re-discuss the same case three times in an effort to get a different decision."

W-11 page 201— MISS DOUGLAS: "Mr. Cooley called a meeting of the Workers Alliance with the people at Central Medical so that the Workers Alliance could air all their troubles and grievances there. Mr. Besenik, who seems to be the man who represents the Workers Alliance group here in San Francisco, is the one that always calls up and puts the pressure on."

M-9 page 78— MIXTER: "Does the Committee understand from your remark that the Workers Alliance came in and occupied the office of the SRA in Wasco?" MISS MADISON: "Yes, the Workers Alliance, sometime last month, occupied the office for approximately a week as a demonstration." MIXTER: "How many of them, about?" MISS MADISON: "Oh, it varied from twenty, I would say, to around 175"

Sit-down and farm strikes are fostered by the Workers Alliance.

M-9 pages 84 & 85— WILBUR: "Well, the Workers Alliance came to my office and told me they were going to pull a sit-down strike about a week before they did. I called the Los Angeles office and talked to Mr. Ruderman who was the man under Mr. Reese at that time and Mr. Ruderman said 'So long as they don't interfere with local operations and bother your help, let them stay, but when five o'clock comes, put them out.' About a week later, the Workers Alliance and the CIO group came into my office It was not only a Workers Alliance sit-down strike but also a CIO and UCAPAWA. So when the people moved in on me, I again called Los Angeles office. Mr Reese was in Sacramento and Mr. Robert Rumsey was the only one in the office at that time to give me any information. Mr. Rumsey informed me that the Labor Relations Commission had ruled that if the people came into my office on a sit-down strike I was supposed to let them stay as long

M-1-143—Mrs. Maona Smith, former SRA Supervisor, Stockton.
W-11-201—Miss Helen Douglas, nutrition worker, San Francisco
M-9-78—Miss Helen Madison, SRA District Case Supervisor, Wasco.
M-9-84—Albert G. Wilbur, SRA Director Inyo, Mono and Kern Counties, Bakersfield.

as they wanted to but I would have to guard state employees and state property."

M-9 page 126— MIXTER: "Do you know whether this group of pickets were employees of any organization such as the Workers Alliance, the CIO or the UCAPAWA?" TUCKER: "They carried banners of the Workers Alliance, the UCAPAWA, and CIO "

M-3 page 96— WATSON: "Have you been around any of these strikes or groups where they have tried to take people off of jobs by telling them that they could get relief if they could get off of the job?" STOKES: "No, I never was around any strikes, I don't believe in strikes." WATSON: "In any of these meetings have you heard them tell them that?" STOKES: "Yes, many of them."

M-6 page 124— O'NEIL: "Well, as a farmer, I would say that we would like very much to have our labor left to work out their problems with us without interference from the Workers Alliance and the other groups in Fresno that are on relief. So far as we are concerned, we feel that our troubles would be minimized if we didn't have this outside interference."

M-6 pages 192 & 193— CARDWELL: "But these relief workers would go out in these caravans and they would try to prevail on the pickers They would tell them 'Why do you want to pick unless you get a $1 25 per hundred. If you will stop picking and join the picket line, we will see that you get on relief.' "

Further: "Most were of this particular type, that they were being investigated by an official from the State Comptroller's Office in Sacramento at that time." MIXTER: "Do you know what for?" CARDWELL: "Yes, for chiseling." MIXTER: "Chiseling on relief?" CARDWELL: "Chiseling on relief."

H-12 page 121— FISHER: "Well, there is no—I don't believe there is any question but that the Workers Alliance is a Communistically directed organization. In San Diego it is made up of known Communists. For instance, at the sit-down strike here the other day—I don't recall the date because I have since been out of town—Dan Taylor was one of the members of the sit-down strike, as was also his wife. Both of those are acknowledged Communists, and are members of the Workers Alliance. There are a great many other known Communists who are members of that organization."

M-9-126—A. I. Tucker, farmer, Arvin, Kern County.
M-3-96—Charles Stokes, former WPA employee, Modesto.
M-6-124—Jack E. O'Neil, farmer, Fresno.
M-6-192—J. H. Cardwell, farmer, Fresno
H-12-121—George W. Fisher, Attorney, San Diego.

H-12 page 142— NELSON: "Well, I am by inclination and training a social worker, and I don't believe a trade union has any place in social service, and I don't believe a pressure group can accomplish any given end that could not be achieved by legitimate methods of negotiation." HOUSER: "You think they are a pressure group?" NELSON: "Definitely so."

H-12 page 156— PHILLIPS: "Well, it may be and I wouldn't be surprised but what it has been caused—some of it, at least, by pressure by the Workers Alliance. Now, it is a very common thing for a budget to come to my desk—my office, rather, and the worker say, 'Now, the Workers Alliance is in on this, this will have to go through.' That is rather, you might say, a big stick kept in reserve, and that case is supposed to get preference. Now that, I don't think, can be traced to any individual in the organization, that is just a general feeling."

M-6 page 221— SCHMEISER: "You will notice in reading over those affidavits there that both Ben Clay and Homer Key were offered work at agricultural rates and refused to work and yet they took the lead in the CIO picket line and endeavored to stop people who were willing to work from working and induced them to go out on the picket lines." WAGY: "Are they on the relief rolls?" SCHMEISER: "They were on the relief rolls, apparently, at the time; yes, sir."

A Workers Alliance official keeps his word.

H-6 page 60— Riverside, April 23, 1940— HOUSER: "Are you a member of the Workers Alliance?" JONES: "Yes; I am Chairman of the Beaumont and Banning Local."

H-6 page 63— Continuing: O'DAY: "How long have you been on relief?" JONES: "Off and on for perhaps five years."

H-6 page 82— Further: HOUSER: "I am informed by an official of the Workers Alliance in Los Angeles County that all your Los Angeles County officials and all state officers are paid jointly by the Workers Alliance and the Communist party. For example, one of your officers in Los Angeles County, according to the statement given to me, —and I believe it is true, is paid $20 a week by the Workers Alliance and $30 as a member of and organizer of the Communist party." JONES: "No, I don't. If I ever find out the organization is connected with communism in any form I will have nothing more to do with it."

H-12-142—Allen W. Nelson, SRA Case Worker, San Diego.
H-12-156—James H. Phillips, SRA employee, San Diego.
M-6-221—R. F. Schmeiser, farmer, Fresno.
H-6-63—James F. Jones, former Workers' Alliance leader. Beaumont.

From the Herald of Banning Monday, May 6, 1940, page 1, columns 6 & 7—

"Banning, Calif, May 4, 1940.

"Editor Banning Record:

"Some time ago when I appeared before the legislative sub-committee in Riverside as a witness, I was asked by the chairman if there was any Communist in the Workers Alliance, to which question I answered that there was none that I knew of. I also stated that if I found my organization was dominated by Communists I would offer my resignation to the local immediately. I also stated to the committee that I had refused to accept an application for membership of a confessed Communist in our local.

"At last night's meeting one of our members stated that he read in the papers that our state president had admitted he was a Communist. Immediately two visiting members from the Hemet and San Jacinto local, both officers of their organization, took the floor and said they would back our state chairman even if he was a Communist, and both took me to task for refusing to accept a confessed Communist into our local, and threatened to bring charges against me for doing so, and when our member stated that our local should go on record against Communism and ask our State President to resign, these two members became very angry and raved for almost an hour, calling my attention to the article in the Los Angeles Times which quoted me as saying that the Legislature did a good job in the economy legislation which was contrary to the Workers Alliance and its set-up.

"When these two gentlemen had finished their Communist argument I was fully convinced that I was chairman of a Communist organization and offered my resignation to the local, effective immediately, just as I promised the legislative sub-committee I would when I learned the truth. My resignation was accepted, and I am no longer chairman of this organization, neither am I a member any more, as I also turned in my membership book and union button.

"I hope my many friends will forgive me for getting mixed up with this Un-American organization, and I want to apologize to the Hon. Senator John Phillips and Nelson S. Dilworth for the strongly worded resolution adopted by our local, and a copy mailed to each one of them protesting their action in the state legislature which was signed by myself and our secretary, John R. Carter.

"I also want to go on record as being opposed to Communism and any other Un-American activity, such as the German-American Bund which Fritz Kuhn thought was safely hid behind the Christian Front until the FBI showed him up for what he really was, and I hope our Senators and Congressmen keep an eye

on all Un-American activities and foreign isms until every leader of such organizations has been brought to justice and proper punishment meted out to them.

"Foreign agents are attacking our country from every angle trying to break down our American form of government. One of these could be excessive appropriations such as was asked for by the Workers Alliance and the Olson Administration in the special session of the legislature, which would cause a breakdown in our financial structure and place a tax burden upon the people greater than they can bear.

"California is now staggering under a tremendous tax burden caused by the daily horde of migratory workers coming into California from other states, which problem is now almost too big for the State to handle.

"Yours for a government of the people, by the people, and for the people, free from any foreign isms.

"Sincerely yours,

"JAMES F. JONES,

"1235 East Williams Street."

M-7 pages 42 & 43— MIXTER: "Have you had any evidence of any so-called labor trouble?" BAKER: "Yes, I have. Well, it's the CIO, it has been organized in our county and they affiliated with them . . . and our trouble started from that source. They have affiliated with the CIO and they have organized in here and they are trying to organize the farm workers of our county."

M-9 page 143— STOCKTON: "In regard to the relief being offered to the people who go on strike, to my personal knowledge last year when they first started to picketing the place, a young man who lives in Arvin, who claimed to be Secretary of the Workers Alliance, told our pickers that if they picked cotton that they would not be allowed to get relief, even when the picking was over, but if they didn't pick cotton, that they could go directly on relief."

Numerous cases are added to relief rolls by the Workers Alliance which coaches applicants on how to answer questions asked by SRA case-workers.

H-4 page 688— MRS RETTIG: "Well, the Workers Alliance spend a great deal of time in the district office. They are in there every Monday and every Thursday in our particular office. They come in during the interviews with the clients and the case-worker at the point of qualify. They have told them all the answers, for instance, a man gets a WPA check on one day, he spends it immediately and he comes in and he brings the Workers

M-7-42—O. L. Baker, farmer, Madera.
M-9-143—Frank R. Stockton, farmer, Arvin, Kern County.
H-4-688—Mrs. Marilla Rettig, SRA employee, Pasadena.

Alliance and his receipts and the case has to be accepted because he has receipts showing what he did with it."

H-12 page 28— MRS DALEY: "Do you mean you know more about the set-up of relief than the director?" WAHLENMEIER: "Not necessarily, but very often we know quite a lot about the rules as they apply to our relief clients, their contact with the client himself. It is no reflection on the director if he doesn't know every little detail because after all directors are not social workers. And, we have the manual in regard to relief, and before we go down there we have more time to put in on the case than the social workers have."

H-1 page 96— HOUSER: "You called our attention today, Mr. Reese, that within the last few days some of your district directors and social service case-supervisors and I guess some of your case-aides and case-workers have been advising people not to pay rent. Is that their own advice or did that go out from headquarters?" REESE: "Well, I think you are perhaps a bit confused with the Workers Alliance." HOUSER: "I wouldn't be surprised." REESE: "I believe the Workers Alliance is quoted as having recommended to the relief clients that they not pay their rent."

H-11 page 18— GIGLIOTTI: "I have felt that EROS were being issued on occasions just because of demands and pressure being brought to bear and the plea made that people were destitute, whereas I felt that they were not."

M-6 page 174— MYER: "Lillian Monroe was able to issue an order on a piece of paper to the SRA and those individuals got relief There is a question in my mind, it has been there for some time, wondering what means or power or pressure that individual had."

H-2 page 204— WILSON: "For instance there was a case only recently out in Hollywood which a family by the name of Speakus asked for relief. The worker on the case decided that the party did not have—There was a letter accompanying the application, apparently, signed by the official of the Workers Alliance insisting that the client was eligible. The case-aide took it to her supervisor. Her supervisor said, 'Oh, My God. Better pass it because we don't want any trouble with the Workers Alliance.' The case-aide was still not satisfied and

H-12-28—Vernon Wahlenmeier, Workers' Alliance leader, San Diego.
H-1-96—James B. Reese, Administrative Assistant to SRA Administrator, Los Angeles.
H-11-18—Frank G. Gigliotti, former member State Welfare Board, San Diego.
M-6-174—Albert L. Myer, Justice of the Peace, Firebaugh, Fresno County.
H-2-204—A. M. Wilson, Paymaster, State Controller's office, Los Angeles.

took it to the social service supervisor of the district, and that social service supervisor OKed it. The case was ultimately turned down by finance, but I don't believe until after there had been some assistance rendered in the case. It has happened not once, but many times in the entire set-up. You'll probably find that a good part of the 7½ per cent of your ineligibles are included in your Workers Alliance membership."

Continuing: "There was another case of Workers Alliance organizer in northern California who was removed from the relief rolls when an investigator discovered that he was drawing considerably more than $100 a month as an organizer from his union."

Relief recipients pay part of dole to keep membership in Workers Alliance.

H-12 page 24— O'DAY: "How much a month do the members pay in the Workers Alliance?" WAHLENMEIER: "Thirty-five cents." O'DAY: "Thirty-five cents. And you have a thousand members here. What happens to that money, about $350 a month, isn't it?" WAHLENMEIER: "Well, there is a division of that money that goes to the—from the local to the county, from the county to the state, and the national office, all get a per capita." O'DAY: "Do you know what the division is?" WAHLENMEIER: "Approximately, the local gets—let's see, the county office gets 22 cents out of that." O'DAY: "Yes." WAHLENMEIER: "And the state office gets 11 cents out of it, and the national—I don't know what the breakdown is there."

W-11 page 183— MISS DOUGLAS: "Well, of course, we objected professionally to a man with Mr. Frye's background of support of that particular radical group going in where there was contact in the homes of relief clients, and where there was an increase in the budget. He is untrained, too, he is unqualified professionally and by experience." WOLLENBERG: "You said that he was a friend of the Workers Alliance." MISS DOUGLAS: "He has been very active. He was at one time their secretary or president, I am not sure which."

M-1 pages 106 & 107— MIXTER: "Had you had any previous experience or background in this type of work?" NABOISEK: "No, sir." MIXTER: "What had been your business prior to engaging in your present position?" NABOISEK: "Just prior to being employed by the SRA I was a member of the Workers Alliance of Alameda County, and I was employed by them at a small salary monthly on a full time basis." WATSON:

H-12-24—Vernon Wahlenmeier, Workers' Alliance leader, San Diego.
W-11-183—Miss Helen Douglas, nutrition worker, San Francisco.
M-1-106—Herbert Naboisek, SRA Supervisor, Stockton.

"In what capacity?" NABOISEK: "I was secretary." MIXTER: "Do you know the publication called the 'People's World'?" NABOISEK: "Yes, sir." MIXTER: "Have you ever solicited subscriptions to that publication?" NABOISEK: "I have asked several people to subscribe." MIXTER: "Your answer is 'Yes'?" NABOISEK: "I say yes, I have."

M-1 page 221— MIXTER: "Is there any, or has there been any, person or persons on relief staying at your home as a lodger or boarder or roomer?" COON: "Yes, one of my closest friends with whom I have been associated within the past five years was living with me at the time he was employed on the SRA and is still living with me, but he is unemployed" WATSON: "Is this gentleman who lives at your house a member of the Workers Alliance? He is, is he not?" COON: "I believe so." WATSON: "One of the leaders?" COON: "Yes, sir."

M-10 page 157— WATSON: "Is the CIO and the Workers Alliance very closely connected, do they work together?" PENNEBAKER: "I understand that the Workers Alliance is an affiliate of the CIO and they do work very close together. That has been our observation here that they do work close together." WATSON: "Do you feel that the SRA office here has been working with the Workers Alliance and the CIO?" PENNEBAKER: "I feel that the Workers Alliance has been subsidized to a certain extent, those members of the Workers Alliance have been subsidized to a certain extent in their activities through relief payments, and otherwise, I mean this, that they are getting relief payments and can carry on this work at no expense to themselves, they appear not to have any responsibilities or obligations to meet, and feel that their living is being taken care of, and they do put in a considerable amount of time on this sort of thing."

M-10 page 119— MIXTER: "Is it your feeling that the representatives of this Workers Alliance group were doing this deliberately with an ulterior motive to undermine the organization, an ulterior motive of undermining the organized effort of the district to furnish decent and reasonable labor to people who needed it?" OLIVER: "Yes." MIXTER: "You are convinced of that?" OLIVER: "Yes, there was only about four of those men that caused all of this trouble out there."

M-10 page 260— GREER: "Well, I participated in that strike myself, and the one that told me about that, I was a member of the Workers Alliance at that time, and so they

M-1-221—Boyd W. Coon, SRA Case-worker, Stockton.
M-10-157—Carl E. Pennebaker, farmer, Exeter, Tulare County.
M-10-119—R. B. Oliver, Chairman, Board of Supervisors, Tulare County, Dinuba, Tulare County.
M-10-260—E. R. Greer, farm worker, Tulare.

called me, the leaders called me and gave me instructions. I made three trips in the field myself to these farms and called out the workers on three different farms. I was instructed to go out there and call the people, call them off the farms and tell them to come in there, they had places for them to live and to get a dollar for picking cotton, wanted to raise this cotton to a dollar and a dollar and a half a hundred for picking, so I made three trips into the field and that is what I told them. That was my instructions from the leaders."

Further:
M-10 pages 264 & 265—

WATSON: "Well, these pickers that you went out to see, was there any of those quit and came in?" GREER: "Four out of one field." WATSON: "Did you tell them they could get on relief if they would quit?" GREER: "I did." WATSON: "Well, did those four get on relief, on the relief roll that came in?" GREER: "Yes, they did." WATSON: "Did the Workers Alliance help them get on the roll?" GREER: "I was instructed to send them to the SRA office and there was a committee there." WATSON: "A committee there to see that they got on relief?" GREER: "That was my instructions." WATSON: "Do you know how soon after this strike they did get on the relief roll?" GREER: "That same day, I suppose, because they got a check the next payday." WATSON: "Were you asked or demanded to go, by the Workers Alliance, and pull this strike out there?" GREER: "I was asked to, yes, sir, by the Workers Alliance, and CIO affiliates."

Y-1 pages 165, 166, 167, 168 & 169—

CHAIRMAN YORTY: "Did everybody go through that procedure?" FULLER: "No." YORTY: "Well, which people didn't go through that procedure?" FULLER: "Workers Alliance members and Unemployed Council members." YORTY: "Unemployed Council and Workers Alliance How were they handled?" FULLER: "They called up, and the appointments were made for them." YORTY: "Well, suppose there were 50 people waiting there with these regular appointment slips or numbers and somebody came in with one of these Workers Alliance or Unemployed council slips, then what happened?" FULLER: "These people took preference over them." YORTY: "And yet, they were all just applying for relief?" FULLER: "Yes." YORTY: "Well, now, were you given any special instructions as to the handling of the Workers Alliance and Unemployed Council applicants?" FULLER: "The instructions I received lots of times were to bring them right in immediately after the hours of closing. Sometimes on Satur-

Y-1-165—Harold Wright Fuller, former SRA employee, Oakland.

days, sometimes after two o'clock." Yorty: "The appointment was made by the Workers Alliance, though?" FULLER: "Yes." YORTY: "Or by this Unemployed Council?" FULLER: "Yes" YORTY: "Now, were there any occasions while you were there where people were waiting in line to apply, where they were forced to wait longer because of these slips that others had?" FULLER: "Every week; many days they had to." YORTY: "You mean, some people waited days?" FULLER: "Some people were there from nine in the morning till five in the afternoon to get an appointment the next day or the day after. Instead of getting Friday's appointment, they were lucky to get one by Monday or Tuesday. Sometimes it would be six or eight or ten or twelve or fifteen of these come in. Those people got all the appointments." YORTY: "Well, now are there any marks on these Form 5's that could distinguish between these clients, whether they came from the Workers Alliance or Unemployed Council, whether they didn't have any such person to recommend them?" FULLER: "Yes; lots of times there was a cross put up in this corner." YORTY: "Will you look at those and see if they have that mark?" FULLER: "(Examining papers) This one has Unemployed Council, UC; the other one is WC, Workers Alliance." YORTY: "And you are referring to those crosses up in the upper right-hand corner with the initials WC and UC?" FULLER: "Yes, sir." YORTY: "That is the way these people were picked out so that a qualifier or anybody else could tell where they came from?" FULLER: "Yes, sir." YORTY: "To your knowledge, were these people whose Form 5's had that mark on put on relief any quicker than the others?" FULLER: "Oh, yes. They were bound to get the qualifying appointments ahead of other people; that meant an extra day or two, a

Further:

nice two or three days." "Lots of them were treated like honored guests." YORTY: "What would happen if you didn't let one of them right in?" FULLER: "The door closed at two o'clock, and pretty soon they would call up—call the office to show so and so in from the Unemployed Council or the Workers Alliance. Other people couldn't get in." YORTY: "Now, were you ever asked to join the CIO union, the SCMWA, by any one when you were employed at SRA?" FULLER: "Yes, sir. By dozens of people." YORTY: "Were you approached during office hours?" FULLER: "Yes." "I should say a half dozen times." YORTY: "Did you have any difficulty keeping order at any time among those who were applying for relief?" FULLER: "Plenty" YORTY: "What was the nature of your difficulty?" FULLER: "Well, the difficulty was there were drunkards."

SECTION 7

POLITICS IN RELIEF

Politics permeates the SRA and is an important factor in contributing to its inefficiency and extravagance.

H-2 pages 230 & 231— WILSON: "There have been different kinds of politics in SRA. There has been Republican politics, Democratic politics, new philosophy politics, just as well as you might say group politics, personal politics within groups. Under the Republican administration from my observation the politics was held to a minimum. It was used, if any, in the administrative heads. And a good many of the people on the administrative payroll under the heads of departments were actually taken from the relief rolls. I know that in our own department there are three or four that were taken from the relief rolls. However, since the advent of the new administration there has been a definite tendency to replace some of the holdovers with party workers."

H-12 page 4— HOUSER: "Do you think the governor was involved in this playing of politics?" WAHLENMEIER: "I think he was. If he hadn't been he would have ordered the relief administrator not to cut the budgets until the money run out."

H-2 pages 265, 266 & 267— PHILLIPS: "You mean to say that after the new administration came in, the new administration checked the political registration." MRS. KREINBRING: "Yes. I believe that was done in May of this year. Well, I presume they checked my registration and found out what it was. In fact, I filed an application in the state office, and I was told because of the political set-up and because they had checked my registration I couldn't get the position." PHILLIPS: "Who told you that?" MRS. KREINBRING: "The message was sent to me by Mr. Chambers." PHILLIPS: "Directly from him?" MRS. KREINBRING: "Yes."

H-3 pages 488 & 489— HOUSER: "I noticed a moment ago in your testimony a statement to the effect that a good many of the personnel now was serving for purposes other than good service along social service lines. Do you want to enlarge on that?" MRS. COPLAND: "Yes. I feel very seriously that the people that have been replaced by people for purely political purposes, not because of their qualifications or their training, or their general experience qualifies them for the position but because for political purposes they were put in the positions

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H-2-230—A. M. Wilson, Paymaster, State Controller's office, Los Angeles.
H-12-4—Vernon Wahlenmeier, Workers Alliance leader, San Diego.
H-2-265—Mrs. Christine Kreinbring, former SRA employee, Pasadena.
H-3-488—Mrs. Bernice G. Copland, former SRA Supervisor, Los Angeles

that they now hold. I think that explains the situation more than anything else for the present conditions in the relief administration."

H-12 page 86— HOUSER: "You have been in the State Relief Administration for a long time. Have you noticed as much political bias as in this particular case? Has it ever entered into the picture before?" MRS. TILLER: "No, it has never entered into the picture before, in any of the times that I have become employed by the State Relief Administration, and I have had three re-employments, as it were, with the administration."

H-4 page 692— HOUSER: "Well, have there been any replacements of capable employees by political appointees to your knowledge?" MRS. RETTIG: "Oh, yes, I think, that has been very true all along the line. For instance, my own demotion was certainly done according to no standards of personnel that had ever been set before."

H-10 pages 34 & 35 HOUSER: "The appointments that have been made—are they political?" MRS. WORCESTER: "In a sense they are all political appointments. Mr. Roe made the statement he would not appoint anyone who was not a Democrat. When I sent in the list I was interested in the qualifications. I presume those rejected probably were not Democrats."

H-6 page 26— BERKOWITZ: "The campaign was on in California, I got very busy on that. I quit the WPA and took part in the campaign." HOUSER: "Whose campaign?" BERKOWITZ: "Governor Olson's." HOUSER: "How long were you active in the campaign?" BERKOWITZ: "From the 1st of September until after election was over in November." HOUSER: "What did you do?" BERKOWITZ: "I was one of the campaign committee for the Democratic party appointed by the central committee, and had charge of all literature in the whole county—distributing it."

Further: HOUSER: "What were the outstanding principles of
M-3 page 2— Governor Olson's program?" BERKOWITZ: "I don't know anything outstanding that their plank meant more than any other." HOUSER: "Do you remember any particular plank?" BERKOWITZ: "I didn't read the literature—I did the distributing."

M-3 page 2— KOSTER: "I applied, I don't know what the date was, and I was sponsored—I shouldn't say 'Sponsored,'—I had recommendations of Senator Garrison of this county, Mr. Hugh Donnelly and also the

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H-12-86—Miss Dorothy Tiller, SRA employee, San Diego.
H-4-692—Mrs. Marilla Rettig, SRA Case Worker, Pasadena.
H-10-34—Mrs. Daisy Lee Worcester, SRA employee, San Diego.
H-6-26—Charles Berkowitz, SRA Director, Riverside County, Riverside.
M-3-2—Edwin Koster, SRA Director, Stanislaus County, Modesto.

Democratic Central Committee." MIXTER: "What previous capacity have you occupied?" KOSTER: "On April 6th I was placed in the Stockton office." MIXTER: "Last year?" Koster: "Last year." MIXTER: "1939?" KOSTER: "And I took this training there for about 10 weeks. On June 15th I was placed in the Modesto office as placement officer."

H-11 page 3— HOUSER: "Were you demoted on Mr. Roe's appointment?" MISS COUTS: "Yes, I was demoted to Grade 1 Supervisor. I was demoted still further." HOUSER: "How many demotions have you had?" MISS COUTS: "In August, 1939, I was acting director. I was demoted to Grade 1 supervisor; from there I was demoted to case-worker" HOUSER: "When was the last demotion?" MISS COUTS: "The end of last week. I questioned my seniority rating. I was told that my seniority rating as grade 1 was only so much, whereas my seniority rating as a case-worker was more; if I cared to put in an application as a case-worker, he would like to have it in writing." HOUSER: "Were you reappointed?" MISS COUTS: "Yes, as a case-worker. It took effect last week."

W-11 page 199— MISS DOUGLAS: "Another experience which brings out the fact that political endorsement was necessary, when we were closing the project, we had a number of very excellent clerical workers, girls who definitely needed their jobs, and the job was gone as far as the project was concerned, so I sent them down to the Personnel Office at 1000 Geary, suggesting that they apply for a job. In every instance those girls were told that they would have to get the endorsement of two people in the political group, preferably their Democratic assemblyman and one other."

W-1 page 64— PHILLIPS: "Apparently Mr. Ballou had something to do with the selection for men for camps?" SPEARES: "Every one of these ex-army men,—veterans, who have been assigned, all tell the same story, that they got their jobs through Mr. Ballou, and Mr. Sullivan who seems very close to Mr. Ballou, —Mr. Sullivan at the present time is a work camp superintendent under Mr. Smiley, who is the base camp superintendent at Camp Natoma, and he is very active in veterans' and political work. In fact, he advised me that I had better join this Democratic Veterans' Action Committee if I wanted to retain my job,—I guess he was right, because I didn't retain it."

H-11-3—Sarah A. Couts, SRA employee, San Diego.
W-11-199—Miss Helen Douglas, nutrition worker, San Francisco
W-1-64—Willard Speares, former SRA Camp Superintendent, Oakland.

W-9 page 38— LORE: "You don't know who the master mind behind Alexander's appointment was, do you?" COOLEY: "Well, I don't know, but, of course, I know this: That Walter Ballou and C. C. Alexander were close friends. They were together in WPA and Alexander reported directly to Ballou and boasted of his friendship with him. There wasn't any doubt in my mind that Alexander was Ballou."

W-9 page 11— COOLEY: "I was not allowed to make an appointment in San Francisco County without the approval of Alexander or Ballou.

W-9 page 14— COOLEY: "It was known Alexander was here controlling appointments on a political basis."

Further: P-8 pages 497 & 498— POULSON: "What does Mr. Ballou do in the SRA?" CHAMBERS. "At what period? Now?" POULSON: "In the last year or so." CHAMBERS: "He was definitely an employee of the Relief Administration up until the day I was appointed." POULSON: "What day was that?" CHAMBERS: "August 14th." POULSON: "Well, Mr. Ballou has some calls here in October and November of 1939; one of them is $7.90, another is $8.50, $6 80, and $13.40." DEUEL: "He was not an employee?" CHAMBERS: "He made the calls and charged them to us?" POULSON: "He called Estell. What does Mr. Estell do?" CHAMBERS: "At that time he was in the personnel department." POULSON: "$7.90. He called Mosher, $8.50; he called Miller, $6.80 in San Francisco, and then he called him when he went to Los Angeles and that was $13.40." PHILLIPS: "Do you think there is anything significant in the fact that he only called people who are in the personnel department?" CHAMBERS: "Has he made any lately?" POULSON: "We don't have these lately." CHAMBERS: "I don't think you will find it. POULSON: "They are all personnel men, aren't they?" CHAMBERS: "Yes—no, Mosher was operations—at that time I think he was. Was he in operation? Yes, he was in the operations department."

W-16 pages 218 & 219— WOLLENBERG: "Now, you were telling, I believe, about a man who came into the camp, by the name of Mr. Garoutte." SPEARES: "Yes, Mr. Garoutte replaced Mr. Farrington. He was sent in as assistant superintendent at $85.00 a month. He brought a letter from Mr. Wakefield, Supervisor of Camps, saying I was to put him to work immediately upon arrival,

W-9-38—Edwin J. Cooley, SRA Director, San Francisco County, San Francisco.

P-8-497—Walter Chambers, SRA Administrator, Los Angeles

and his pay was to start,—I don't recall exactly, I think the first day of October. In questioning Mr. Garoutte, I had to know exactly how much experience he had, so I would know how much confidence to place in him, and what duties to turn over to him, and I asked where he had worked before in camps, and he told me he had not worked before in camps, that he had organized the Veterans Democratic Action Committee and that they had promised him a job for the good work which he had done, and he was told to report to Mr. Walter Ballou in the Governor's office in Sacramento, and Mr. Ballou had given him this position. I asked him if he had any experience in handling men at all. He said only in the Army; he was a non-commissioned officer in the Army, and he was told to report he had a lot of experience and he was to say he was trained, and eventually he was to get a camp. Mr. Garoutte, within two days after his arrival in camp, informed me he had received a message from Mr. Ballou, of the Governor's office, and Mr. Ballou wanted him to do some political work for him, and he would have to be excused for the time it would take to handle the job. . . Mr. Garoutte was gone on an average, I would say, of four days out of each week, working for the Governor's office."

W-11 page 177— MISS DOUGLAS: "He (Cub Porter) sent word out to me that they were very apt to make a political appointment out there and that I should get all the local Democratic backing that I could get, and get it very quickly."

Further:
W-11 page 188— FIELD: "Now, you say that in October and November of 1939 you noticed a change of political pressure being put on the Bureau?" MISS DOUGLAS: "Very definitely."

H-9 page 225— HOUSER: "But you think in spite of the fact that you had no previous experience with a position of this kind and in spite of the fact that you had endorsement of five or six members of the County Central Committee, which I presume consists of eight——" CALLIS: "No, I had that later on. It didn't mean anything anyway." HOUSER: "In spite of those facts, you don't think your appointment was political in nature?" CALLIS: "Well, I suppose it was. Yes." HOUSER: "Did you take any part in the Olson campaign?" CALLIS: "Yes."

H-7 pages 70 & 71— HOUSER: "What did they mean when they said you were politically unacceptable?" FITZER: "I don't

W-11-177—Miss Helen Douglas, nutrition worker, San Francisco.
H-9-225—Ted C. Callis, SRA employee, Ventura.
H-7-70—William F. Fitzer, SRA Director, San Bernardino County, San Bernardino.

know." HOUSER: "You must have some idea." FITZER: "Well, at that time I had had no one pressing me for appointments, for instance. Individuals had come to me and said, 'I am a good Democrat and I backed the Governor' but no organization or no person politically powerful at that time had attempted to influence me to appoint anybody." HOUSER: "They have since that time?" FITZER: "Yes."

W-3 page 19— WOLLENBERG: "For what period of time were you employed in the SRA in Santa Cruz County?" MRS. MACQUIDDY: "From March 1, 1937, until November 28, 1939." WOLLENBERG: "And during that period you were County Director the entire time?" MRS. MACQUIDDY: "I was County Director the entire time."

W-3 pages 30 & 31— Further: FIELD: "When did you sever your connections?" MRS. MACQUIDDY: "You mean, from the SRA? It was November, 1939." WOLLENBERG: "At the time of your severance of your connections, was it a voluntary resignation on your part?" MRS. MACQUIDDY: "I wouldn't call it exactly voluntary. I was asked to accept a transfer to Monterey County to take a position as a Grade Two supervisor in charge of the other supervisors. Since I was told the thing was political I simply resigned in protest of the politics." WOLLENBERG: "What were the circumstances that led up to that?" MRS. MACQUIDDY: "If I can start from the beginning, I think, I can qualify it. About last April when the time came to reduce because the case load was falling, the Field Representative came and said the procedure would be changed though I would continue to be responsible for the work of the people in the office. If I wanted to release anyone I would have to get approval from the State office." FIELD: "Who was the Field Representative?" MRS. MACQUIDDY: "Mrs. Irene Leeper. So I was suspicious that the thing was political and it didn't seem administratively very strong. I asked her, but she was evasive. About two weeks later at the conference of the social workers I talked with a friend of mine who was a District Administrative Supervisor in San Francisco and she asked me if I had had difficulty in releasing people. * * *"

W-3 page 32— Further: WOLLENBERG: "That was when the conference was held?" MRS. MACQUIDDY: "Yes, on the 19th of May. Dewey Anderson called in all of the county directors, he said we needn't pull our punches, we could ask anything—we could ask about policy and procedure.

W-3-19—Mrs Elizabeth Wilson MacQuiddy, former SRA Director, Santa Cruz County, Aptos.

So in the course of the discussion I asked why if we were responsible for the work of the people we had been denied the right to dismiss. He seemed embarrassed and he evaded and he said it was a difficult question to answer, but in two or three weeks he could answer it. And when the meeting was over he came up to me and said, 'You asked me a hard question.' He said,—I remember his exact words, and I am sure his exact words were, 'You are particularly obtuse politically, if you know what that means.' He went on rather frankly and said, used a generality, that certain forces or some group—something like that, wanted to turn the SRA into a complete spoils system. He said he was fighting the thing and that if he couldn't stop it he would resign and if he did resign that would be the only reason and then I would know the answer to my question."

Even health must yield to politics! !

W-11 page 192— LINDNER: "The entire panel that was presented to me was made up of Democrats We had no choice in the matter. I had the choice of picking the good men from the Democrats, and I insisted very strenuously that I would not be a party to any of the business unless I could pick the men I wanted "

Attempts to "pressure" members of the Legislature have been made by SRA employees.

H-13 page 10— KUCHEL "Since I returned to Orange County, Mr. Platt, some of the people that live here in the county tell me that this was prepared, that is, this statement, mimeographed statement, for the purpose of the record, which opposes the return of the administration of relief to the counties—" PLATT: "Uh huh." KUCHEL: "—and which then goes on to allege that the members of the State Assembly from Orange County are working for certain special interests and the like, were prepared in the SRA headquarters. That statement was made to me in Sacramento." PLATT: "I made a statement up there that I didn't know where they were printed." KUCHEL: "Yes." PLATT: "And that's still true, but when I got back I found out that they were printed in our office."

H-13 pages 74 & 75— HOUSER: "What else of the State's did you use in your campaign against Mr. Kuchel and Mr. Watson?" GERHART: "Nothing else that I know of." HOUSER: "All right. Time, yes. When did you do this work?" GERHART: "We were sending out,

W-11-192—Dr. Harold H. Lindner, Medical Advisor, Public Health Department, San Francisco.
H-13-10—Lawrence Platt, SRA Director, Orange County, Santa Ana.
H-13-74—Harry S. Gerhart, SRA Case Worker, Santa Ana.

handling various publicity material although that was primarily under Mr. Vissman and I assisted him to some extent though not a great deal, but——" HOUSER: "During your working hours, though, wasn't it?" GERHART: "Yes, that was part of the working hours from the publicity department. Public relations of the State as handled as a department of the State Relief Administration at that time." HOUSER: "So you think it was well within your functions to use State material and State time in order to promote a campaign against members of the Legislature with whom you disagree" GERHART: "Well, the ethics of that may be questionable, although in the heat of battle why it seemed to be a good thing to do at the time."

H-13 page 14— KUCHEL: "Now, prior to the enactment of the 'Little Hatch Act', did you ever suggest to the various employees at that branch of the government of the SRA in Orange County, 'Write or wire to their Assemblymen,' insisting on the——" PLATT: "We got instructions from the State Office to do that" KUCHEL: "And who particularly asked you to do that?" PLATT: "The head of the Community Relations Department Mr. Johnson, I think, they sent over here for that."

H-3 page 571— MRS. COPLAND: "I also wanted to make some statements about the belief of most of the workers in the SRA against politics in relief. They think it would be a terrific shame to let the organization be broken down—by a—completely broken down and demoralized by the importation of people who know nothing about public welfare. That is why the workers in the relief administration have been putting up such a fight against the dismissal of people on flimsy grounds, and have been trying for years to get a decent personnel policy in the SRA even before this administration."

P-8 pages 432 & 433— PHILLIPS: "Is Mr. Kehoe still in the employ of the SRA?" CHAMBERS: "Yes." PHILLIPS: "Is Mr. Kehoe still the President of the Young Democrats?" CHAMBERS: "I requested that knowledge this morning from Mr. Kehoe, and I discovered that he still is." PHILLIPS: "He still is? Have you read Senate Bill 81?" CHAMBERS: "I have, and up to ten days ago we had no interpretation from the Attorney General. On the receipt of that interpretation from the Attorney General, advices were given to those who held positions of that nature that they had their choice of resigning from their position or the State Relief Administration. Mr. Kehoe was told that this

H-3-571—Mrs. Bernice G. Copland, former SRA Supervisor, Los Angeles.

morning." HOUSER: "Mr Chairman? You say, Mr. Chambers, you sent out instructions within the last few days that they have either to resign from the State Relief Administration or from the political activity?" CHAMBERS "That is true." HOUSER: "Let me ask you, Mr. Chambers, don't you think being President of the Young Democrats is taking an active part in politics?" CHAMBERS "Absolutely, I do I don't think there is any argument on that. I told Mr. Kehoe so over the telephone"

The Public Relations Section, abolished by the Legislature, turns up again in the guise of "Field Agent," assigned to all committees and hearings.

W-2 pages 96, 97 & 98— FIELD: "Mrs. Wyckoff, I don't want to interrogate you at all; I just think that we should establish, shall I say, your position with us. With that in mind, I will ask you, are you an employee of the SRA?" MRS. WYCKOFF: "Yes." FIELD: "In what capacity?" MRS. WYCKOFF: "I am field agent from the Administrator's office" FIELD: "How long have you been an employee of the SRA?" MRS. WYCKOFF· "Thirteen months." FIELD: "As a field agent?" MRS. WYCKOFF: "No. I was formerly in the division of community relations,—I was the original director."

Further: FIELD: "Are you employed out of the Los Angeles office?" MRS. WYCKOFF: "No, I was employed in San Francisco." FIELD: "How long have you been a field agent?" MRS. WYCKOFF: "Two weeks." FIELD: "What duties do you have as a field agent?" MRS. WYCKOFF: "I have been assigned to this committee, to follow you around and point any matter out to the Administrator he should answer or any questions that you may have; to give you any documents; to make available everything to you that we can." SENATOR TICKLE· "In other words, it is more feasible and mobile than packing around dictagraphs." FIELD: "I must admit I admire this way much better." LORE: "You have some other duties in connection with your position other than the duties you mention, which are just temporary,—you have more permanent duties in other work?" MRS. WYCKOFF: "Yes, that is right." TICKLE: "Is this, in a sense, a vacation for you?" MRS. WYCKOFF: "It is very pleasant."

Continuing: FIELD: "You said you were assigned by the Administrator to furnish him with any information which might be of benefit to him in the administration of

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W-2-96—Mrs. R. Florence Wyckoff, SRA Field Agent, San Francisco.

relief—" MRS. WYCKOFF: "Or benefit to you." FIELD: "Yes. Could you briefly outline what that may be, what information you might be able to pass on to the Administrator?" Mrs. WYCKOFF: "Where situations arise where the local individuals in the counties don't have the full story of what happens to certain cases, I send to the State office for the information, so we can have it to give the complete picture. For instance, today in that man's paycheck—the answer is obviously in the State office. This county office can't know what it is and the social service field representative, normally she would be the person to do that. We have abolished the whole staff, so I am sort of acting as a temporary go-between."

H-4 page 599 & 600— HOUSER: "Well, I think the committee would be interested in knowing your personal appraisal of Walter Chambers as far as his ability to run the State Relief Administration is concerned. We would like to get your opinion on that." KELLY: "Well, of course, I am not in a position to give that kind of an opinion. I can give you the opinion of the Executive Committee. They have gone on record in that resolution as asking for his removal." HOUSER: "So that the only reasons for Walter Chambers' removal in the opinion of you and your Executive Committee were that he had left too many Republicans in positions in the State Relief Administration which you thought should be held by Democrats." KELLY: "Because they were sabotaging the program, yes."

W-6 pages 8 & 9— BURNETT: "I met a man down there by the name of Fogg. He is on the State committee, Democratic Committee in Los Angeles, and he hold me he was paying in two per cent of his salary to some political fund in Los Angeles, and he says all of the new appointees are doing that." WOLLENBERG: "They ask you to do it?" BURNETT: "Not directly, anyhow." He said "It is a good idea." He said "Every Democrat should do it." WOLLENBERG: "Did you ever see any letters or correspondence on that subject?" BURNETT: "I saw a letter Mr. Morris Lee had, signed by some San Francisco political worker who had authorized him to collect contributions. WOLLENBERG: "Do you know where that letter could be obtained?" BURNETT: "Unless Mr. Morris Lee has it, I don't." WOLLENBERG: "Is he in San Francisco?" BURNETT: "He is in Los Angeles. He showed me that letter. Mr. Morris Lee

H-4-599—Bernard J. Kelly, Deputy Director of Motor Vehicles, Los Angeles (Chairman Democratic County Central Committee, Los Angeles County.)
W-6-8—Edward V. Burnett, former SRA employee, San Francisco.

had been there five months and Mr. Fogg had been there five months, and they were retained, whereas I was there twenty-one months, and they let me go, and other people who were there two or three years were let go. And these were—well, the politicos—is the term the people term them down there—they were retained."

H-12 pages 52 & 53— MRS. WORCESTER: "And, I had another experience after that, which was pretty much of a shock, too, when a campaign worker came into our office and said he had worked in New York in campaigns, and in New York when you work for Tammany Hall you got paid on the dotted line; and, Mr. Roe refused to pay him, and told him he would pay him when he got in the relief administration. This man made demands on me which I couldn't meet according to our rules and regulations; and, when one of our social workers visited the family he stated that he got five hundred signatures for Mr. Roe——"

Further: H-12 page 53— HOUSER: "This same man told you that?" MRS. WORCESTER: "Yes—told one of our social workers. He demanded an emergency relief order which I couldn't give him because he had his check, and Mr. Roe who also has the right to sign a relief order signed it and the man got his check."

The creation of many new positions to "take care of" political appointees has greatly increased SRA payrolls.

H-3 pages 564 & 565— MRS. JERGINS: "I think that the job of district director is entirely superfluous. The district offices were run competently by the district-directors, that is, the trained professional social-workers before the district directors were important and could be run efficiently again; that is the joint running of them by the office managers and the district case supervisors. It's an entirely superfluous position and it's just an expense to the taxpayers." HOUSER: "What do you think they were appointed for originally?" MRS. JERGINS: "I think to build a political machine." HOUSER: "By who? By Governor Olson?" MRS. JERGINS: "The Democratic party; some of them belong to one faction and some to another, so probably part of the party could be built up by some and part by others."

H-3 page 527— MARY STANTON: "We told the Governor that if he wished to restore morale that we knew that the program was not succeeding because the morale of the

H-12-52—Mrs. Daisy Lee Worcester, SRA employee, San Diego.
H-3-564—Mrs. Virginia Jergins, SRA employee, Rosemead.
H-3-527—Mary Stanton, Executive Secretary, Los Angeles County Social Aide, Los Angeles.

State Relief Administration had been shattered, the people were not working, that the quickest way to do it would be to employ a qualified professional public welfare administrator as the assistant to Mr. Anderson, and to give that person the authority which the State Relief Administrator, and the State Relief Administration could develop sound public welfare policies, and to carry on with a qualified public welfare staff. He stated that he would not do that, that he was having pressure brought to bear upon him from all of the Districts in the State because they were not getting appointments that they had anticipated, and secondly he said he would not appoint such persons, and that we could expect immediately from fifty to sixty political appointments in the social welfare department under the SRA."

Senate Journal, Jan. 30, 1940, pages 34-41— Resignation of Dr. H. Dewey Anderson, dated August 14, 1939: "The most serious of all problems, however, and the one which makes necessary this resignation, is my refusal to accede to certain demands made upon me to play partisan politics with the administration of the SRA" Further, "It is my profound conviction that the introduction of the political spoils system into the SRA will have far-reaching damaging effects on Federal co-operation and assistance, to the great detriment of the people needing relief, and resulting in greater financial burden for the State." Also, "The spoils system has already entered the State Relief Administration, and is particularly noticeable in a jockeying for positions and a frantic attempt on the part of old employees to retain their jobs"

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "The lessened efficiency is attributed by them to these major conditions: (1) the indefinite, uncertain, constantly changing SRA policy; (2) personal bickerings and jealousies among the personnel due to factional discord between the "liberals" and the "conservatives" within the organization; (3) pressure groups within SRA which try to and too often succeed in dominating personnel and in dictating policy; (4) "political" and "pressure" groups which obtain dismissals and name replacements without consideration of merit, experience or qualification."

SECTION 8

SUBVERSIVE ACTIVITIES

Radical SRA employees have used their positions to spread subversive doctrines among other employees and among the recipients of relief. Communists and fellow-travelers have received little discouragement from the State Administration.

Senate Journal, Jan. 30, 1940, pages 41-52— Report by Edwin N. Atherton and Associates on State Relief Administration: "'A victim of subversive activity and union pressure, the SRA has lost efficiency and effectiveness.'"

Further: "'The Executive Council is composed of powerful CIO leaders, representatives of the Communist Party, and presidents of local chapters of CIO and SCMWA. At these meetings, instead of discussion and effort being put forth to improve working conditions of the workers, time is spent in determining to whom telegrams and letters should be sent regarding any bills in any way affecting the Communist Party, either in the State Legislature or Congress.' 'Every indication of these council meetings is that the objectives of the Communist Party and the interests of the Union are first.'"

H-2 page 235— WILSON: "Now, it is no longer a question of partisan politics, gentlemen, at all, it is a question of whether or not we are going to permit people within the State Relief Administration to tear down the ideals of American Democracy under this guise of freedom of speech and call it a form of political belief in which they are entitled not to express their opinion."

Further: "As a consequence you have very few people who are now in the heads of the departments who believe in the American philosophy and you have quite a few who believe in the totalitarian philosophy. That is what I mean by your relaxation of vigilance"

H-2 page 15— BROWN. "Regardless of the ability to pay by the taxpayers." WAHLENMEIER: "Well, you are talking in terms of human misery versus ability to pay. I think as long as there is any dollars left in California that there is an ability to pay." BROWN: "If it took all the dollars, why, they should take them? Is that correct?" WAHLENMEIER: "If it will avoid human suffering. Would you say that with all of the industries that we have here in California that just because it is going to take away some of their profits to feed the unemployed that the unemployed should go hungry, when the land and every-

H-2-235—A. M. Wilson, Paymaster, State Controller's office, Los Angeles.
H-2-15—Vernon Wahlenmeier, Workers' Alliance leader, San Diego.

thing belong to them to start with—I mean belong to the people?''

Further:
H-12 page 121— ''Well, there is no—I don't believe there is any question but that the Workers Alliance is a Communistically directed organization. In San Diego it is made up of known Communists. For instance, at the sit-down strike here the other day—I don't recall the date because I have since been out of town—Dan Taylor was one of the members of the sit-down strike, as was also his wife. Both of those are acknowledged Communists, and are members of the Workers Alliance. There are a great many other known Communists who are members of that organization.''

M-10 pages 283 & 284— MIXTER: ''Did your investigation, Mr. Combs, reveal any cooperation between the Communist party of Tulare County and the activities of the Workers Alliance, so far as administration of relief is concerned?'' COMBS: ''Unquestionably.'' MIXTER: ''Could you cite any instance or instances of that concerning which you have factual knowledge?'' COMBS: ''We have proof I think that can not be successfully controverted, both from our own investigators who were at that time members of the Communist party, and from other persons who were members of the Workers Alliance executive committee to the effect that all of the officers of the Workers Alliance were required to be members of the Communist party, and I think we still have some of those affidavits that were not used during the Yorty Committee hearing. We also have an affidavit from a communist by the name of Ledweiss, William T. Ledweiss who was a state Communist organizer and who attended a meeting in Stockton in August of 1936. The meeting was also attended, and I will produce the papers, the editor of the Communist newspaper which is now the People's World, and at that time I believe was called the Daily Worker. At that meeting, according to the affidavit of Mr. Ledweiss, it was stated that the Communists should join the Democratic party in as large a group as possible and that by January 1st, 1940 through the Workers Alliance, the Communist party would have political control of the State Relief Administration. That affidavit can be made available for your committee, if you wish ''

H-9 page 254— HOUSER: ''How long have you been Chairman of the Grievance Committee?'' PINNEY: ''Well, I think it was something like three or four years ago, it might have been a little longer, just something about that time.'' HOUSER: ''Well, you were a registered Com-

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M-10-283—R. E. Combs, Attorney, Visalia, Tulare County.
H-9-254—John H. Pinney, Workers' Alliance member, Santa Barbara.

munist up until very recently, weren't you?" PINNEY: "Yes, until I went into the Democratic Party."

Y-1 pages 139 & 140— ASSEMBLYMAN YORTY: "Was there any discussion at that time as to the strategy of the Communist Party and its work within the Democratic Party?" MORTON: "Yes, there was. At that time I was a member of the Socialist group. They needed me there as—well, I would call it the spy system. Their strategy is to get as many political members in all the parties and undermine the Government. There are as many Communists in the Republican Party as in the Democratic and Socialist Parties. When I suggested that I leave the Socialist Party and become a full-fledged Communist they said, 'No; you stay in the Socialist Party and let us know what is going on.' I didn't like that stuff. It ended up in a fist fight there in Berkeley one night that involved about fourteen Trotskyites, including Jack London's daughter Joanne; I read a scandal about it in the papers this morning. After that I got out of the Socialist Party."

M-10 page 222— MIXTER: "During your operations as a newspaper man, have you had occasion to carry on any investigation as to subversive activities and control within the SRA and other similar state organizations?" UHL: "I have." MIXTER: "What is your conclusion?" UHL: "My conclusions were that if the SRA in Tulare County is not under the absolute control of the CIO and similar affiliates, similar organizations, I should say perhaps, if not in absolute control, then there is a very definite coercion at times and a certain amount of control, and basing that partly on a meeting which I attended in the SRA building of the CIO where various activities of the CIO in connection with their efforts in the SRA were discussed."

M-9 page 85— WILBUR: "Mr. Hicks was the head of the CIO, and Loretta Adams, who represents the Workers Alliance—" WATSON: "(Interrupting) And the Communist Party?" WILBUR: "And the Communist Party, yes, were more or less leaders in the demonstration."

M-9 pages 115 & 116— CAMP: "Including the individuals who are usually the leaders in that particular thing and have been over a number of years and the same radicals, including and headed locally by one Loretta Adams, the one registered Communist in Kern County at the present time. She and her lieutenants have been the guiding

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Y-1-139—Don Morton, writer and newspaperman, Oakland
M-10-222—Kenneth Uhl, newspaperman and rancher, Visalia, Tulare County.
M-9-85—Albert G. Wilbur, SRA Director, Inyo, Mono, Kern Counties, Bakersfield.
M-9-115—W. B. Camp, farmer, Bakersfield.

light in all of the labor difficulties that have occurred on the ranches in Kern County during the past two and a half years or two or more years." MIXTER: "You believe that all of the labor difficulties in agriculture in Kern County during the past two or two and a half years have been directly traceable to the efforts of this person whom you mentioned and others similarly engaged in fomenting trouble and all of them were members of or definitely in sympathy with and directed by the Communist Party?" CAMP: "Yes" WATSON: "Do you feel there is any need for any more migratory camps in this valley?" CAMP: "You mean Federal Migrant Camps?" WATSON: "Yes." CAMP: "No, I think they are distinctly a disturbing factor for the labor themselves and have done no one any permanent good" WATSON: "Have you heard, of these people who live in these migrant camps, if they hold subversive meetings in these camps to promote these strikes? Aren't meetings held inside of these camps, some of them?" CAMP: "Definitely so, yes." WATSON: "And many of these folks who foment the trouble live there and at the present time—if not today, then a few weeks ago—one Loretta Adams was employed there as a kind of overseer?" CAMP: "As a kind of timekeeper." WATSON: "Some kind of a timekeeper?" CAMP: "I don't know, but whatever her title is, we know what she is there for and what she is doing while living there"

M-7 page 44— MIXTER: "If I understand you correctly, the general people, some of the people who might have otherwise gone into employment remained on relief?" BAKER: "Sure, and boasted of the fact." WATSON: "I wanted to ask you, at any time did the Workers Alliance induce these people to leave their jobs and go on relief?" BAKER: "They was induced from some source. Of course, I've got to tend to my business, and I don't know whether it was the CIO or the Workers Alliance or who, but they been out to my camp and they also threatened my workers if they would go out and work for the prices that were paid, that they would wreck their car and burn their cabins and also that they'd kill me"

H-10 page 26— ROE: "The Workers Betterment League comes in and says they are all Communists; the Workers Protective say the same thing." HOUSER: "Do you feel that some members of the SCMWA are members of the Communist party?" ROE: "Yes. There are two absolutely known and I think there are some more; at least

M-7-44—O. L Baker, farmer, Madera.
H-10-26—William B. Roe, SRA Director, San Diego County, San Diego.

one of them occupies a position of prominence in the SRA."

W-11 page 119— GERAGHTY: "Well, I looked up to see who were known Communists, and on this list I found two names." WOLLENBERG: "That were registered, you mean?" GERAGHTY: "As Communists." WOLLENBERG: "You mean, registered politically?" GERAGHTY: "Registered politically as Communists. One was Dr L. R. French, and the other was Mario Casaroli."

W-11 page 182— MISS DOUGLAS: "The project is running under the general supervision of WPA, and WPA put Mr. Percy Frye in as supervisor, and Mr. Percy Frye has all the Workers Alliance support and, Labor's Non-Partisan League."

Further:
W-11 page 183— "Well, of course, we objected professionally to a man with Mr. Frye's background of support of that particular radical group going in where there was contact in the homes of relief clients, and where there was an increase in the budget."

H-2 page 290— WILSON: "Only when stirred up by agitators and galled by red propaganda does any appreciable part of them (recipients) get the 'world owes me a living' complex, and there is a lot of that red propaganda delivered at every pay station and every depot almost every payday or every gathering day."

Y-2 page 138— ASSEMBLYMAN TENNEY: "Was it generally known among the people in this community and in the SRA office that the Workers Alliance and SCMWA and Laborers Non-partisan League were Communist controlled organizations?" MRS. HUBER: "I'm afraid the people didn't realize it as a whole. The laymen didn't." TENNEY: "How about the employees of the SRA office?" MRS HUBER: "We knew it."

SECTION 9

COUNTY ADMINISTRATION

Payment of relief to the unemployed must be continued until reemployment has been accomplished. To continue relief, every economy must be made and inequities which have developed under the SRA must be eliminated. No plan has demonstrated that it can function as economically as has a plan of local supervision, under State direction.

W-11-119—T. P. Geraghty, SRA Executive Secretary, Board of Personnel Standard and Appeals, San Francisco.
W-11-182—Miss Helen Douglas, nutrition worker, San Francisco.
H-2-290—A. M. Wilson, Paymaster, State Controller's office, Los Angeles.
Y-2-138—Mrs Adele Huber, SRA Case Worker, Visalia, Tulare County.

W-2 pages 57 & 58— LEACH: "There were 109,000 SRA clients; they had to divide up the money among those clients, taking the average per case which was estimated at $36 at that time—$36 by 109,000 should bring you well under the mark of $4,000,000 allowed for the month of March, Mr. Lore, just by simple arithmetic in its simplest form, after allowing for camps, the commodities, and administration, and that is the basis why I believe the forty per cent cut was not necessary."

W-14 page 7— BLAKE: "Well, we closed over 300 cases around the first of April. About half of them were due to the effects of Senate Bill 81."

W-14 page 46— MRS. LYTLE: "Well, I would say that my own immediate experience is that there probably has been some lessening of eligibility. However, I think we have certainly tightened up on eligibility as the result of Senate Bill 81."

H-1 pages 18 & 19— REESE: "Fortunately we have never had a fixed manual until the recent Legislature practically wrote us one in the Senate Bill 81. The Legislature has defined eligibility to such a point that our manual is practically obsolete."

H-5 page 2— GRIER: "I think we all feel that your Legislature at the special session did a very fine job under the circumstances with the Senate Bill 81. I think events have subsequently absolutely upheld you in your contention that was a sufficient appropriation and not necessary to cut budgets because now we know the budget cuts that were made are being reinstated."

H-9 pages 90 & 91— PREISKER: "But during this month when 12,000 were supposedly cut off their relief checks, of course, with the change it didn't amount to that much, and although we set up $5,000 with the expectation there might be a rush and they probably would use it up within a week or two weeks anyhow, they have actually worked out during this month $897 worth of the $5,000."

P-1 page 318— LANE: "I would like to pass on to you gentlemen what I attribute to your action as a very noticeable and direct result: The fact that these transients now—the workers convey to me that they are anxious—not only

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W-2-57—W H. Leach, Welfare Director Monterey County, Salinas
W-14-7—Frank J. Blake, SRA Director Santa Clara County, Santa Clara.
W-14-46—Myrtle C. Lytle, SRA Social Service Supervisor, San Jose.
H-1-18—James B. Reese, Administrative Assistant to SRA Administrator, Los Angeles.
H-5-2—C. E. Grier, Chairman Board of Supervisors, San Bernardino County, Upland.
H-9-90—C. L. Preisker, Chairman Board of Supervisors, Santa Barbara County, Santa Barbara.
P-1-318—George Lane, SRA Supervisor, Los Angeles.

ready, willing and able, but anxious to go (back to their home states), which is just the contrary of what has been the policy in the past."

H-13 page 39— PLATT: "Well, we had 116 people when this bill went into effect and the cut came and we have, now, fifty-six people."

H-6 page 50— BERKOWITZ: "When I took office in September the percentage was 59.4 increase over the year previous. There has been a consistent drop until it was 17 per cent last time I saw it, about a week ago." HOUSER: "After the Legislature passed Senate Bill 81?" BERKOWITZ: "Yes. Our peak season is the first of March. There is a definite decline in this county."

H-12 page 2— WAHLENMEIER: "To start with, the budgets were slashed 40% and persons couldn't meet their bills on that budget slash. And, the Workers Alliance, being an organization of the unemployed, called upon by the unemployed to try to do something about it. Any way that we could figure this budget slash we couldn't justify it. I don't think that the 40% cut was necessary, especially at the time that it was made."

W-14 pages 46 & 47— WOLLENBERG: "That there was a decided lessening or relaxing of eligibility rules in the early part of 1939?" MRS. LYTLE: "Yes, sir." WOLLENBERG: "And a tightening up again since the passing of Senate Bill 81, is that your feeling?" MRS. LYTLE: "Yes, sir." LORE: "Was there any tightening up prior to the enactment of Senate Bill 81, or do you think that the relaxation continued from early in 1939 until its passage?" MRS. LYTLE: "Do you mean, did the relaxation continue to relax?" LORE: "Put it that way." WOLLENBERG: "Or stay relaxed?" MRS. LYTLE: "Or stay relaxed, or what?" LORE: "What did happen, in your opinion?" MRS. LYTLE: "Well, I think we were given the very definite impression, in the early part of 1939, that the rigid following of rules of eligibility was not to be as rigid, and that we were to relax our rules of eligibility and give service to clients in many instances when the actual need, or the actual need for relief was not always there. However, I do not think that was true in this county, and it has not been true since I came to this county."

H-13-39—Lawrence Platt, SRA Director, Orange County, Santa Ana.
H-6-50—Charles Berkowitz, SRA Director, Riverside County, Riverside.
H-12-2—Vernon Wahlenmeier, Workers' Alliance leader. San Diego.

M-7 page 88— STONE: "At the present time there is a very interesting thing going on that I learned about a little while ago, that Mr. McWilliams of the Division of Immigration, of Housing, is gathering information for the SRA on aliens in the State of California, for the purpose of proving their, they are legally in the United States. Now, what I can't see, just exactly, where the authority comes for a thing of that kind. There are reported to be in the employ of the Division of Immigration and Housing four individuals who are known agitators."

P-1 page 245— PALOMARES: "I think we all draw our own conclusions. I have tried to compare the SRA set-up, for instance, with the county Now, I never have to supplement a county case. If anything happens to the case, that is, you might say is on the border line, I can get on the 'phone or drop up to the county office and in five minutes we will have the thing settled; but with the SRA for instance, I can go over to any one of the boys over there and talk to them, well, they have got to write to Los Angeles, or teletype them, then we have to wait until it comes back and in the meantime our problem is still on our hands. I have asked them 'What would you do in a community where you didn't have a Chest or a private agency to alleviate the situation or take up this slack?' I have often wondered. They said they just couldn't do anything. I am of the opinion that if we put the SRA on the same basis as you have orphan aid and blind aid, old-age security, and handle it through the counties that you are going to effect economy and also efficiency."

M-1 page 148— MIXTER: "Do you believe the administration of relief is handled efficiently in the several counties of the state?" STUART: "You mean the entire program?" MIXTER: "Yes" STUART: "On a decentralized basis" MIXTER: "Including that which is now being handled under the SRA?" STUART: "I believe that it could be handled efficiently by the counties under state supervision." MIXTER: "And financed by the state?" STUART. "Financed by the state." MIXTER: "Do you believe that there would be a savings effected in the administration of relief in that manner which should result in either benefit, added benefit, to the relief recipient or in the reduction of the relief load generally?" STUART: "Both."

M-7-88—Dr. Lee A. Stone, Health Officer, Madera County, Madera.
P-5-16—Fred K. Hoehler, Director American Public Welfare Association, Chicago.
P-1-245—Frank J. Palomares, Manager, Agricultural Labor Bureau, Fresno.
M-1-148—C. A. Stuart, Superintendent, Welfare Department, San Joaquin County, Stockton.

W-11 page 242— McLAUGHLIN: "I think the administration should lie in the welfare departments of the counties, as at present for the administration of the Social Security program."

H-9 page 62— FUNDERBURGH: "I would see no objection to county administration, were there a state wide, uniform, policy, so far as eligibility is concerned and administration."

H-9 pages 92 & 93— PREISKER: "In other words, my opinion is that if it is returned to the counties and the relief is apportioned between the county and the state, the county should participate clear to the top." HOUSER: "In other words, you would integrate the program and then apportion it in the same manner that the categorical aids are apportioned today. I don't mean on the same percentage basis but on some percentage basis where the county would contribute, say, $10 and the state $10." PREISKER: "Yes, either fifty-fifty or a forty-sixty, or a thirty-five-sixty-five, some basis like that."

M-4 pages 94 & 95— WYMAN: "I am a very strong believer in local administration and local participation by the people who are in the locality. I believe that it wouldn't make any difference if you had the most efficient SRA setup in the country and the most efficient county welfare department, there would still be a wastage in the duplication, because you can see where we have an aged mother getting old age security and she has an unemployed son age 25, we have two case-workers, one from the county and one from the SRA going out to visit that family. There is a duplication of case workers, of stenographic work, of traveling time and traveling pay, and all the way through there is duplication and even if both of them are very efficient, you have got that thing to consider. I think that if we had local administration administered under the Board of Supervisors with a strong State central supervision similar to what we have under the categorical aids and under the supervision of the State Department of Social Welfare, where the budgets are set up by the State and there is a leeway which could be taken care of corresponding to the needs of that particular locality, then we would be sure of the right kind of personnel, that the aid would be administered similarly all over the

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W-11-242—Frank Y. McLaughlin, Director Public Welfare Department, City and County of San Francisco.

H-9-62—Isaac Vernon Funderburgh, SRA Acting Director, Santa Barbara County, Santa Barbara.

H-9-92—C. L. Preisker, Chairman, Board of Supervisors, Santa Barbara County, Santa Barbara.

M-4-94—George K. Wyman, Director Welfare Department, Merced County, Merced.

State, but that you would take into account the differences in each vicinity and then your taxpaying groups, the farm bureaus, the granges the chambers of commerce, would be able to appear before the Board of Supervisors as they do now in the cases of county welfare departments, and protest certain expenditures which they might think are unwarranted or acceptive. But as it is now, there is no recourse for them in connection with a State-wide organization."

M-3 page 75— WAGY. "Do you think if the administration of relief was turned back to your county here that you could still furnish work projects to take care of those needing relief?" CROWELL: "I think we have got it lined up, we could take care of them for three years, sawing wood. The people that have the land gave us the wood if we clear it off for them"

M-2 pages 40 & 41— HODGE: "I have made the statement with the cooperation of our board that while we don't solicit this return, we feel that it means a lot of grief and a lot of work, but our board is in this condition where we feel that if the legislature in their wisdom finds that it is right and proper to return it to the counties in order to save money, we are willing to accept the responsibility." WAGY: "Only this: Do you think that would apply all over the state pretty well?" HODGE: "I do, Mr. Wagy." WAGY: "You think, then, that the counties could handle it by putting on relief projects at a less cost to the taxpayer than is now costing?" HODGE: "I do." WAGY: "With the added results of benefits from the work done." HODGE: "Yes." WAGY: "And with the further added advantage of maintaining the morale of the people" HODGE: "Absolutely."

W-2 page 31— JACOBSEN: "Well, we supervisors have not been soliciting return to the counties because it would create quite a bit of additional work, but I would say this candidly, if Monterey County handled the Administration of relief the way it handled the administration under our welfare department, if that would be any criterion of how it would be handled throughout the state, if it did come back to the counties, I feel we would make a better job of it than they are doing with the present State Relief Administration. I believe it would be more efficient and savings in both state and county overhead."

M-3-75—Charles C. Crowell, Chairman, Board of Supervisors, Stanislaus County, Turlock.

M-2-40—Ernest H. Hodge, Chairman, Board of Supervisors, Tuolumne County, Tuolumne.

W-2-31—A. B Jacobsen, Chairman, Board of Supervisors, Monterey County, Pacific Grove.

W-2 pages 37 & 38— LEACH: "Our unemployment relief work has faded out but we still have the machinery. If relief was returned to the County, probably the only change in this county would be to hang out a sign 'Emergency Relief Division, County Welfare Department'. The public welfare executives presented a plan to Ralph Jenny, now a judge, and a very fine man, and Jenny reported that he thought relief should be turned back to the counties."

H-6 page 92— WARNER: "I think it could be administered more economically by the counties, they being closer to the people and knowing what their wants and needs are."

M-7 pages 3 & 5— SCOTT. "December of 1936, the Board of Supervisors entered into an agreement with the State Relief Administration, whereby the County Welfare Director was to act as agent for the State Relief Administration. That was carried on until a week ago yesterday. March twenty-fifth, 1940." MIXTER: "During this period, you functioned then, in the capacity as Acting Director for SRA in Madera County and also as the Director of Welfare for Madera County?" SCOTT: "Yes" MIXTER: "Would you be in a position to say whether or not this new arrangement was satisfactory to the Board of Supervisors, or would you rather send the Board to speak for itself?" SCOTT: "I would say this, that the Board send a resolution to the State Relief Administration, to Mr. Chambers, to the Governor, and to those interested that they would rather that the co-ordinating program remained as it was, and no change be made."

M-3 page 61— WAGY: "Your grand jury seems to have gone into this matter pretty thoroughly. Have they suggested any remedy?" CAPPS: "Well, they suggested the turning of the relief proposition back to the county where it could be more efficiently and economically handled. That is their judgment and what they based their calculations on, our investigation."

P-5 pages 22 & 23— PHILLIPS: "Do you believe that in any other state a similarly complicated situation exists and in which they have the difficulties that we are facing in this state?" HOEHLER: "Of course I am a local administration man. I believe that this job has got to be done where people work and where people live, and so far as possible the controls for administration ought to be on the local level. There ought to be some state supervision

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W-2-37—W. H. Leach, Welfare Director, Monterey County, Salinas.
H-6-92—Willis H. Warner, Supervisor, Orange County, Huntington Beach.
M-7-3—H M. Scott, Director, Welfare Department, Madera County, Madera.
M-3-61—C. E. Capps, farmer, Salida, Stanislaus County.
P-5-22—Fred K. Hoehler, Director American Public Welfare Association, Chicago.

so as to keep your local organization in line with other organizations, and so that the state would have control to a degree of the money which is being spent, but I don't believe that politics is any worse on the state level than it is down at the local level. If you had your state supervising and acting as a check on the local communities, the chances are you would reduce politics to a minimum, and that is what has got to happen if these programs are to do anything for the people."

W-16 page 162— THOMPSON. "The testimony both of the last administrator and the previous administrator is both to the effect, before Mr. Lore's committee, I think, that it is about 72% out of the dollar—72 to 74¢." WOLLENBERG: "That went to the relief recipient?" THOMPSON: "Went to the relief recipient. And about 15 to 18¢—say 18—in branch office set-up, and some 6 on other administrative purposes. Mr. Lore probably would remember that better than I do." WOLLENBERG: "In your county relief the recipient receives how much out of every dollar appropriated for the—" THOMPSON: "On this last month there would be a difference on that figure, or almost 94¢, 93¢ and a fraction."

P-6 pages 53, 54, 55, 56 & 57— NIELSEN: "We found in one county that the administrative cost charged to that particular county, although the county SRA office was in an adjoining county, the administrative cost was $159 with one person on relief, and they paid that individual $17. Another county paid out $1700 and the administrative cost was $1400, in October, 1939." MAYO: "Solano County. In June 1939 they paid out $1779.30 and it cost $1439.51 administrative overhead."

Further: "In Glen County, in June, 1939, they had 17 cases and they had five employees. That is one employee for every 3½ cases. They paid out $382.91 for relief and it cost them $346.77 to pay it out. That is nearly 90 per cent there."

Continuing: "June, 1939, Colusa County had 34 cases. They paid out $482 and it cost them $434 to pay it out. In Butte County they paid out $10,000 and it cost $3,000 to administer it. In Marin County they had 129 cases, 9 employees, and they paid out $3700 and it cost $1100 to pay it out. In Yolo County they paid out $6,000 and it cost approximately $2,000 to pay it out. In Solano County there were 93 cases and 10 employees. They paid out $1779.30 and it cost them $1439.51 to pay it out. In Calaveras County they paid out $840.52 and it cost them $500.95 to pay it out. In Tehama

W-16-162—S. H. Thompson, Director of Charities, Alameda County, Oakland.

County, for instance, they had in the four categorical aids for February, 1940, 690 cases and they paid out $24,000. The administrative cost was $423 for the $24,000 and they had four employees. In Calaveras County they had 338 cases, of the four categorical aids and there were two employees—this is in the county office—and they paid out for the year $124,000 at an administrative cost of $3,000. In Marin County, for the month of March, 1940, they had 1037 cases of the four categorical aids, and they paid out $32,856 with an administrative overhead of $1800. That is representative of what we found in those counties with three and four people handling as many as 1,000 cases in the four categorical aids—around 2½ per cent to 3 per cent.

Further: "Sonoma County, as of March, 1940, had 442 case loads, SRA and the total amount paid to the recipients was $12,222.29. They had 22 employees. Their administrative cost was $3,058.92. The County of Sonoma, handling old age security, blind, children's aid, indigents, for the month of March had 2587 cases, expended $92,811.80 at an administrative cost of approximately 2½ per cent. I believe the administrative cost of Sonoma County SRA is about 43 per cent, if my figures are correct. That is an example of many of the counties through which we traveled. I just grabbed that one at random."

SECTION 10

THE HOEHLER STATEMENT

(Perhaps no more important hearing was conducted by the committee than the one in San Francisco on April 24th at which Mr. Fred K. Hoehler of Chicago, Director of the American Public Welfare Association, appeared. In addition to giving a comprehensive statement on "the relief problem," Mr. Hoehler answered questions of the committee in a round-table discussion. The committee would prefer to include the complete transcript of the hearing in this report, but because of its length there follows only a part. The complete record of the hearing is to be found in P-5 of the transcript.)

MR. HOEHLER: If there is any one item which has appeared in the newspapers about California more frequently than another, it is the situation in SRA. The more conservative newspapers have used it as a critical attack on relief and public assistance by saying, "Here relief is thrown into politics."

I have followed that up and I found out some of the actual circumstances. I am not going to discuss that, but I do want to be helpful to you and pull out of my experience those things that might be useful.

I was interested in the discussion here before the hearing started on the single man, and, off hand, with the reservation that I may want to change it after I listen to more discussion about your local situation, I think the Senator is right; the unsettled person, the person without domicile in any of your counties, or the single person who is not

located in a home of his own, becomes pretty much of a State problem, largely because the housing of those people in homes in the County would be extremely costly, to set up a home or a domicile for each individual. That would be just impossible to finance in the counties.

STATE RELIEF CAMPS FOR SINGLE MEN

If it is a State problem, there ought to be some responsibility for the State to make decisions as to the character of people who would be accepted in the camps. I hesitate to suggest that you go into camps that would be in the nature of a concentration camp, such as some of us have seen in Europe. Therefore, to make this mandatory on the individual to go to a camp is a little bit difficult. It ought to be handled through persuasion and discussion, but if it is made mandatory it would put California in the position of being criticized as setting up a concentration camp if it was mandatory in your legislation. If every person who had a single status and no home would be required to enter one of those camps—and I throw this out as a caution—it would be misinterpreted.

The camps should be set up for single men, if you are going to do it that way, with the understanding that those people who are responsible for administration would see to it that as many of those single men be sent to those camps for work projects, or treatment, if necessary, as possible.

Now, the Hoode Gibson Camp may be a camp that is necessary in this State for taking care of people who are called "unemployable," whether they are unemployable or not, because they don't fit into any existing jobs.

CHAIRMAN PHILLIPS: They are rheumatic cases, arthritic cases, and there are baths and warm springs at Camp Gibson.

MR. HOEHLER: There is a camp that needs institutional management, it does not need work management, and there should be on hand somebody who has practical nursing experience to look after that. I had not known about the Hoode Gibson camp and I am not qualified to talk about it, but I think the suggestion made by the Senator of State-run camps is the right line of thought.

The question as to who should decide who goes to the camps is another matter. If—and I am stating a hypothesis here—if you decide to turn the general relief program back to the counties with State supervision then I think it is necessary * * *

UNSETTLED PERSONS IN OTHER STATES

About single people or unsettled people; in New York State, which I will discuss first, where you have a situation that is fairly comparable to your own State here, the counties take care of these people, all of the single and unsettled people. They take care of them in homes, they take care of them by arranging for boarding them out if they are single men not eligible for old age assistance, and the State then reimburses the County for the people who have no domicile or who are unsettled in the County but are State residents. The State pays for it by reimbursement to the counties. Then if the person happens to be a resident of any other state, the State takes the responsi-

bility, the State Social Welfare Department, of seeing that that person is moved back to their own state.

Now, of course, their problem of non-residents is about three per cent of their total case load. Yours would be a much larger percentage.

Now, to get to a discussion of handling SRA in various states, in the State of Ohio there is an extremely complicated system of handling the general relief program. The township trustees are responsible, the cities are responsible, and the counties are responsible, so you have a situation that is even more complicated than what you have here. It is not shown up as much because you don't have the thing centralized in one place where the attacks will be directed, because you have them scattered over something like 1300 different units. Of course that is a situation that must be corrected, and I have been in conference with the Governor there and others about the need for it, because they see the need. It is a question of getting the proper legislation.

The State of Ohio provides some money for general relief. That money is given to the counties or to the cities on the basis of a percentage allotment, and the counties and the cities then make up the difference themselves.

DISTRIBUTION OF RELIEF COSTS

CHAIRMAN PHILLIPS: How is the percentage derived? You say it is on a percentage allotment?

MR HOEHLER: It is 40/60, 40 per cent from the State and 60 per cent from the county, or it might be 50/50. That is a matter of administrative discussion. The township trustees take care of their so-called pauper poor out of the money which they raise in taxation and they get no assistance from the State.

CHAIRMAN PHILLIPS: Those are our indigents?

MR. HOEHLER: Those are your indigents. Now, in the State of Pennsylvania the State handles the entire job. There is a State Department of Public Assistance which gets State money entirely, and that money is spent in the counties for public assistance, old age assistance, or assistance to children, and for general relief.

The county organizations, however, are administered by boards of social welfare in the counties, or boards of public assistance in the counties—they call them Boards of Welfare or Boards of Assistance—those boards are appointed by the Governor. The Administrator of the County is appointed by the Board of Social Welfare in the county from lists which are made up after civil service examination. * * *

CHAIRMAN PHILLIPS: The cities and the counties pay the 60 per cent?

MR. HOEHLER: Yes, and the State pays 40 per cent.

SENATOR DEUEL: What state is that?

MR. HOEHLER: New York.

CHAIRMAN PHILLIPS: Compare that with our proposal that the State shall pay 70 or 75 per cent here.

MR HOEHLER: Well, I think that your State of California is different from the standpoint of the wealth of the counties and the tax set-up in the counties. The city of New York, the city of Buffalo, and the city of Rochester—most of those counties are fairly well off. There are only one or two impoverished counties in the State of New York,

and they are able to do a larger percentage of the job than you can do here

If the State pays 60 per cent in New York as they have done in various times in the past—the thing fluctuates depending upon what the Legislature thinks or what pressure is brought on the Legislature —if the counties pay 40 per cent they can well afford to pay that, or they can pay 60 per cent whereas here you have a number of counties that could not afford to do the job on their own, or even 40 per cent of it, because the tax basis is so limited and your tax structure is not the same as it is in New York The State has a wider range for taxation.

STATE AND COUNTY COOPERATION

The State Department of Social Welfare in New York has supervisory authority over the counties, or the cities, as the case may be. The actual administration of this money is done in the local government, but the State Department will say, "You shall have certain standards for personnel, you shall have certain standards of relief, and certain procedures," and the counties are required to keep records as set forth by the State Department and to report to the State Department on forms.

Then the State Department has authority to go into the county periodically and do what they call a case review or make spot checks of what is actually happening in the county That enables the State Department to give adequate supervision and to say to a county, "You are not doing this job," or "Two-thirds of your people are on here because of political pressure which has been brought on the county and you have got to reduce this load continually until you get to the people who are really there on the basis of need and not on the basis of political preferment or because of personal preferment "

There are instances, of course, where personal politics can play a more important part than partisan politics, so the State Department has to check on that constantly. That is what they call supervision. Supervision is merely a method by which the State will get some information from the counties as to what the counties are doing with their money If they think that the county is not expending the State's money properly, the State then can crack down on the county with its restrictions The State could even go to the point of refusing to give the county their 60 per cent or their 40 per cent, as the case may be, which the State now allocates to the counties

In that state, as I said before, if the county takes care of the unsettled person, the person without domicile, the county then requests the State for reimbursement and that becomes a State case handled by the County organization for the purpose of efficiency and economy. The State could send in a duplicating organization paralleling the county organization, but they prefer not to do that They prefer to assign responsibility to the county and then keep a rigid control on those cases for which they pay 100 per cent

I may be taking a lot for granted, and in case you don't understand, please ask questions.

SENATOR DEUEL: Doesn't that result in a great deal of controversy between the county and State authorities?

MR. HOEHLER. No. For instance, the county will send a payroll up to the State, and they will indicate that on that payroll there are 50 people in the county who are so-called State charges. The State then goes back, sends its auditors back and checks those from the standpoint of eligibility For instance, they will take out case No. 1 and they will find out why the county determined that case No. 1 was a State case, and if the auditors say that that is not a State case, that it is a county case, then the county has full responsibility for that and it is thrown out and there is no reimbursement They can do that either by a careful check of individual cases or they can do it by spot check New York prefers to do it by checking the individual cases.

Then that case is carried for a number of months, and the State will go back and make a check after, say, three months, they will check the same cases to find out whether the cases should continue to be State or county cases.

SENATOR DEUEL: Of course, you understand that in California, as I understand it, we approach the subject on a different basis.

MR HOEHLER: You say that the employable unemployed are State charges regardless of where they live, and that the indigents and unemployables are county charges.

CHAIRMAN PHILLIPS: How many states in the Union, Mr. Hoehler, have a duplication of the offices and personnel in the State and County units?

MR HOEHLER: About 15 or 20 states. That duplication sometimes is more complicated than what you experience here.

SENATOR MIXTER: You are familiar with the system used in California for raising revenue for State purposes, Mr. Hoehler?

MR HOEHLER: I think I am.

SENATOR MIXTER: It is not clear to me how revenue for operating the State Aid in New York is raised. Would you explain that?

TAXES FOR RELIEF FUNDS

CHAIRMAN PHILLIPS: Our county tax is an ad valorem tax on land, and all other taxes are used by the State. We have some thirteen or fourteen types of taxation in the State.

MR HOEHLER: The situation in New York is about the same as it is here, except that the counties are permitted—for instance, the City of New York has a special tax on sales and a cigarette tax, and some of the counties put on amusement taxes, and the cities put them on, to raise additional revenue, but for the most part it is an ad valorem property tax.

SENATOR MIXTER: For State purposes?

MR HOEHLER: For county purposes.

SENATOR MIXTER: Is there any ad valorem tax applied in the State of New York for raising State Revenue at all?

MR HOEHLER: There are excise taxes on utilities, but no property tax.

SENATOR MIXTER: Not on common property?

MR. HOEHLER: No, but there is a State income tax in the State of New York.

SENATOR DEUEL: No state sales tax?

MR HOEHLER: No.

COST OF ADMINISTERING RELIEF

SENATOR MAYO: What is the percentage of administrative overhead in the State of New York? Do you have any idea on that?

MR. HOEHLER: Yes; 13 per cent.

SENATOR PHILLIPS: What would you say in other states?

MR. HOEHLER: It is 13 per cent in New York. It is awfully hard to compare percentages because New York has a total welfare and relief budget of nearly $70,000,000, and when you get up into huge figures your percentages fall down a little bit. If other states did the job as thoroughly as New York does it from the standpoint of social workers and investigations and office equipment, the percentage might run as high as 17 to 20 per cent.

In the State of Illinois, for instance, where they have got a situation very much like yours, with a State Relief Administration operating throughout the State and paralleled by a State Welfare Department operating the categories, the percentage is 10 per cent in the State of Illinois. Now they are having extreme difficulty in making that 10 per cent do a good job, and in the city of Chicago the Governor's Commission, which was made up of business men, went into this thing and they found—they set up what they called an experimental station, in which they put the best trained people they could get, and they reduced the case load so that each worker was handling a hundred or less, and they saved $14,000 in three months. They published a report which we reprinted and sent around to the states. The title of the report was, "Adequate Service Brings Economy."

ASSEMBLYMAN LORE: That is, they ran their percentage of administrative cost up?

MR. HOEHLER: They ran it up but saved in total cost.

CHAIRMAN PHILLIPS: How much did it run it up? You said it was a ten per cent administrative cost before that; what would you say it came to, 13 or 14 per cent?

MR. HOEHLER: They ran it up to 14 per cent, but they saved $14,000 in three months. That report is available to your committee. You can wire for it. It is a business man's report. Those men decided they would get rid of social workers.

15 PER CENT ENOUGH "TO DO A GOOD JOB"

CHAIRMAN PHILLIPS: I think the interesting thing for this Committee is that we set in the bill a limitation of 15 per cent.

MR. HOEHLER: Fifteen per cent ought to enable the department to do a good job. I say that with some reservation, but on the experience in other states I would say that a program such as the one you have here could be handled on a 15 per cent administrative cost basis. Ten per cent is too low. This business man's committee requested the Legislature to remove the limitation on administrative cost and to make it a matter of administrative discretion. The Legislature chose not to do it, and they are operating under 10 per cent. In fact, in the rural districts they are operating under 8 per cent.

SENATOR DEUEL: You made the statement that these business men were determined to get rid of social workers. Did they do so?

COMPETENT WORKERS SAVE MONEY

MR HOEHLER: No, they decided that if they did so it would cost them more money. They ran this experimental station and then they had a control station in two districts, one which was handled by competent people, trained people, with a good administrator, a man with some administrative experience. They got that fellow out of one of the business houses where he was doing some personnel work, something closely allied to social work. In the other station they took away all the trained people and put in a lot of people who said, "We know how to do this because we have been helping people all our lives." The difference was just unbelievable. They did demonstrate that they needed competent people to do the job and they demonstrated that they could save money.

SENATOR DEUEL. How are these administrators appointed, by political classification or upon merit, or how?

POLITICS IN RELIEF "MOST DANGEROUS"

MR HOEHLER: For the most part that administration has been free from politics completely. Governor Horner has been importuned constantly to make political appointments in his Relief Administration, but he has said it is the most dangerous thing we can do, that anybody who has any sense, or a wise politician, will keep politics out of this thing because it has got a kick-back that will ruin any politician or anybody with political ambitions.

The same thing was discovered in the State of Pennsylvania The present Governor, Governor James, said to me, "After I looked over what my predecessor did in political manipulation in this relief program, I am determined that I am not going to commit political suicide by interfering in the administration of relief." Whether he is doing that or not is a question of opinion, and whether Governor Earle, who preceded him did or not is a question of opinion. That was the Governor's statement for public consumption.

SENATOR DEUEL: Of course, that is merely a matter of the mental attitude of the executives?

MR HOEHLER: Yes.

SENATOR DEUEL: If he wants to make political appointments there is nothing to stop him from doing so?

MR. HOEHLER: I am enough of a politician myself to recognize that . . . .

WELL TRAINED PERSONNEL AVAILABLE

MR. HOEHLER: After all, these programs are with people and the question is, what are the effects of our modern economy on people, what is done to people, what has happened to industry that so many people are out of work, and how can those people be retrained or readjusted or reoriented, or any other change in their lives that will make them more available for jobs, and in the meantime what should be our attitude toward people? Should we look on people as we do on machines, or should we look on them as people who must be able to help themselves through the operation of their mental capacities and their physical capacities, and if so, what does the meager relief allowance do

to those people. Does it make them less employable or more employable? What does an adequate relief allowance do for those people, does it keep them off from work when work is available? What is the relationship of work to the dole, if you please? That kind of study can be presented to the schools of social work today and I am confident that that is the thing that is going to be done

SENATOR DEUEL: But they are not as yet turning out any graduates under that system you have outlined there.

MR HOEHLER: You would be surprised how many people who have graduated from that type of school have changed their approach to this problem.

Now, as an administrator for one county I had about 800 different social workers, and when I handled the State job I was simply doing it temporarily and we had a number of different kinds of social workers The social workers who came to me had some knowledge and some understanding of the job that they had to do, and they learned more after they walked into our shop than they learned in the previous four years. The reason they were able to learn more after they walked into our shop was because they had some background of training, they knew how to absorb knowledge, and they knew how to change their point of view If they didn't know how to change their point of view, if they were the kind of people whose training had made them dogmatic and immobile, they soon left our organization. We had ways and means of getting rid of them because they were incompetent.

"THIS JOB" SHOULD BE DONE AT HOME

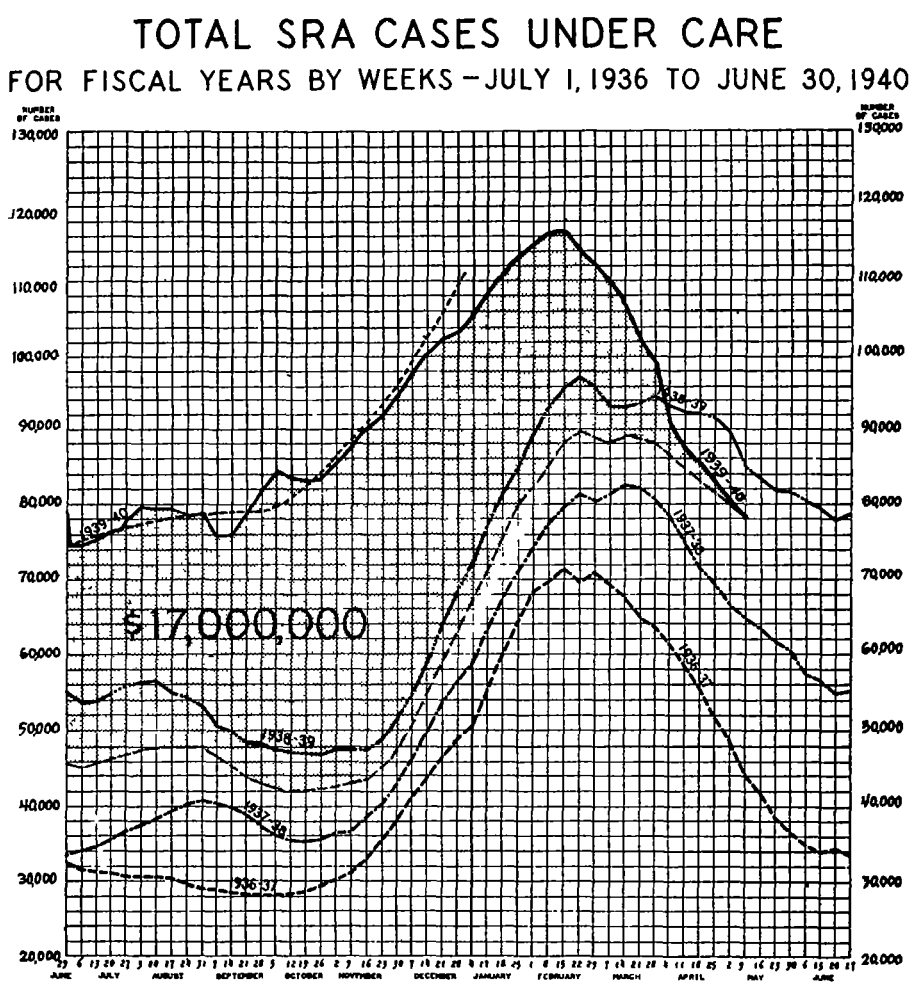
CHAIRMAN PHILLIPS It falls back really to the attitude of the State Administration and the attitude of the administrator of public welfare Now, in California we are facing this practical problem that in the session of the Legislature we passed this bill that I spoke of, and that bill waits for action now on the desk of the Assembly. That bill proposes to return the supervision of relief to the counties and it does not propose any integration of the State level, not because of a lack of interest on our part, but because of the limitations of the Governor's proclamation. Now, we believe, the majority of this Committee believes, that that is a good bill It believes that we should put the Administration of relief in the hands of the counties as the only possible way of correcting a situation which exists in this State.

Do you believe that in any other state a similarly complicated situation exists and in which they have the difficulties that we are facing in this state?

MR HOEHLER Of course I am a local administration man. I believe that this job has got to be done where people work and where people live, and so far as possible the controls for administration ought to be on the local level. There ought to be some state supervision so as to keep your local organization in line with other local organizations, and so that the state would have control to a degree of the money which is being spent, but I don't believe that politics is any worse on the state level than it is down at the local level. I was a precinct committeeman and I know something about how you are highpressured to do certain things As you know, the precinct committeeman is just about the lowest public office.

SENATOR MAYO: We don't have them here.

MR. HOEHLER: You don't have them here but you do have rotten politics. The city of Kansas City, which I come from, was just about as poorly run as any city in the country for generations. If you had your state supervising and acting as a check on the local communities, the chances are you would reduce politics to a minimum, and that is what has got to happen if these programs are to do anything for the people.



Guests Extended Privilege of Assembly Floor.

On request of the Alameda delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following named students of the University High School of Oakland Barbara Braund, Phyllis Bolte, Ken Chapman, Jeanne Covey, Pat Derrick, Pat Donald, Molly Dove, Mary Jane Downey, Shirley Healy, Marion Heller, Robin Hix, Dorothy Hogan, Annabelle Horton, Phyllis Jepsen, Eleanor Kapfenberg, Bettie Lattin, Laura Lindageaid, Jean Logan, Ellen Lynch, Lee Macdonald, Margaret Mahan, Florence Martin, Barbara Martyn, Bonnie-Jean McDonald, Jean Olsen, Jewel Pendleton, Dolores Perry, Kenneth Purchase, Genna Rhode, Betty Sanborn, Tweila Schaffer, Ruth Skogland, Robert Turpin, Mary Tuttle, Sally Whitmore and Miss Olive Stewart and Gordon Lee, instructors

On request of Mr Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Rev. Walter E Mathwig of Oakland.

On request of Mr. Gallagher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Rt Rev. Monsignor Richard Collins of San Francisco

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Jane Boicelli.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Barbara Back, Miss Mabel Bennett and Miss Barbara Huff.

Adjournment.

At twelve o'clock and forty-five minutes p.m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Assemblyman Fred Reaves, until one o'clock and thirty minutes a m., Wednesday, May 22, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY
ONE HUNDRED FIFTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, May 22, 1940.

At one o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yotty, and Mr. Speaker—75

Quorum present

Prayer.

The prayer was dispensed with, by order of the Speaker

Reading of the Journal Dispensed With.

On motion of Mr. Knight, the further reading of the Journal of Tuesday, May 21, 1940, was dispensed with

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gannon, on motion of Mr. Houser.

Mr. Gilbert, on motion of Mr. Hawkins

Second Reading of Assembly Bill.

Assembly Bill No. 140—An act to add sections 3897.4 and 3897.5 to the Political Code, and to amend section 3804 of, and to add sections 3793.5 and 3793.6 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to engrossment

Notice of Motion to Reconsider Amendment to Assembly Bill No. 66 Waived.

Mr. Bashore waived his notice of motion to reconsider the vote whereby amendments to Assembly Bill No. 66 were adopted.

Assembly Bill No. 66 ordered to reprint and engrossment.

Notice of Motion to Withdraw Assembly Bills Nos. 27, 28, 29 and 30 from Committee.

Mr. Rosenthal gave notice that on the next legislative day he would move to withdraw Assembly Bills Nos 27, 28, 29 and 30 from the Committee on Revenue and Taxation and have them placed on the calendar.

Notice of Motion to Withdraw Assembly Bills Nos. 31 and 32 from Committee.

Mr Bennett gave notice that on the next legislative day he would move to withdraw Assembly Bills Nos 31 and 32 from the Committee on Revenue and Taxation and have them placed on the calendar.

Notice of Motion to Withdraw Assembly Bill No. 33 from Committee.

Mr O'Donnell gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 33 from the Committee on Revenue and Taxation and have it placed on the calendar.

Notice of Motion to Withdraw Assembly Bill No. 34 from Committee.

Mr. Atkinson gave notice that on the next legislative day he would move to withdraw Assembly Bill No 34 from the Committee on Revenue and Taxation and have it placed on the calendar.

Reconsideration of Urgency Clause to Senate Bill No. 90.

In compliance with a notice given on the previous day, Mr. Desmond moved that the vote whereby the urgency clause to Senate Bill No. 90 was refused adoption be reconsidered.

Urgency clause to Senate Bill No. 90 reconsidered by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burson, Call, Cassidy, Clarke, Collins, Cronin, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Field, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—Bashore, and Carlson—2.

Notice of Motion to Withdraw Assembly Bill No. 12 from Committee.

Mr. O'Day gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 12 from the Committee on Revenue and Taxation and have it placed on the calendar.

Notice of Motion to Withdraw Assembly Bill No. 18 from Committee.

Mr. Collins gave notice that on the next legislative day he would move to withdraw Assembly Bill No 18 from the Committee on Revenue and Taxation and have it placed on the calendar

Third Reading of Senate Bill No. 90.

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Bill read third time.

Motion to Postpone to Time Certain.

Mr. Bashore moved that action on Senate Bill No. 90 be postponed until two o'clock and eighteen minutes a.m.

Substitute Motion to Set Senate Bill No. 90 as Special Order.

Mr. Lore moved as a substitute motion that the consideration of Senate Bill No. 90 be made a special order of business for Wednesday, May 22, 1940, at four o'clock p.m.

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

AYES—Andreas, Atkinson, Bennett, Cassidy, Collins, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Rosenthal, and Tenney—24.

NOES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Field, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—38.

The question being on the urgency clause to Senate Bill No. 90.

Urgency clause refused adoption by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Field, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—42.

NOES—Andreas, Atkinson, Bennett, Cassidy, Collins, Dills, Donnelly, Doyle, Evans, Gallagher, Gilmore, Hawkins, Kilpatrick, King, Lore, Massion, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, and Rosenthal—22.

Recess.

At two o'clock and twenty-five minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eleven o'clock a.m.

Reassembled.

At eleven o'clock a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Recess.

At eleven o'clock and forty minutes a.m., on motion of Mr. Millington, the Assembly was declared at recess until the hour of eleven o'clock and forty-five minutes a.m., to hear from Colonel Hanford McNider, former National Commander of the American Legion and former Assistant Secretary of War.

Appointment of Special Committee.

The Speaker appointed Messrs. Desmond, Millington and Burson as a committee of three to escort Colonel McNider to the rostrum.

Reassembled.

At eleven o'clock and forty-five minutes a.m., the Assembly reconvened.

Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Consideration of House Resolution No. 87.

House Resolution No. 87—Relative to amendment to Assembly Rule No. 27.

House Resolution No 87 read, and adopted by the following vote:

AYES—Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—53.

NOES—Collins—1

House Resolution No. 87.

Resolved by the Assembly of the State of California That Assembly Standing Rule No. 27 of this first extraordinary session, convened on January 29, 1940, is hereby amended to read as follows:

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

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

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

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

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

Reports of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

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

Assembly Bill No. 130.

And reports the same correctly enrolled, and presented to the Governor on this twenty-first day of May, 1940, at four o'clock p m

CASSIDY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 125.
Assembly Bill No. 131.
Assembly Joint Resolution No. 25.

And reports the same correctly engrossed

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

Withdrawal and Re-reference of Senate Bill No. 88.

On motion of Mr Burns, Michael J, Senate Bill No. 88 was withdrawn from the Committee on Conservation and re-referred to the Committee on Ways and Means.

Recess.

At eleven o'clock and fifty minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of one o'clock and thirty minutes p.m.

Reassembled.

At one o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committee (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 66.

And reports the same correctly re-engrossed.

CASSIDY, Chairman

The above reported bill ordered on third reading calendar

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined. Assembly Bill No. 140.
Assembly Joint Resolution No. 24.

And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bills ordered on third reading calendar

Motion to Print Majority Report of the Housing and Slum Clearance Fact-Finding Committee in the Journal.

On motion of Mr. Knight the following majority report of the Housing and Slum Clearance Fact-Finding Committee was ordered printed in the Journal and that 750 copies be printed as a separate document.

Majority Report of the Housing and Slum Clearance Fact-Finding Committee.

To the Members of the Assembly of California.

The proclamation by which the Governor called the Legislature into extraordinary session on January 29, 1940, required the Legislature, among other matters:

"7. To consider and act upon legislation to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and projects to provide dwelling accommodations for persons of low income, defining the powers and duties of the California Housing Authority and providing for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations and giving security therefor; providing for a certification of the bonds by the Attorney General; conferring remedies on obligees of the California Housing Authority; exempting its properties and securities from taxation and assessments, and authorizing certain payments in lieu of such taxation and assessments."

Pursuant to this requirement, after the introduction of Assembly Bills Nos. 57 and 58, the Assembly on February 24, 1940, by House Resolution No. 67 created a committee of eleven members to be designated as the "Housing and Slum Clearance Fact-Finding Committee," and prescribed its duties as follows:

"B. *Resolved*, That the Housing and Slum Clearance Fact-finding Committee is hereby authorized and directed to gather, assemble, study, and analyze all facts directly or indirectly relating to existing or proposed laws of this State providing for slum clearance and projects

to provide dwelling accommodations for persons of low income, whether in rural or urban areas, the administration of existing laws relating thereto, the need for additional laws relating thereto or for the amendment of existing laws, the extent of which insanitary or unsafe dwellings or conditions of overcrowding or congestion exist in this State, and generally as to the need and desirability for such projects, including the social and economic effects thereof."

The committee consisted of the following members of the Assembly: Allen, Don A.; Andreas, Godfrey A.; Dilworth, Nelson S.; Hawkins, Augustus F.; Miller, Miss Eleanor; Pelletier, John B.; Thorp, James E.; Walker, Clarence R.; Weber, Charles M; Weybret, Fred; Knight, T. Fenton, Chairman.

By House Resolution No. 68, the Speaker was made a member ex officio.

A subcommittee to hold hearings in the northern part of the State was named, consisting of the following: Assemblymen Hawkins, Pelletier, Thorp, Weber, Weybret, Chairman.

A subcommittee designated to hold hearings in the southern part of the State consisted of the following: Miss Miller and Messrs. Allen, Andreas, Walker, and Dilworth, Chairman.

Your committee respectfully reports that it has extensively investigated conditions in the following counties: Sacramento, San Francisco, Fresno, Kern, Los Angeles, Riverside, Yuba, San Bernardino, and Sutter; and by subcommittees or by the whole committee has held hearings at Fresno, Bakersfield, Los Angeles, Upland, Riverside, Marysville, Yuba City, Sacramento and San Francisco. Inquiries were directed to other places, but no requests for hearings other than at the places above named were received. Interested persons, however, from Santa Barbara appeared and were heard at the Los Angeles meeting, and from San Jose at the San Francisco meeting.

Your committee has carefully considered the relief situation and its bearing on the problems herein discussed. The Relief Administrator was invited to and did submit a statement of housing conditions at the Los Angeles meeting.

It is apparent to the committee that present laws furnish adequate and workable methods whereby cities and counties may take full advantage of Federal legislation, and that the existing authorities are not hampered in their work by existing statutes Recent court decisions have upheld the constitutionality of the procedure provided. And it is significant that the committee has not received from any city, county, legislative body or housing authority, any official request for the bills heretofore referred to or for any similar bill.

The principal support of the bill, outside of the Legislature, appears to come from some who hope to better their individual positions.

The main bill referred to—A. B No 57—was drafted by the United States Housing Authority, "so that the activities of the State Authority would not interfere in any way with the local Housing Authorities in case they are operating or care to operate," according to Mr. Holtzendorff, who went on to say that "whether or not the solution has been found is, of course, up to the judgment of the Legislature."

Later in his testimony, Mr Holtzendorff replied to a question by a member of the committee, and referring to pending legislation before

Congress, indicated that it would be advisable for the State to wait until the passage of the Congressional act, saying, "We might pass an act which would not conform with the provisions of the bill you now have under consideration."

From the best evidence obtainable, it appears that the average overall cost of family units constructed by the Housing Authority is approximately $4,000—some more, some less. The estimated monthly shelter rent for these units, exclusive of governmental subsidy, range from $12 to $20. The subsidies granted approximate the same monthly costs as the shelter rent paid by the tenant.

It needs no argument to show that this may not furnish relief to the slum dweller.

In fact, large portions of the Housing projects are not carried out on slum areas but on vacant land, and the activities of the Housing Authority in Southern California have been entirely of this description to date. However, future projects are in preparation for construction on sites now occupied.

The definition of "slums" by various housing authorities does not at all correspond to the common acceptation of the word. As the word "slum" is ordinarily understood, there are few slums in California, but under the arbitrary construction imposed upon the word by Housing Authorities our cities and towns are full of slum areas. It must be borne in mind that Housing projects and what are arbitrarily called slum clearance projects are not rehabilitation projects. And it may be found, on careful examination, that legislation providing for rehabilitation will in many communities more satisfactorily meet the need in this State. In fact, the general consensus of informed opinion seems to point to the wisdom of "going slow" and taking time for thorough examination.

As has been already pointed out, new construction by the Housing Authority does not depend upon or follow the destruction of a slum building There must, however, be an equivalent elimination within one year after the completion of a project. In the practice of local Housing Authorities, however, this may mean ordinarily the improvement rather than the destruction of a substandard building, which may be remote from the project.

The Housing Authorities' failure to comply with the request for the addresses of houses listed for "equivalent eliminations," prevented the committee from making first-hand investigation as to the type of such construction that is being certified under the "equivalent method" by the Housing Authority now operating in this State.

Undoubtedly, in the San Joaquin Valley—and perhaps in other sections—there is a serious problem, brought about largely by the influx of migrants. But even in such sections the unfortunate condition, as has been testified before us, arises from permanent residents as well as from migrants.

All witnesses agreed that neither a State Housing Authority nor a local housing authority, working in cooperation with the United States Housing Authority, would materially relieve the housing problem facing our migratory citizens or those on State unemployment relief.

The Federal Housing Authority up to this time has not concluded any rural project. At the present time, says Mr. Holtzendorff, there is none on the west coast.

Mr. Tilton, administrative officer of the State Planning Board, reported to us that that body feels that the State has already provided quite adequate authority for the provision of public housing in cities and counties, but does not think that the State would be justified at this time in entering upon an active program in the rural areas. That board feels that action at this time would be premature because of insufficiency of information. Private enterprise in some sections has experimented with placing unfortunate people on small parcels of land where they can raise vegetables, keep chickens, etc., and otherwise contribute to their own upkeep.

We have referred to the absence of official demand for new laws but we would be lacking in candor if we did not advise you that the strong opposition of real property interests has been vigorously and extensively presented to us.

We are advised that these interests are unalterably opposed to the whole Federal housing program as being competitive and burdensome to the taxpayers, and derogatory to the American social order and way of life, for, the reason amongst others, that the present plan of operation contemplates perpetual tenancy of multiple unit houses owned and built by governmental authorities.

They argue that many of the most conspicuous Federal housing projects are in direct competition with private enterprise, and serve not the slum dwellers but the self-supporting classes.

The plan of operations of the Federal Housing Authority contemplates spreading the cost of projects, plus a surcharge of 3 8/10 per cent (which is subject to change) over a period of not exceeding sixty years. Under the proposed plan, at the end of the period of amortization, the title of the property would be in the State. Under the existing law, the title at the end of the amortization period will be in the local municipality.

Any permanent housing program extending over a long period of years should entail an extended study of the shift and trend of population centers before the sites for such projects are finally selected. Your committee was unable to find that any such survey has been made.

Again it is a condition prerequisite to public housing projects that the real property shall be exempt from taxation. The bonds issued by the California Housing Authority contemplated by Assembly Bill No. 57, "together with interest thereon and income there-from," are also exempt from taxation. Before laying the ground for the imposition of this and incidental burdens upon the people of our communities your committee feels that we should have some approving expression from local public bodies.

Mr. Siegel, Director of the Bureau of Housing of the Los Angeles City Health Department, discussed at length in his testimony the question of slum clearance, saying amongst other things that thousands of dwellings that are apparently "outmoded and dilapidated * * * can be modernized, reclaimed and made habitable for years to come * * * The problems of blighted areas are peculiarly local in nature. * * * We are building future slums now * * * The present situation does not warrant quick legislation."

Mr. Siegel severely criticised the "Equivalent method of elimination" employed by the authority operating in the City of Los Angeles as a subterfuge to comply with the letter of the Federal Act without

correcting, to any marked degree the real slum conditions that continue to exist in that community.

City and county officials are always in close touch with the popular sentiment of their community and may be safely trusted to take advantage of existing housing legislation if such action is desired by their people

We recommend to the appropriate officials a more complete enforcement of laws and local ordinances relating to housing.

And we recommend that the housing laws of the State be revised at the next session of the Legislature to whatever extent may be necessary to render impossible rental or occupancy of some of the lowest types of housing now permitted.

The interest shown by private enterprise in attempting to solve the low cost housing problem in this State is definitely encouraging. A number of witnesses appeared before your committee with proposals to construct individual homes at prices ranging from $1500 to $2500 per family unit We recommend that private capital and enterprise be given every possible consideration in carrying out any practical low cost housing program which will avoid a permanent public subsidy and afford the individual citizen the ultimate opportunity to become the owner of his own home.

All witnesses qualified to testify on the subject were in agreement that the trend of rental costs in the lower brackets is definitely downward and that the law of supply and demand is rapidly operating in favorable direction to aid in solving the low rental housing problem.

Recognizing the public interest in various housing plans and in discovery of means to bring about better housing, we recommend a further study of means whereby individual ownership may be facilitated.

The problem is largely a local one, and the governmental bodies of each city and county are obviously in a position to make a survey of their own community at very much less expense than would be entailed upon the State working through outside investigators.

Recognizing the demand and necessity for further information on this very important problem, we recommend an intensive examination by existing State agencies For example, the State Planning Board is well situated to make a complete examination with its own facilities and by calling to its aid other State and local agencies such as the Division of Immigration and Housing, the Real Estate Commission, County Charities Departments, etc Such examinations should be directed to, amongst other things, the problems of slum clearance, rehousing and rehabilitation, and the action to be taken in the rural areas, and as to labor camps and agricultural workers.

We recommend—and we believe that in so doing we represent the overwhelming weight of informed public opinion in this State and of experience in other States—that until such an examination is made and reported to the Assembly, no further legislative action be taken by this body.

T. FENTON KNIGHT.	J. E. THORP
FRED WEYBRET	DON A. ALLEN
ELEANOR MILLER.	CHARLES M WEBER
NELSON S DILWORTH	CLARENCE R WALKER.

46—92228

Introduction and Reference of Bill.

The following bill was introduced.

Assembly Joint Resolution No. 26: By Mr. Walker—Relative to requesting the United States Secretary of Agriculture not to abandon the Bard Experimental Station.

Request for Unanimous Consent.

Mr. Walker asked for, and was granted, unanimous consent to consider Assembly Joint Resolution No. 26, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 26.

Assembly Joint Resolution No. 26 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Poulson, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Joint Resolution No. 27: By Messrs. Richie, Atkinson and Robertson—Relative to memorializing the President and the Congress of the United States to do all in their power to preserve the neutrality of the United States.

Request for Unanimous Consent.

Mr. Richie asked for unanimous consent to consider Assembly Joint Resolution No. 27, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Kepple withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Richie moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 27 at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Atkinson, Bennett, Burns, Michael J., Call, Collins, Dills, Evans, Green, Hawkins, Johnson, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., Millington, Pelletier, Richie, Robertson, Rosenthal, Salsman, Stream, Tenney, Thorp, Voigt, and Weybret—27.

NOES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Cassidy, Clarke, Cronin, Daley, Dilworth, Donnelly, Doyle, Field, Gallagher, Gilmore, Heisinger, Houser, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; O'Day, Phillips, Poulson, Scudder, Sheridan, Thurman, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—37.

Assembly Joint Resolution No. 27 ordered referred to the Committee on Rules.

Explanation of Vote.

Our vote to suspend the Rules on Resolution No. 27 was to bring it on the floor, so that the Assembly would have the opportunity to express itself in terms of certainty on this insidious piece of communistic internationalism.

SETH MILLINGTON.
HARRISON D. CALL.

Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 22, 1940.

To the Honorable Members of the Senate and of the Assembly.

GREETINGS: I am transmitting to you herewith a petition addressed to me and to the Legislature, signed by several thousands of our citizens, asking that the Legislature memorialize the Congress of the United States that it refer to the various

State Legislatures of the United States, for ratification or rejection, a constitutional amendment embodying the basic principles of the Townsend Pension Plan as set forth in the petition.

This petition is transmitted to you in accordance with the request of Dr. Townsend and other members of the committee who presented the same to me on this date, for your consideration in connection with a proposed resolution of the Legislature in response thereto.

Respectfully yours,

CULBERT L. OLSON,
Governor of California.

C.L.O.M

Motion to Print Minority Report of the Legislative Fact-Finding Committee on Employment and Relief.

On motion of Mr. O'Day the minority report of the Legislative Fact-Finding Committee on Employment and Relief was ordered printed in the Journal.

PART I.

Minority Report of Edward F. O'Day, Assemblyman, 24th District, Member of the Joint Legislative Fact-Finding Committee on Employment and Relief.

To the members of the California Legislature.

In submitting this minority report of the Joint Fact-Finding Committee on Employment and Relief, I do so for the reason that there are certain findings and recommendations in the majority report that I cannot agree with. On the other hand, the major recommendations contained in the report are recommendations that I concur in.

This minority report contains verbatim, many of the recommendations of the majority report. The language taken from the majority report appears herein in quotation marks.

The question of county administration of relief is a broad one and involves a highly complex problem. The problem of unemployment is a National problem and a State problem and these two agencies of Government are the suitable agencies to solve this problem rather than the smaller political divisions of our Government such as the counties and the cities. I therefore can not concur in a recommendation to return relief to the counties.

It is my opinion that the Joint Legislative Fact-Finding Committee on Employment and Relief has performed a public service in the work that it has done, and that legislative committees investigating and studying the activities of any department of the State Government performs service to the members of the Legislature and to the public.

Recommendations.

"In presenting its recommendations for a coordinated program, the Joint Legislative Fact-Finding Committee on Employment—to which was assigned the study of the relief and employment situation in California—makes this preliminary observation:" (The Joint Legislative Fact-Finding Committee devoted most of its time to investigating and studying the State Relief Administration. It was created with the joint purpose of studying not only relief but also employment. Due to a shortness of time, it became impossible to complete investigation of both relief and unemployment and because the matter of relief was pending before the Legislature and was so vital an issue, it took the committee's full time and the problem of employment was

not so thoroughly studied. If a committee is created to function in the future, the problem of employment should be given greater study.)

"The complexity of the situation and the rapidity with which it has grown to be the major problem in California, have resulted in what can only be called muddled thinking. We have lost sight of basic principles. Constant reiteration of the gravity of the relief situation has obscured the fact that relief is a single phase of the problem of unemployment.

Removing the now recognized relief difficulties would leave the unemployment problem still unsolved. Removing unemployment, on the other hand, would eliminate much of the need for relief, except for indigency due to old age; the loss of one or both parents; disease, and similar conditions preventing self support."

I concur with the committee's emphasis that the major question with which the Legislature has to deal is the problem of unemployment.

I.

Reorganization Program.

I believe that the complete reorganization of all functions of State Government dealing with employment, unemployment, and State aid of every type would be advisable. The consideration, however, of this matter is one that should not be attempted at a special session of the Legislature, as the problem is so complex it would be more advisable to consider it during a regular session when the Legislature is convened for a longer period. Under this program, a director of a new department of employment "would correlate and direct all these affiliated activities. Responsible to him would be division heads in charge of the following divisions:

(a) Division of aid to the Aged, Blind and Dependent Children;

(b) Division of Employment, including or coordinating the work of the State Employment Service;

(c) Division of Unemployment Insurance, taking over or coordinating the functions of the present California Employment Commission;

(d) Division of Direct Relief, supervising and coordinating the activities of the county welfare departments, and conducting State administration of direct relief, and such functions as may be placed with the Department by legislative action."

Single men's camps should, in order to efficiently operate, have control over their own intake.

"(e) Division of Cooperatives, supervising all self-help organizations."

Director of Employment.

"The Director of Employment must be the most capable man obtainable, and his compensation should be fixed by the Legislature commensurate with the importance of the job he is given to do. The committee emphasizes the necessity of finding an executive of exceptional ability and special qualifications. He should be appointed by the Governor, subject to a two-thirds approval by the Senate.

The appointment of a competent Director of Employment would bring the good business management essential in the solution of the unemployment problem

Elimination of Certain Existing Commissions.

"With the creation of a Department of Employment, the State Relief Commission, the State Social Welfare Commission and the Unemployment Reserves Commission will go out of existence and their functions, jurisdictions and powers will be transferred to the Director of Employment."

Detailed Recommendations Should Be Unnecessary.

"The committee could make detailed recommendations relative to changes and improvements in almost every function and division of the State Relief Administration. It is apparent, however, that abolishing the present SRA, which was created as an emergency agency of State government, and placing its functions under regularly established department, or the creation of the Department of Employment, already recommended, would cure most of these difficulties." The Legislature has the power to effect such a reorganization. It seems very impractical to consider any major reorganization of the departments dealing with employment and relief at this special session. Such a great change in our governmental structure should receive a more careful study before such a move is attempted.

Extension of Public Works.

"The committee suggests that it should be possible for the State and the counties to create work at a wage fair to the unemployed but not so attractive as wages in private employment.

Projects undertaken on this basis would (1) permit the State and counties to acquire physical improvements; (2) benefit the unemployed by providing them with work at wages higher than the dole; (3) benefit private enterprise by stimulating private employment through large scale purchases of material and increased purchasing power of those employed on these projects.

State work should be handled, the committee believes, under the Department of Public Works, the Department of Natural Resources, the Department of Education, the Department of Agriculture, or any regularly constituted department capable of supplying work of this kind. County work should be handled by such county agencies as are provided by law. Such work should not be confused with, nor designated as, 'relief work'."

II.

Mobilization for Employment.

"The major factor in solving California's relief problem must be a '*mobilization for employment.*'

Mobilization for employment can be made a reality in California. Business should support a plan on tangible and practical grounds. Research to develop new products, new markets, and consequently new jobs must be expanded, and in this the State, which hitherto has done little or nothing, must become an aggressive leader.

Business must be made to understand the choice is between cooperation and taxation; between mobilization to meet an emergency as serious as war, and moral and financial bankruptcy.

Mobilization for employment can be California's contribution to the solution of an aggravated national problem." Private industry must be made to realize that it has always been, in America, the major

employer group, and if it does not reemploy, at a decent standard of living wage, the unemployed people, it will be necessary for the State to do so Private industry receives the benefits of American labor, and it should assume its obligation to employ them.

III.

Return Relief Administration to the Counties.

Unemployment is a national and State problem and these two great branches of our government are more suitable to attempt a solution of this problem than are the 58 counties in our State of California. Local administration by the counties would create different types of administration. The types of administration would result from the attitudes of local public officials which could not be controlled by any rule or regulation or set of standards that the State might set up.

Resentment in certain rural areas exists against unemployed people. It is my belief that if relief were returned to county administration, that the urban centers of San Francisco, Los Angeles and Sacramento would be more attractive to the unemployed and the unemployed people would gradually collect in these centers. County welfare departments are fundamentally social agencies and are especially adapted to the handling of unemployable unemployed people. The problem of employable unemployed people, however, is not a social problem. Their problem can be solved by providing work for them. The State is in a better position to cope with this problem than are the counties.

Present Regulations Unsatisfactory.

"The statement has been frequently made by those who oppose the idea of local supervision of relief, that this would result in '58 different kinds of relief administration.' The committee finds that there is no hard and fast regulation at the present time. The SRA administration imposes its regulations upon its county directors, many of them interpret these to suit themselves" Uniform rules should be provided for by the State Relief Administration and a central office should interpret its rules and they should be carried out by the county directors of the State Relief Administration "On the other hand, the committee has heard complaints that the present regulations, as imposed upon case workers, are too severe In the past a case worker was given a reasonable power of decision in individual cases Thus cases in different areas of the State, could be handled according to conditions in those areas, and some distinction could be made between families accustomed to lower or higher standards of living.

Today, rigorous and inelastic regulations appear to apply at this point, while on the other hand, regulations which might justly be expected to be observed, are administered with great elasticity by directors, district supervisors, and case workers" A committee composed of the Attorney General, the Controller, the State Relief Administrator, and the Director of Agriculture should be created to study this problem as this is one of the major problems arising through unemployment relief.

"Employables and Unemployables."

A committee should be created to study the definition of employables and unemployables and recommend a solution to the Legislature. "A

simplification of the handling of applicants at the intake is recommended by the committee."

Relief Problem.

The problem of relief is not a social work problem. However, if a person remains unemployed for a great length of time, it oft-times occurs that he becomes a permanent social problem. The basic problem created by unemployment can be solved by providing opportunities for remunerative employment Relief cases should be divided into two classes: Those in need of social case work and those in need of employment. The former should be handled by social case workers. The latter should have work provided for them.

A business-like investigation of financial responsibility of the applicants of relief should be maintained and rigorous prosecution of chiselers should be conducted. Law-enforcing agencies and judges should be admonished that for the general welfare of the State, chiseling on relief must be stopped and can be prevented by proper prosecution.

Limitations of the Proclamation.

As previously noted in this minority report, this special session of the Legislature should not consider a general reorganization of the problem of unemployment and relief.

The restrictions in Senate Bill No. 81 making it impossible for the present relief administration to conduct works programs should be stricken out and an opportunity given to this organization to provide a suitable works program to place as many relief cases as possible at some type of work.

IV.

"A stand must be made against 'legislation by regulations,' which is contrary to the intent of the State and Federal constitutions, and against increasing bureaucracy.

The committee recommends legislation authorizing the courts to prevent unwarranted and illegal State interference with local authority."

V.

Establish Three-Year Residential Requirements.

I recommend that the present rule requiring three years residence in California before direct relief may be granted remain.

VI.

Clear Relief Applications Through Credit Agency.

I recommend a study of costs to the SRA or to the counties of clearing of accepted applications through private credit agencies in the same manner as commercial or financial credit applications are cleared.

VII.

A ceiling of $58 for a person on relief is too low and causes many hardships. American people are generally on relief rolls because they can not find employment, not because they do not want to work; not because they do not seek work, but because there is no work available for them. To have them exist on such a meager allowance tends to cut down their general morale and weakens their physical condition and makes them a permanent charge on the public.

PART TWO

Explanatory Report.

"The members of the Joint Legislative Committee on Employment offer no panacea for unemployment.

Two months work on the part of seventeen legislators in all parts of California emphasizes the complexity of the problem.

There is no easy way out of the difficulty. The problem is shared in varying degrees by every State, but affects California peculiarly because of a proportionately large population of indigent migrants and because California is a proving ground of radical and subversive plans to" make use of the unemployed "While the problem is complex, it can and will be solved, not in a day, but more rapidly than had hitherto been believed."

Problem Will Be Solved.

"The unemployment problem of California can be solved by a determination to solve it The solution will not come from those who preach cynical defeatism to further class hatreds, not from pessimists who view democracy with despair."

A relief program emphasizing reemployment and creating work projects rather than a program emphasizing the social aspects of the unemployed people should be inaugurated A concerted effort to return people to active employment, whether the positions be public or private, offers the solution to the unemployment problem

A Start Has Been Made.

"The solution will be founded upon fundamental American traditions of economy, honesty, individual effort, and sincere cooperation in working out a problem of the commonwealth.

The committee's belief that emphasis should be placed on employment rather than on relief is supported from a source which the majority of the members of the Legislature have on occasion sharply criticized, the Workers Alliance "

Workers Alliance Confirms Analysis.

"Testifying before the subcommittee headed by Assemblyman A C. Wollenberg, in Monterey, on March 20, 1940, J. W. Patterson, chairman of the grievance committee of the local Workers Alliance, in response to a request made the following general statement (W-2 page 11, official transcript):

> 'We have studied this problem from every angle and we feel that the biggest mistake they (the State Relief Administration) made is the fact that they are dealing with it as a social problem We don't feel that it is a social problem—it is an unemployment problem I think that 90 per cent of all our trouble is the fact that some of the people try to deal strictly on the basis of a social problem, and it is not.
>
> If it was approached from that angle * * * there would never be any necessity to have a grievance from any organization '

Again, Mr Patterson said (page 12 of transcript).

> 'It is a problem of unemployment, and they approach it from the social angle, and they are supposed to go into the home and try to rehabilitate a man who has lost a job and all that kind of stuff * * *.

This is not a social problem, it is an unemployment problem, and we feel that if they would try to spend time to work it out, it wouldn't be necessary to have this namby-pamby social idea—that is never going to settle the problem of relief.''

The treatment of unemployment relief as a social problem is a production of many years of handling this problem by social workers rather than by men experienced in reemployment projects

The field of social work has a definite place in certain types of relief cases but is a poor substitute for those whose only problem is their inability to find remunerative employment.

New Approach Is Needed.

"Unemployment is a relatively new problem in the United States. Yet no American is unaffected by it No American interested in the welfare of his government and the preservation of American liberties can ignore its involvements No American can tolerate the suggestion that the problem is too big to be solved in the American way by the absorption of unemployed men and women into a revitalized American economy'' Private industry must, however, cooperate with the government and should take the lead in a reemployment program.

Subversive Influences at Work.

"Proponents of these schemes are deliberately working, more or less openly, toward a revolution Others, less vicious in their purposes, but equally dangerous because of ignorance, unwittingly are lending the cause of revolution their names and reputations'' The unemployed people offer a fertile field to those who desire to promote Communism and other "isms" in America.

The State Relief Administration, because it is the agency of government dealing with the unemployed, is subjected to attacks from Communists and other subversive groups It should set up a strong defense mechanism to offset these attacks The present Relief Administrator is opposed to Communism and to subversive influences and is engaged in a constructive program of separating all radical and subversive elements and personnel from the State Relief Administration.

Relief Is a Palliative.

"Like any medicine which does not remove the cause of the illness, relief is dangerous in itself Bromides administered over long periods may produce rashes on the patient's body. In the same way, relief is producing red rashes on the body politic As quickly as possible, and with complete coordination of effort, the cause of the trouble must be attacked and the palliative tapered off

Relief must continue until the Mobilization for Employment has proved itself successful. It should be repeated that the dole, which is the form in which relief is extended in California, is not a cure for unemployment.''

California needs a public works program for people on relief and should inaugurate one and conduct it until such time as private industry absorbs the employable unemployed people

Works Projects Considered.

"The State should give maximum cooperation to the Works Progress Administration and urge extension of its activities in California

Every effort must be made to obtain sponsorship for projects to the end that the full WPA quota for the State may be utilized. The committee was astounded to learn, from testimony by the WPA Administrator for Southern California (P-2, Pages 46 & 47), that his agency had had an average of over 2,000 jobs monthly which were open to the unemployed, but of which the SRA had never availed itself."

Refusal to Accept Work Condemned.

"There can be no difference of opinion as to the gross dishonesty of any SRA official who condones and abets relief recipients in refusing to take work on WPA or similar projects. No relief recipient should be permitted to refuse suitable employment or to delay the acceptance of work. Any relief recipient refusing suitable employment should forthwith be removed permanently from the relief rolls." A public works program should be set into motion at the earliest possible convenience. Projects that will inure to the general benefit of the State should be inaugurated A thorough study of work programs with the thought of efficiency, businesslike operation and permanent benefit to the State should be sought. Hastily created projects poorly supervised yield but small benefit to the State as a whole and tend to break down the morale of the relief clientele

Long Range Outlook Urged.

Conclusions in respect to the problem of unemployment in California.

"(A) This problem will prevail, in greater or less degree, until 'Mobilization for Employment' has won its objective. While the trend of private business and employment is upward at present, the fact that this is due, in part, to the European war should not be overlooked. Recent reports show a 17 per cent improvement in business over a year ago.

(B) The State should do all within its power to foster increased employment in private enterprise.

(C) The SRA has permitted social service theorists and wishful thinkers to run riot in California for years with resultant wastefulness, chiseling and inequities. Social service, as evidenced in the SRA, has presumed that unemployment is permanent and that relief recipients are a permanent class. The SRA social service workers have disregarded the possibilities of re-employment, and have done no good to their own profession.

The committee has respect for altruism, but contends that genuine altruism means employment for every citizen who would work. * *

Common sense, not a formula, controls effective social service work. In the SRA, social service has been characterized by an exaggerated professional attitude

(D) Relief budgets should take standards of living into account as well as the number of members of a family, and should consider total income from all sources, especially all State aids

(E) The problem of youth is one of the greatest problems of unemployment

Young people today are getting married on relief and their children are being born on relief. Little is being done to foster a spirit of initiative and independence characteristic of so many generations of

self-reliant American families. This is a problem for both the Legislature and groups responsible for methods of education. Further study is being given this subject and the committee expects to submit a report There is hope of solution because American youth still wants work, still seeks to be self-reliant.

(F) The California State Employment Service must be built to a place of real importance.

The personnel and activities of the California Employment Insurance Commission have been directed toward paying unemployment benefit checks rather than obtaining employment for the unemployed.

(G) The unemployment problem has been aggravated because thousands, having gained the comparative security of relief, have been reluctant to accept even temporary employment because of having again to qualify for future assistance. Some effort should be made to encourage relief recipients to accept employment even though it may be temporary This result will be gained by reducing the amount of red tape necessary for readmittance of the deserving to the relief rolls ''

(H) Sincere, honest and efficient administration of relief must prevail.

(I) Politics should play no part in the administration of relief

(J) The Federal Government should take care of migrants coming into California, until they are absorbed by private industry.

(K) A State camp program operated in conjunction with work programs already referred to and with the requirement that all single men, with certain exceptions, go to them to receive aid, can be constructive factors in rehabilitation and reemployment.

How Committee Functioned.

''The Joint Fact-Finding Committee was appointed in the closing days of the February, 1940, special session It was charged with several functions One was to continue the investigation, begun more than a year ago, into abuses within the SRA Another was to submit recommendations for improving California's handling of the entire employment problem. Still another function was to observe the operation of Senate Bill No. 81, with a view to future legislation.

These duties have been performed by the committee to the best of its abilities within given time Whatever may be its shortcomings, they are due to physical limitations, not to lack of effort. The members of the committee have conducted hearings in every part of California; personally examined documents, inventories, books and records; and have heard scores of witnesses who testified under oath and whose testimony is embodied in official transcripts.''

Special Subcommittee Appointed.

''To facilitate the work of investigation, the nine Assemblymen and eight Senators on the committee arranged for the appointment of subcommittees. Four such subcommittees were designated They worked on a geographical basis; subcommittees headed by Senators Mixter and Nielsen, and by Assemblymen Houser and Wollenberg, conducted hearings, respectively, in the Central Valley, in Northern California, in Southern California, and in the San Francisco Bay-Central Coast area.

Committee members were designated to prepare special reports to be submitted to the Joint Committee as follows:

Assemblyman Elmer E. Lore, Surplus Commodities;
Senator Frank W. Mixter, The Cooperatives;
Assemblyman Edward O'Day, The Youth Problem;
Assemblyman Norris Poulson, Accounting Procedure in the SRA;
Senator J. I. Wagy, The Migrant Problem;
Assemblyman Clyde A. Watson, The Alien Problem.

The committee also arranged for two independent investigations into vital phases of the employment problem.

The national firm of Price, Waterhouse & Co, certified public accountants, was retained by the committee in an advisory capacity. In addition to advising the committee on general phases of SRA accounting, it was asked to establish, from the SRA records, without making a complete audit, the approximate balances in the funds of that department as of February 15, 1940, and March 31, 1940. The firm was also asked to indicate changes in the financial position of the SRA during this period, with certain expenditures segregated. It has furnished this information, and other information and comments, which the committee submits as a separate part of this report.

The committee received the cooperation of the State Controller, the Director of Agriculture and the State Relief Administrator."

Credit Agencies Investigate Cases.

"To ascertain the truth of reports that chiseling is still rife, the Controller, under authority of the Legislature and with the approval of the Director of Finance, arranged with private credit agencies to investigate more than 10,000 cases on the SRA rolls. The results of this so-called social audit will be made available to the Legislature in a separate report."

Sampling Method.

"The committee, handicapped for time, has made free use of the 'sampling' method now in general use by political polls, and by financial, economic and statistical fact-gathering agencies. Obviously the committee could not check every relief case, every transportation order, every reported instance of waste, extravagance, and incompetency. By methods it did use, the committee believes that it secured a true picture of the relief situation."

In submitting this minority report, I again wish to express my belief that this committee has made a careful study of this, our greatest problem, and have made many recommendations which, if enacted into law, will inure to the benefit of the unemployed as well as to the people of the State as a whole. In principle, I differ with them concerning the matter of county administration of relief.

Yours respectfully,

EDWARD F. O'DAY.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 24—Relative to legislation by the Federal Government for a uniform system of old age pensions throughout the United States.

Bill read.

Motion to Amend Assembly Joint Resolution No. 24.

Mr. Heisinger moved to amend Assembly Joint Resolution No. 24 as follows:

Amendment No. 1.

On page 1 of the printed measure, strike out lines 6 to 22, inclusive, and on page 2, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"WHEREAS, The present system of Federal grants-in-aid to the States is conducive to differences and inequalities in the treatment of the problem among the States; and

WHEREAS, The problem of aid to the aged is nation-wide in scope and can best be solved by Federal legislation *dealing equally and fairly with all people, now*, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorialize the President and the Congress of the United States to provide an adequate, uniform and liberal system of old age assistance to be financed wholly from Federal funds; and be it further

Resolved, That the Governor of the State of California is hereby requested to present copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives and to each Senator and Member of the House of Representatives from California in the Congress of the United States and that such Senators and Members from California are respectfully urged to support such a program."

Amendment adopted.

Notice of Motion to Reconsider the Amendments to Assembly Joint Resolution No. 24.

Mr. Atkinson gave notice that on the next legislative day he would move to reconsider the vote whereby the amendments to Assembly Joint Resolution No. 24 were this day adopted.

Explanation of Vote.

I earnestly desire liberal, adequate, and uniform Federal Aged Pensions without over-burdening taxes

The measures now pending in Congress and referred to in Assembly Joint Resolution No 24 may be beneficial or harmful, I know not

The duty to act rests with Congress and in its wisdom it should decide with justice to all.

S. L HEISINGER

Assembly Bill No. 125—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J. Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J. Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—63

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 132—An act to amend the title and to add sections 1e, 1f, 1g and 1h to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance of

works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessments," approved June 6, 1913, Statutes of 1913, Chapter 247, as amended by Statutes of 1940, Chapter 35, approved February 29, 1940, relating to districts, political corporations, public corporations and unincorporated territory or any combination thereof, authorized by law to construct such public improvements, relating to the acquiring of legislative jurisdiction therefor; providing that such proceedings shall be subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and providing that this act shall take effect immediately

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—61.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion Meehan Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—61

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 140—An act to add sections 3897 4 and 3897.5 to the Political Code, and to amend section 3804 of, and to add sections 3793 5 and 3793 6 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency hereof, to take effect immediately.

Case of Urgency Resolution.

By Mr. Tenney:

Resolved, That Assembly Bill No. 140 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—65

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 140, at this time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream,

Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—62.

NOES—None

Assembly Bill No. 140—An act to add sections 3897.4 and 3897.5 to the Political Code, and to amend section 3804 of, and to add sections 3793.5 and 3793.6 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency hereof, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None

Title read and approved Bill ordered transmitted to the Senate

Assembly Bill No. 131—An act to amend section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products, and declaring the urgency of this act

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Resolutions.

By Messrs Green, Cronin, Gallagher, O'Day, Wollenberg, Williamson, Collins, Lyon, Call, Carlson, Fulcher, Leonard, Kuchel, Evans and all the members of the Assembly

House Resolution No. 98.

WHEREAS, These are dark and troublous days of war abroad and pressing social and economic problems at home; and

WHEREAS, It behooves us occasionally to reflect on the brighter side of our civilization and the outstanding men in our community; and

WHEREAS, We may therefore profitably reflect on the life and career of our colleague, Thomas A Maloney, born fifty-one years ago today, and

WHEREAS, His outstanding achievement in the field of labor relations and social welfare are well known, and his efforts to better the lives of his fellowmen are widely appreciated; and

WHEREAS, The spirit of tolerance in the biggest debates and the love of fun which gives us perspective has endeared him to all who know him; therefore, be it

Resolved by the Assembly of the State of California, That this anniversary of the birth of Thomas A. Maloney is a special event to the people of the State of California; and be it further

Resolved, That we hereby express our sincere wish that his family and friends may long enjoy his companionship and the State of California long profit from his statesmanship.

Request for Unanimous Consent.

Mr. Green asked for, and was granted, unanimous consent to consider House Resolution No. 98, at this time, without reference to committee.

House Resolution No. 98 read, and adopted unanimously.

By Messrs. Dills, Heisinger, Andreas and Thorp:

House Resolution No. 99.

WHEREAS, The Legislature of the State of California, at the Fifty-first Regular Session, enacted Chapter 241, Statutes 1935, and at the Fifty-second Regular Session enacted Chapters 3 and 413, Statutes 1937, said chapters constituting the Milk Control Act; and

WHEREAS, The legislative intent in the enactment of said Milk Control Act was to stabilize the important and existing market milk industry of the State of California, and to promote the orderly marketing of milk; and

WHEREAS, Said Milk Control Act authorized the Department of Agriculture under certain standards to establish minimum prices to be paid dairy farmers for Grade "A" market milk, and minimum wholesale and retail prices at which milk should be sold within the marketing areas set up in accordance with the Act, and

WHEREAS, The stabilization of an existing industry does not mean revolutionizing it or prohibiting customary selling methods or trade practices which experience has proven beneficial to that industry's development; and

WHEREAS, The Department of Agriculture is the instrumentality of this State for the administration and enforcement of said Milk Control Act; and

WHEREAS, The Legislature established a standard by which the basic price to be paid to dairy farmers for market milk was to be established by the Director of Agriculture, which standard for fixing prices has not been specifically complied with, but instead, different and changing theoretical price-fixing formulas have been evolved by the Director of Agriculture; and

WHEREAS, The Legislature authorized the Director of Agriculture to make such rules and regulations as he deems necessary for enforcing the provisions of the Milk Control Act but did not authorize the issuance of "rules and regulations" or "interpretative rulings" or "executive orders" which have in truth and in fact the effect of law; and

WHEREAS, The Legislature did not authorize said Department by rule or regulation to interfere with, regulate, change or prohibit existing trade customs, nor set resale prices which discriminate between different types or sizes of milk containers or methods of capping milk bottles, nor to dictate to stores or consumers how or where they should purchase milk nor to establish preferential prices for favored classes of the consuming public, nor to fix prices or arbitrary grades of market milk not established by the Agricultural Code nor to interfere with the charges for deposits on milk bottles as established by the trade; and

WHEREAS, Existing stabilization and marketing plans and resale prices established by the Director of Agriculture by executive order have attempted to regulate such matters beyond the intent of the law; and

WHEREAS, Said Milk Control Act specifically provides existing methods of milk distribution shall be preserved and that nothing in said act shall be construed as permitting or encouraging the development of monopoly in the market milk industry, the executive orders of the Department establishing the aforesaid plans and resale prices have tended to the creation of monopolies and members of the industry have been forced to institute legal proceedings to prevent being driven out of business; and

WHEREAS, A continuation of policies as hereinbefore enumerated will entail further lengthy and expensive litigation, and

WHEREAS, Rules and regulations not in accordance with the intent of the law herein referred to, which may be changed at will by the executive branch of the government create uncertainty by reason of the assumption of legislative powers; now, therefore, be it

Resolved by the Assembly of the State of California, That the policy of the Director of Agriculture in its administration of the Milk Control Act has not construed the provisions of said statute in accordance with the intent of the Legislature, and, be it further

Resolved, That the Director of Agriculture was not vested with power by interpretation or rules and regulations to substitute its ideas for the expressed will of the Legislature nor to change the customs of the market milk industry of this State; and, be it further

Resolved by the Assembly, That it calls upon the Director of Agriculture to conduct its operation of the Milk Control Act by the legally enacted provisions thereof, and that the Chief Clerk of the Assembly be, and he is hereby directed to forward certified copies of this resolution to the Governor and the Director of Agriculture

House Resolution No. 99 ordered referred to Committee on Rules

Motion to Print Communication in the Journal.

Mr. Lore moved that a communication from the American Conference of Social Workers be printed in the Journal

Substitute Motion.

Mr Wollenberg moved as a substitute motion that the communication be referred to the Committee on Social Service and Welfare.

Substitute motion carried by the following vote:

AYES—Burson, Carlson, Clarke, Cronin, Daley, Dilworth, Field, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor, Millington Phillips, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, and Mr Speaker—31

NOES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Crowley, Dills, Donnelly, Doyle, Gallagher, Gilmore, Heisinger, Kilpatrick, Lore, Massion, Meehan, Miller, George P., O'Donnell, Poulson, Richie, Robertson, and Rosenthal—23

Communication ordered referred to the Committee on Social Service and Welfare

Senate Message.

SENATE CHAMBER, SACRAMENTO, May 22, 1940.

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

Senate Concurrent Resolution No. 16—Relative to a recess of Senate and Assembly of the State of California

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

Senate Concurrent Resolution No 16 read and referred to the Committee on Rules

Reports of Standing Committees (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 22.
Assembly Concurrent Resolution No. 23.
Assembly Joint Resolution No. 22.
Assembly Joint Resolution No. 23.
And reports the same correctly enrolled, and presented to the Governor on this twenty-second day of May, 1940, at two o'clock p m

CASSIDY, Chairman

On Military Affairs.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR SPEAKER: Your Committee on Military Affairs, to which was referred:
Assembly Concurrent Resolution No. 17.
Respectfully reports the same back with the recommendation: Be adopted.

MILLER, GEORGE P., Chairman

The above reported bill ordered to engrossment

Presentation of Bill for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 141: By Mr. Gallagher—An act to amend section 1914 of the Harbors and Navigation Code, relating to San Francisco Harbor and the powers and duties of the Board of State Harbor Commissioners for San Francisco Harbor, declaring the urgency thereof, to take effect immediately

Introduction and Reference of Bill.

The following bill was reported back from the Legislative Counsel Bureau and read first time:

Assembly Bill No. 141: By Mr. Gallagher—An act to amend section 1914 of the Harbors and Navigation Code, relating to San Francisco Harbor and the powers

and duties of the Board of State Harbor Commissioners for San Francisco Harbor, declaring the urgency thereof, to take effect immediately

Referred to Committee on River Navigation, Reclamation and Flood Control

Recess.

At one o'clock and forty-five minutes p.m., on motion of Mr. Turner, the Assembly was declared at recess until the hour of eight o'clock p.m.

Reassembled.

At eight o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees (Resumed).

On Governmental Efficiency and Economy.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred,

Senate Concurrent Resolution No. 15.

Respectfully reports the same back with the recommendation: Be adopted.

FIELD, Chairman

The above reported bill ordered on third reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

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

Assembly Concurrent Resolution No. 17.

And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

On Education.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

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

Senate Bill No. 84.

Respectfully reports the same back with the recommendation: Do pass

LEONARD, Chairman

Second Reading of Senate Bill No. 84 (Out of Order).

Senate Bill No. 84—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

Bill read second time, and ordered on third reading calendar.

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

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

Assembly Bill No. 129.

Respectfully reports the same back with the recommendation: Do pass

CALL, Chairman.

Second Reading of Assembly Bill No. 129 (Out of Order).

Assembly Bill No. 129—An act to submit to the people, at the general election on November 5, 1940, a proposed amendment to the Constitution of this State, relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to engrossment.

Senate Message.

SENATE CHAMBER SACRAMENTO, May 22, 1940

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended

Assembly Bill No. 122.

And respectfully requests your honorable body to concur in said amendments

J A BEEK Secretary of Senate

By JOHN F LEA, Assistant Secretary.

Consideration of Senate Amendments to Assembly Bill No. 122.

Assembly Bill No. 122—An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, to take effect immediately

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 122?

Amendment No. 1.

In line 3 of the title of the printed bill, after "vehicles," insert the following: "and to repeal an act entitled "An act to add section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles," approved February 28, 1940,".

Amendment No. 2.

On page 1 of the printed bill, between lines 14 and 15, insert the following

"SEC 2 The act entitled "An act to add section 3014.5 to the Civil Code relating to trust receipt transactions, including those pertaining to motor vehicles," approved February 28, 1940, is hereby repealed."

Amendment No. 3.

On page 1, line 15, of the printed bill, strike out "SEC 2", and insert in lieu thereof the following: "SEC 3."

Bill read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Green moved a call of the Assembly.

Motion carried. Time, eight o'clock and forty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Withdrawal and Re-reference of Assembly Bill No. 137.

On motion of Mr. Field, Assembly Bill No. 137 was withdrawn from the Committee on Social Service and Welfare, and re-referred to the Committee on Ways and Means.

On motion of Mrs. Daley, Assembly Bill No 138 was withdrawn from the Committee on Social Service and Welfare, and re-referred to the Committee on Ways and Means

Resolution.

By Mr. Kilpatrick:

House Resolution No. 100.

Resolved by the Assembly of the State of California, That Assembly Standing Rule No. 27 is hereby amended by adding thereto a paragraph to be inserted between the third and fourth paragraphs thereof, to read as follows

"The provisions of this rule regarding the refusal of a member to vote shall not be applicable in any case where the roll call is upon the passage of a bill, resolution, or constitutional amendment if the measure being voted upon has not been printed, with any amendments made thereto, and printed copies are not available for the use of the members."

House Resolution No 100 ordered referred to the Committee on Rules.

Reports of Standing Committees (Resumed).

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred Assembly Bill No. 137.

Requests the same be amended, and re-referred back to committee

MILLINGTON, Chairman

Second Reading of Assembly Bill No. 137 (out of order).

Assembly Bill No. 137—An act making an appropriation to the Relief Administrator and Relief Commission for Work Relief Projects, sponsored by governmental agencies named therein, declaring the urgency thereof, to take effect immediately.

Committee Amendments to Assembly Bill No. 137.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, lines 1 and 2 of the printed bill, strike out "one hundred sixty thousand dollars ($160,000)", and insert in lieu thereof the following: "$400,000".

Amendment No. 2.

On page 1, line 8, of the printed bill, strike out "The", and insert in lieu thereof the following: "Except as otherwise expressly provided, the".

Amendment No. 3.

On page 1, line 24, of the printed bill, strike out "All", and insert in lieu thereof the following: "Except as otherwise expressly provided, all".

Amendment No. 4.

On page 2, line 1, of the printed bill, strike out "All", and insert in lieu thereof the following: "Except as otherwise expressly provided, all"

Amendment No. 5.

On page 2, line 10, of the printed bill, after "personnel", insert the following ", except that the Relief Administrator may pay supplemental relief from this appropriation in an amount not to exceed $7.50 per man per month for work upon a work relief project established by a sponsoring agency under this act".

Amendment No. 6.

On page 1 of the printed bill, between lines 14 and 15, insert the following paragraph:

"The Relief Administrator and the Relief Commission may transfer any surplus materials, supplies, equipment, tools and transportation facilities in the possession of the Relief Administrator and the Relief Commission to any sponsoring governmental agency upon demand of the sponsoring governmental agency when such surplus materials, supplies, equipment, tools and transportation facilities are necessary and can be used in connection with any work relief project established under this act."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred Assembly Bill No. 134.

Respectfully reports the same back with the recommendation Do pass

MILLINGTON, Chairman

Second Reading of Assembly Bill No. 134 (Out of Order).

Assembly Bill No. 134—An act to amend section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition upon the termination of the Exposition

Motion to Amend Assembly Bill No. 134.

Mr Gilmore moved to amend Assembly Bill No 134 as follows:

Amendment No. 1.

In line 14 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: ", declaring the urgency of this act, to take effect immediately."

Amendment No. 2.

On page 2 of the printed bill, after line 25, insert the following

"SEC. 2 This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows

This act provides for the disposal of the property and the clearing of the grounds of the exposition at Treasure Island in San Francisco Bay. It is planned to use this site as a landing field for aircraft after the termination of the present fair. In view of the present international situation no time should be lost between the termination of the fair and the conversion of this site into a landing field usable for defense purposes, and consequently, it is necessary that this act take effect immediately."

Amendments adopted

Bill read second time, ordered to reprint, and engrossment

Further Proceedings Under Call of the Assembly Dispensed With on Assembly Bill No. 122.

At ten o'clock and twenty-three minutes p.m., on motion of Mr. Green, further proceedings under the call of the Assembly were dispensed with on concurrence to Senate amendments to Assembly Bill No 122.

The roll of absentees was called, and the Assembly concurred in Senate amendments to Assembly Bill No 122 by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp Thurman, Turner, Voigt Walker, Waters, Watson, Weber, Weybret, Wollenberg and Mr Speaker—69.

NOES—None

Assembly Bill No 122 *ordered to enrollment*

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

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

Senate Concurrent Resolution No. 16.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman

Consideration of Senate Concurrent Resolution No. 16.

Senate Concurrent Resolution No. 16—Relative to a recess of the Senate and Assembly of the State of California.

Motion to Lay on the Table.

Mr Atkinson moved to lay Senate Concurrent Resolution No 16 on the table.

Motion lost by the following vote:

AYES—Atkinson, Bennett, Collins, Del Mutolo, Dills, Donnelly, Heisinger, Kilpatrick Masson, Meehan, Miller, George P., Pelletier, Richie, and Rosenthal—14

NOES—Allen, Andreas Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin Cronin, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Gannon, Green, Houser Johnson Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Salsman, Scudder, Sheridan, Stream Tenney Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Mr. Speaker—45

Consideration of Senate Concurrent Resolution No. 16.

Senate Concurrent Resolution No 16 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Gallagher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—50

NOES—Atkinson, Bennett, Collins, Crowley, Del Mutolo, Dills, Donnelly, Evans, Gilmore, Hawkins, Heisinger, Kilpatrick, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, and Rosenthal—19.

Title read and approved. Bill ordered transmitted to the Senate.

Recess.

At ten o'clock and thirty-five minutes p.m., by order of the Speaker, the Assembly was declared at recess until the hour of ten o'clock and forty-five minutes p.m.

Reassembled.

At ten o'clock and forty-five minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion to Expunge Record and Rescind Action on the Urgency Clause to Senate Bill No. 90.

On motion of Mr. Maloney, the record was expunged and the action rescinded whereby the urgency clause to Senate Bill No. 90 was refused adoption by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—68

NOES—None

Third Reading of Senate Bill No. 90.

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—62

NOES—Atkinson, Bennett, Collins, Dills, Hawkins, Kilpatrick, Lore, Massion, Pelletier, Richie, and Rosenthal—11.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Mill-

ington, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty and Mr. Speaker—57.

NOES—Atkinson, Bennett, Burns, Michael J. Cassidy, Collins, Del Mutolo, Dills, Hawkins, Kilpatrick, Lore, Masson, Meehan, Miller, George P., Pelletier, Richie, and Rosenthal—16.

Title read and approved. Bill ordered transmitted to the Senate.

Third Reading of Assembly Bill No. 66.

Assembly Bill No. 66—An act to amend sections 12, 13 and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse racing license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licensees under the act.

Motion to Amend Assembly Bill No. 66.

Mr. Turner moved to amend Assembly Bill No. 66 as follows.

Amendment No. 1.

In line 1 of the title of the printed bill as amended, strike out "sections 4, 12, 13 and 14", and insert in lieu thereof the following: "section 4".

Amendment No. 2.

In the title of the printed bill, as amended, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following: "1933, relating to horse racing, declaring the urgency of this act, to take effect immediately".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 17 to 52, and strike out all of pages 3 and 4; and on page 5, strike out lines 1 to 6, inclusive.

Amendment No. 4.

On page 5, line 7, of the printed bill, as amended, strike out "SEC. 5", and insert in lieu thereof the following:

"SEC. 2".

Amendment No. 5.

On page 5 of the printed bill, as amended, after line 9, insert the following:

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and therefore shall take immediate effect. The following is a statement of the facts constituting such necessity:

The provisions of this act are designed to encourage agriculture and the breeding of horses and consequently to promote prosperity of the persons affected thereby, relieving hardship and destitution."

Amendments adopted.

Bill read third time, ordered to reprint, and re-engrossment.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Sawallisch, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Tonio Lazio, Susky Enea and E. P. Thiphilin, all of Pittsburg, Calif.

On request of Mr. O'Donnell, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Ertie Cochran, of Woodland, Calif.

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to L. A. Chase of Yreka, and A. P. Leitch of Truckee.

On request of Messrs. Miller, George P., Meehan and Gilmore, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Harold T. Gustafson, senior vice commander

Veterans of Foreign Wars, Department of California, and Joseph Flores, publisher of the "California Veteran."

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Inspector Gus Tompkins, member San Francisco Police Department.

Adjournment.

At eleven o'clock and forty-seven minutes p m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a m., Thursday, May 23, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY
ONE HUNDRED SIXTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, May 23, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P. Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76.

Quorum present.

Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

Reading of the Journal Dispensed With.

On motion of Mr. Gannon, the further reading of the Journal of Wednesday, May 22, 1940, was dispensed with.

Leaves of Absence for the Day.

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

Mr. Gilbert, on motion of Mr. Hawkins.

Recess.

At eleven o'clock and thirty-five minutes a m., on motion of Mr. Allen, the Assembly was declared at recess until the hour of eleven o'clock and forty-five minutes a m., to hear from National Commander of the Veterans of Foreign Wars.

Reassembled.

At eleven o'clock and forty-five minutes a m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Reports of Standing Committees.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 129.
Assembly Bill No. 134.
Assembly Bill No. 137.
And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar

On River Navigation, Reclamation and Flood Control.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940

MR. SPEAKER: Your Committee on River Navigation, Reclamation and Flood Control, to which was referred
Assembly Bill No. 141.
Respectfully reports the same back with the recommendation: Do pass.

WEBER, Chairman.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Assembly Bill No. 138.
Senate Bill No. 88.
Respectfully reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman.

Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 141—An act to amend section 1914 of the Harbors and Navigation Code, relating to San Francisco Harbor and the powers and duties of the Board of State Harbor Commissioners for San Francisco Harbor, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to engrossment

Assembly Bill No. 138—An act providing for the expenditure, in conjunction with the Works Projects Administration, of money appropriated for the relief of hardship and destitution due to and caused by unemployment

Bill read second time, and ordered to engrossment.

Second Reading of Senate Bill No. 88 (Out of Order).

Senate Bill No. 88—An act relating to parks and making an appropriation for the State Park Maintenance and Acquisition Fund for the operation maintenance and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Bill read second time, and ordered on third reading calendar

Introduction and Reference of Bills.

The following bills were introduced:

Assembly Concurrent Resolution No. 24: By Mr. Miller—Relative to requesting the Governor to proclaim February 12 and 22 holidays on which the public schools shall be closed

Request for Unanimous Consent.

Mr. Miller, George P., asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 24 placed on the calendar, at this time, without reference to committee

Assembly Concurrent Resolution No. 25: By Mr. Evans—Relative to sizes and weights of vehicles

Request for Unanimous Consent.

Mr. Evans asked for unanimous consent to consider Assembly Concurrent Resolution No. 25, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Gilmore withheld his consent

Motion for Temporary Suspension of the Rules.

Mr. Evans moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 25 at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Bennett, Carlson, Cassidy, Daley, Del Mutolo, Dilworth, Donnelly, Evans, Gannon, Hawkins, Kepple, King, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Waters, and Mr. Speaker—27.

NOES—Atkinson, Burns, Michael J., Burson, Clarke, Collins, Cronin, Doyle, Gallagher, Gilmore, Green, Heisinger, Houser, Johnson, Kilpatrick, Knight, Leonard, Maloney, Miller, George P., O'Day, Salsman, Thurman, Walker, Watson, Weber, Weybret, and Wollenberg—26

Assembly Concurrent Resolution No. 25 ordered referred to the Committee on Rules

Third Reading of Assembly Bills.

Assembly Concurrent Resolution No. 17—Relative to veterans, and educational qualifications in the State civil service.

Bill read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, and Mr. Speaker—57

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Assembly Bill No. 129—An act to submit to the people, at the general election on November 5, 1940, a proposed amendment to the Constitution of this State, relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, and Mr. Speaker—59.

NOES—None.

Bill read third time, and passed by the following vote.

AYES—Allen, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, and Mr. Speaker—59

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Re-reference of Bills.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 137 re-referred to Committee on Ways and Means.

Recess.

At twelve o'clock and ten minutes p.m., on motion of Mr. Turner, the Assembly was declared at recess until the hour of three o'clock p.m.

Reassembled.

At three o'clock p.m., the Assembly reconvened.

Hon. Gordon H Garland, Speaker of the Assembly, in the chair.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 23, 1940

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

Assembly Bill No. 133.
Assembly Concurrent Resolution No. 6.
Assembly Concurrent Resolution No. 20.

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

The above reported bills ordered to enrollment

SENATE CHAMBER, SACRAMENTO, May 23, 1940

MR SPEAKER I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to.

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately;

And requests that your honorable body recede therefrom.

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

The question being put: Shall the Assembly recede from its amendments to Senate Bill No. 90?

The roll was called, and the Assembly refused to recede from its amendments to Senate Bill No. 90 by the following vote:

AYES—Atkinson, Lore, Robertson, and Rosenthal—4.

NOES—Andreas Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—63.

Appointment of Committee on Free Conference Concerning Senate Bill No. 90.

The Speaker announced the appointment of Mrs. Daley, Messrs. Lore and Houser as a Committee on Free Conference concerning Senate Bill No. 90 to meet with a like committee from the Senate.

SENATE CHAMBER, SACRAMENTO, May 23, 1940

MR SPEAKER I am directed to inform your honorable body that the Senate on this day appointed as a Committee on Free Conference on

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately;

The following Senators Phillips, Mayo and Foley, to meet with a like committee from your honorable body.

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

SENATE CHAMBER, SACRAMENTO, May 23, 1940

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 87—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner," approved July 1, 1937, relating to powers and duties of the board and commissioner, to repeal Chapter 14 of the statutes of the first extraordinary session of 1940, convened on January 29, 1940, declaring the urgency thereof, and providing this act shall take effect immediately,

Senate Bill No. 91—An act to amend sections 232 and 377.5 of the Vehicle Code and to repeal an act entitled "An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors," approved February 16, 1940, relating to the installation of motor vehicle engines or motors, to take effect immediately,

Senate Bill No. 92—An act to amend sections 210 and 252 of the Vehicle Code, to repeal sections 211, 212, 213 and 214 thereof, and to repeal an act entitled "An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles," approved February 24, 1940, relating to permits to nonresident owners of motor vehicles, to take effect immediately,

Senate Bill No. 93—An act to amend section 164 of the Vehicle Code and to repeal an act entitled "An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles," approved March 28, 1940, relating to renewal of registration of vehicles, to take effect immediately

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

Consideration of Senate Bill No. 87.

Case of Urgency Resolution.

By Mr. Walker:

Resolved, That Senate Bill No. 87 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—63

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 87, at this time

Second Reading of Senate Bill No. 87.

Senate Bill No. 87—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner," approved July 1, 1937, relating to powers and duties of the board and commissioner, to repeal Chapter 14 of the statutes of the first extraordinary session of 1940, convened on January 29, 1940, declaring the urgency thereof *and providing this act shall take effect immediately*

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66

NOES—None

Third Reading of Senate Bill No. 87.

Senate Bill No. 87—An act amending sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of

Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner, approved July 1, 1937, relating to powers and duties of the board and commissioner, to repeal Chapter 14 of the statutes of the first extraordinary session of 1940, convened on January 19, 1940, declaring the urgency thereof and providing that this act shall take effect immediately

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None

Title read and approved. Bill ordered transmitted to the Senate.

Consideration of Senate Bill No. 91.

Case of Urgency Resolution.

By Mr. Sawallisch:

Resolved, That Senate Bill No. 91 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68.

NOES—None

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 91, at this time

Second Reading of Senate Bill No. 91.

Senate Bill No. 91—An act to amend sections 232 and 377.5 of the Vehicle Code and to repeal an act entitled "An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors," approved February 16, 1940, relating to the installation of motor vehicle engines or motors, to take effect immediately

Bill read second time

Urgency clause read, and adopted by the following vote

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68

NOES—None

Third Reading of Senate Bill No. 91.

Senate Bill No. 91—An act to amend sections 232 and 377.5 of the Vehicle Code and to repeal an act entitled "An act to amend sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors," approved February 16, 1940, relating to the installation of motor vehicle engines or motors, to take effect immediately

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel,

Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Consideration of Senate Bill No. 92.

Case of Urgency Resolution.

By Mr. Sawallisch:

Resolved, That Senate Bill No. 92 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 92, at this time.

Second Reading of Senate Bill No. 92.

Senate Bill No. 92—An act to amend sections 210 and 252 of the Vehicle Code, to repeal sections 211, 212, 213 and 214 thereof, and to repeal an act entitled "An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles," approved February 24, 1940, relating to permits to nonresident owners of motor vehicles to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Third Reading of Senate Bill No. 92.

Senate Bill No. 92—An act to amend sections 210 and 252 of the Vehicle Code, to repeal sections 211, 212, 213 and 214 thereof, and to repeal an act entitled "An act to amend sections 210 and 252 of the Vehicle Code, and to repeal sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles," approved February 24, 1940, relating to permits to nonresident owners of motor vehicles to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Consideration of Senate Bill No. 93.

Case of Urgency Resolution.

By Mr. Sawallisch:

Resolved, That Senate Bill No. 93 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage

Resolution read, and adopted by the following vote

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, King, Knight, Kuchel, Leonard, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—63

NOES—Evans—1

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 93 at this time

Second Reading of Senate Bill No. 93.

Senate Bill No. 93—An act to amend section 164 of the Vehicle Code and to repeal an act entitled "An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles," approved March 28, 1940, relating to renewal of registration of vehicles, to take effect immediately

Bill read second time

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—Evans—1

Third Reading of Senate Bill No. 93.

Senate Bill No. 93—An act to amend section 164 of the Vehicle Code and to repeal an act entitled "An act to amend section 164 of the Vehicle Code, relating to renewal of registration of vehicles," approved March 28, 1940, relating to renewal of registration of vehicles, to take effect immediately.

Bill read third time, and passed by the following vote

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—Evans—1.

Title read and approved Bill ordered transmitted to the Senate

Senate Message.

SENATE CHAMBER, SACRAMENTO May 23, 1940.

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

Senate Concurrent Resolution No. 19—Relative to leave of absence of the Secretary of State.

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

Request for Unanimous Consent.

Mr. Rosenthal asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No 19, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 19.

Senate Concurrent Resolution No. 19 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Print Report in Journal.

On motion of Mr. Weber, the following report was ordered printed in the Journal:

Interim Report of Assembly Committee on Legislative Procedure.

Pursuant to Assembly Resolution No. 78, the Committee on Legislative Procedure of the Assembly is studying, in conjunction with the Committee on Rules of the Senate of this State, the joint rules of the Senate and Assembly, in order to expedite and increase cooperation between the Senate and Assembly. Copies of the proposed new joint rules are presented herewith for the convenience and perusal of members of the Assembly.

The committee is also studying, in conjunction with the Committee on Rules of the Senate, ways and methods of improving the quality and uniformity of legislative printing and effecting economies therein. It is the belief of the committee that this will lead to a saving of thousands of dollars to the State every regular session.

Correspondence has also been carried on with legislators, administrators and others to secure an exchange of views relating to a budget investigating and fact-finding service for the assistance of members of the Legislature.

None of the appropriation of one hundred dollars made to the committee has up to this date been expended.

The committee expects to present a final report upon its work at a later date.

Respectfully submitted

Members of the Assembly Committee
on Legislative Procedure.
CHARLES M. WEBER, Chairman,
CHARLES W. LYON,
SETH MILLINGTON.

Senate Message (Resumed).

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

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

Senate Concurrent Resolution No. 17—Relative to legislative printing;
Senate Concurrent Resolution No. 18—Relative to Legislative Bill Room equipment.

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

Request for Unanimous Consent.

Mr Weber asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 17, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 17.

Senate Concurrent Resolution No. 17 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo,

Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—67.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No 18, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 18.

Senate Concurrent Resolution No. 18 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—63

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Reports of Standing Committees (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 122.

And reports the same correctly enrolled, and presented to the Governor on this twenty-third day of May, 1940, at twelve o'clock m.

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 138.
Assembly Bill No. 141.

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 66.

And reports the same correctly re-engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR SPEAKER: Your Committee on Rules, to which was referred:
House Resolution No. 97.

Respectfully reports the same back with the recommendation: Be adopted

DESMOND, Chairman.

The above reported resolution ordered on third reading calendar.

Resolutions.

By Messrs Evans and Lyon:

House Resolution No. 100-A.

Relative to the Institute of Government to be held by the School of Government of the University of Southern California June 10 to June 14, 1940.

WHEREAS, The School of Government of the University of Southern California will conduct its Twelfth Annual Institute of Government on the campus of the University from June 10 to June 14, 1940; and

WHEREAS, The Institute of Government will concern itself this year, as it has in the past, with the problems of State, Federal, county, and city governments,

providing reviews of established principles, presenting new techniques, and offering new concepts of possible achievement in the field of public administration; and

WHEREAS, The sessions and conferences of the Institute of Government afford to public officers and employees and all other persons interested in the improvement of governmental administration an unusual opportunity for study and development leading to an increased knowledge of both specific and general problems, and to increased competency; and

WHEREAS, Governor Culbert L. Olson has announced his approval of the service training given to State employees through this program, and has requested the cooperation of all department heads in making it possible for all State employees who wish to do so to attend the Institute of Government; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly does hereby commend Dr. Rufus B. von KleinSmid, President of the University of Southern California, and Dean Emery Olson of the School of Government, originator of the Institute of Government, upon their enterprise and public spirit in initiating and maintaining this invaluable institution; and be it further

Resolved, That all State employees are hereby urged to avail themselves of the opportunities offered by the Twelfth Annual Institute of Government, and to attend as many of its sessions as possible; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to Dr. Rufus B. von KleinSmid and Dean Emery Olson.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 100-A, at this time, without reference to committee.

House Resolution No. 100-A read, and adopted.

By Messrs. Voigt and Lyon.

House Resolution No. 101.

WHEREAS, The members of the Assembly will desire to have shipped to their various places of residence their bill files, stationery and other printed matter at the adjournment or recess of the extraordinary and second extraordinary sessions of the Fifty-third Legislature, therefore, be it

Resolved, That the Sergeant-at-Arms, Wilkie Ogg, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping same, properly packed to said members, and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Assembly in favor of said Wilkie Ogg, in the sum not to exceed three hundred fifty dollars ($350), and the State Treasurer is hereby directed to pay the same; and it is further directed that Wilkie Ogg furnish to the Controller vouchers and receipts for all expenditures made by him.

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 101, at this time, without reference to committee.

House Resolution No. 101 read, and adopted by the following vote:

AYES—Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—58.

NOES—None.

House Resolution No. 102.

By Messrs. Voigt and Lyon:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in the sum of $850 in favor of Jack Carl Greenburg, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses, and other incidental expenses in connection with completing the work of the fifty-third (extraordinary) session and the fifty-third (second extraordinary) session of the Assembly of the State of California. Vouchers and receipts for all expenditures to be furnished to the Controller.

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 102, at this time, without reference to committee.

House Resolution No. 102 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Yorty—60.

NOES—None.

By Messrs. Voigt and Lyon:

House Resolution No. 103.

Resolved by the Assembly of the State of California, That Jack Carl Greenburg, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the extraordinary and second extraordinary sessions of the Fifty-third Legislature, convened on May 13, 1940, and all indexing, correcting, comparing and proofreading and otherwise preparing the Journal of the Assembly of the extraordinary and second extraordinary sessions of the Fifty-third Legislature, and making the information therein readily available for the use of the members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the extraordinary session and second extraordinary session of the Fifty-third Legislature, and of compiling, preparing and having printed, after adjournment or recess, a Final Calendar of the legislative business of the extraordinary and second extraordinary sessions of the Fifty-third Legislature, said calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the sessions' business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the extraordinary and second extraordinary sessions of the Fifty-third Legislature.

When said Final Calendar is prepared, the said Jack Carl Greenburg, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation, and a copy of the same shall be filed with the Committee on Attaches; and be it further

Resolved, That the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated to be paid from the unexpended balance of the funds provided for pay of officers and attaches of the Assembly, for the salary and expenses of said Chief Clerk and for such assistants as may be necessary in order to carry out and perform such acts as may be required to be done as provided by this resolution; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 103, at this time, without reference to committee.

House Resolution No. 103 read, and adopted by the following vote.

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lyon, Maloney,

Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Yorty—61.

NOES—Heisinger—1.

By Mr. Call:

House Resolution No. 104.

WHEREAS, In the month of January during the proceedings of the fifty-third extraordinary session of the Legislature there developed rumors, suspicions and accusations charging that administrative officials were parties to a plot whereby living quarters of the Honorable Speaker of this Assembly and his wife were invaded and a dictaphone installed for the unseemly and un-American purpose of obtaining records of private conversations including privileged conversations of husband and wife; and

WHEREAS, This Assembly authorized by appropriate resolutions a nonpartisan investigating committee to investigate all allegations and rumors, relating to the charges and accusations and such action of the Assembly and resolution received the unequivocal endorsement of the chief executive of this State through his public statement that he would dismiss from the State service any appointee who was in any way implicated in the origination, direction or consummation of such plot, implying a full accord with legislative understanding that such tactics were capable of disrupting, debasing and corrupting legislative processes; and

WHEREAS, The testimony taken by the Assembly Interim Committee on Investigation of Legislative Interference resulted in Howard Philbrick, the then incumbent of the high office of Director of Motor Vehicles, assuming full responsibility for the direction of the installation of a dictagraph in the private bed chamber of the Honorable Speaker and his wife; and

WHEREAS, After such assumption of responsibility the matter of his dismissal was delayed until such time as he finally resigned, first publicly asserting that his resignation was occasioned by an offer of an executive position in the motion picture industry with accompanying announcements of his appointment by high executive officials of the motion picture industry; and

WHEREAS, The publicity attending his new employment, intentionally or otherwise, was designed to create a public impression that such new employment was made possible by faithful and valuable service rendered to the State government without mention of abuse of official position or tactics violative of every standard of American decency; and

WHEREAS, The motion picture industry exerts a tremendous influence in the formation of public opinion and in particular affects the ideals of the youth of the Nation, and should sense the responsibility of such influence and avoid any action calculated to or capable of a construction that it has little or no respect for preservation of legislative independence and integrity or condones activities of the type practiced; now, therefore, be it

Resolved, That the members of the Assembly, vigorously condemn the action of those officials of the motion picture industry who were parties to or associated with the release of publicity designed to create a public impression that Howard R. Philbrick had rendered good or valuable service to the State of California, and thus inferring that his conduct was proper whereby legislative officials and their families were subjected to a violation of their right of privacy by spying activities in their personal living quarters; be it further

Resolved, That the Chief Clerk of this Assembly send a certified copy of this resolution to all motion picture producers and to the Honorable Will R. Hays, President of the Motion Picture Producers and Distributors of America operating in the State of California.

House Resolution No. 104 referred to the Committee on Rules.

Motion to Print Report in Journal.

On motion of Mr. Wollenberg the following report was ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, May 22, 1940

Supplemental Report of the Subcommittee of the Joint Legislative Fact-Finding Committee on Employment for the San Francisco Bay-Central Coast Area.

Mrs. Winifred Jones, Miss Palma Benedetti, and Miss Marie Laurence were sworn in and are here to answer certain questions on behalf of the Joint Fact-Finding Committee of the Senate and Assembly, and depose as follows:

SENATOR PHILLIPS: You have all been members of the Contra Costa County branch of the CIO and the SCMWA?

MRS JONES, MISS BENEDETTI, MISS LAURENCE: Yes.

SENATOR PHILLIPS: On or about April 26th each one of you received a letter similar to that received by Mrs. Winifred Jones and which shall be marked for the record as Exhibit A?

MRS. JONES, MISS BENEDETTI, MISS LAURENCE: Yes.

SENATOR PHILLIPS: Mrs. Jones, this letter marked Exhibit A has the telephone number Richmond 707 on the letterhead. What number is that?

MRS JONES: That is the telephone number of the Contra Costa County State Relief Administration at 601 Nevin Avenue

SENATOR PHILLIPS: The SCMWA is using the telephone number of the SRA?

MRS JONES: Yes

SENATOR PHILLIPS: Is this organization a CIO affiliate?

MRS. JONES: Yes.

SENATOR PHILLIPS: The date for the trial was for Wednesday, May 1st, at 601 Nevin Avenue?

MRS JONES: Yes.

SENATOR PHILLIPS: That Nevin Avenue address, Miss Jones, is the address of the State Relief Administration?

MRS. JONES: Yes

SENATOR PHILLIPS: Then the SCMWA is not only using the telephone but the address of the State Relief Administration?

MRS JONES: Yes it is.

SENATOR PHILLIPS. What is it that you had done which made your conduct and statements a violation of your oath to the CIO?

MRS. JONES: I appeared under subpoena at Mr. Wollenberg's Fact-Finding Committee and gave testimony during the hearing against the activities of the union in the Contra Costa County office. We had attended a meeting subsequent to our dismissal in which union members were told that they were not to give any information regarding the union. I presume that is what they had in mind when they wrote us

SENATOR PHILLIPS: The oath to the CIO—could you tell us the portion they refer to?.

MRS. JONES: I don't remember it very well. We weren't very willing or anxious to take the oath and in the second place it was read in a group and I honestly don't remember very much. I do remember we were—the oath requests that you do not divulge information pertaining to the union or give names of officers of the union. I am afraid I did not take it as honestly as I might have.

SENATOR PHILLIPS: Miss Laurence and Miss Benedetti, did you receive similar letters?

MISS LAURENCE, MISS BENEDETTI: Yes.

SENATOR PHILLIPS: I see these letters are all signed by George Elner, President. What position does Elner hold?

MRS JONES: He is a case worker At the time I left, March 2d, he was a case worker.

SENATOR PHILLIPS: How long are you a member of SCMWA?

MRS. JONES: From January, 1939, until we were voted out of the union May 1, 1940.

SENATOR PHILLIPS: When did you first go to work for the SRA?

MRS. JONES: September, 1934.

SENATOR PHILLIPS: On the 4th you all received a similar letter —that would be about seven or eight days after the first letter. Miss Benedetti, do you recognize this letter as a copy of the one sent to you which shall be marked for the record as Exhibit B?

MISS BENEDETTI: Yes We had asked for withdrawal cards when we were laid off, a week or so afterwards, and we were promised we would receive withdrawal cards.

MR. LORE: I notice that those letterheads are typewritten Are those the originals or are they copies?

MRS. JONES: Assemblyman James Phillips has the originals.

MR. LORE: It is a regular printed letterhead?

MRS. JONES: Yes.

MR. LORE: How does Mr. Phillips happen to have the originals?

MRS. JONES: He is a friend of Miss Laurence and it happened in the course of conversation today the material was given to him We came up with information to give to Mr. Hansen who is our attorney provided by the California State Employees Association to represent us at the Board of Standards and Appeals. Mr. Field asked what happened Monday Monday we were called before the Board of Standards and Appeals to answer protests of March to the Board of Standards and Appeals. Miss Laurence was called in first by Robert Hansen. The hearing was pretty warm and they called in Miss Benedetti and myself. We didn't give very much information and the meeting was adjourned because it was noon and we returned at 1:30 and we were in session about ten minutes and Mr. Mallory adjourned definitely and Mr Geharty and Mr. Hansen were instructed to go into Contra Costa County and make a thorough investigation of our layoffs Mr. Mallory told us that they would probably return their verdicts to the Board of Standards and Appeals and they would notify us of their decision or the other alternative would be that they would be called before the entire body of the Board of Standards and Appeals.

MR. LORE: In the original printed letterhead was the same telephone number and the same street address?

MRS JONES: Yes

TELEPHONE RICHMOND 707
STATE, COUNTY AND MUNICIPAL WORKERS OF AMERICA
LOCAL 208, AFFILIATED WITH CIO.
P O BOX 1045, RICHMOND, CALIFORNIA, April 26, 1940

Mrs. Winifred Jones,
830 36th Street, Richmond, California.

DEAR SISTER JONES. This is to inform you that the executive board of Local No. 208, SCMWA, has brought charges against you which question your continued eligibility to membership in the union

We charge conduct and statements unbecoming to a union member, and violation of your oath to the CIO. You are to be tried on these charges by a committee of rank and file members of this local. The date for the trial of your case has been set for Wednesday, May 1, 1940, 8 p.m., at 601 Nevin Avenue, Richmond, California

You are requested to appear before this local to show cause why you should remain a union member. Your failure to appear or give notice will be considered cause for expulsion.

Fraternally yours,

(Signed) GEORGE ELNER, President

[SEAL]
GE:LL.

TELEPHONE RICHMOND 707
STATE, COUNTY AND MUNICIPAL WORKERS OF AMERICA,
LOCAL 208, AFFILIATED WITH CIO,
P. O. BOX 1045, RICHMOND, CALIFORNIA, May 4, 1940.

Miss Palma Benedetti,
5031 Grove Street, Oakland, California.

DEAR MISS BENEDETTI: Inasmuch as you did not appear, or give notice of your inability to appear before the special union meeting of which you were notified by letter, the local has taken the following action. After careful consideration of the charges against you, and by unanimous vote of the membership, you are hereby expelled from the State, County and Municipal Workers Of America and the CIO

The State and National office have been informed of this decision, and you may notify them directly if you wish to appeal.

In accordance with the above action you are not eligible to receive an honorable withdrawal card from this union.

Yours truly,

(Signed) GEORGE ELNER, President

[SEAL]
GE:LL.

TELEPHONE RICHMOND 707
STATE, COUNTY AND MUNICIPAL WORKERS OF AMERICA,
LOCAL 208, AFFILIATED WITH CIO.
P. O. BOX 1045, RICHMOND, CALIFORNIA, May 4, 1940.

Miss Marie Lawrence,
2873 Hannah Street, Oakland, California.

DEAR MISS LAURENCE: Inasmuch as you did not appear, or give notice of your inability to appear before the special union meeting of which you were notified by letter, the local has taken the following action. After careful consideration of the charges against you, and by unanimous vote of the membership, you are hereby expelled from the State, County and Municipal Workers Of America and the CIO

The State and National office have been informed of this decision, and you may notify them directly if you wish to appeal.

In accordance with the above action you are not eligible to receive an honorable withdrawal card from this union.

Yours truly,

(Signed) GEORGE ELNER, President.

[SEAL]
GE:LL.

CALIFORNIA STATE RELIEF ADMINISTRATION,
WALTER CHAMBERS, ADMINISTRATOR.

Hon Albert Wollenberg, Chairman, Subcommittee on Personnel and Policy.
State Capitol.

DEAR SIR In accordance with your subpena request of May 23, 1940, the address and telephone number of the SRA Richmond office are as follows:

601 Nevin Ave.,
Richmond 707.

Yours truly,

WALTER CHAMBERS, Administrator,
By E. A. SERAFINO.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY,
OFFICE OF E. C. LECOUNT, DISTRICT MANAGER,
1414 K STREET, SACRAMENTO, May 23, 1940.

Coast Counties Subcommittee on Personnel and Policy,
of the Fact-Finding Committee of the Legislature of California

GENTLEMEN: Pursuant to your subpena of May 23, 1940, for "the name of the subscriber to the telephone listed Richmond 707, at Richmond, California, the address at which said telephone is located, and the name of the person or persons to whom said service is billed," answer is submitted, as follows:

1. The name of the subscriber to telephone listed Richmond 707 at Richmond, California, is:
   State Relief Administration.
2. The address at which said telephone is located, is
   601 Nevin Street, Richmond, California.
3. The name of the person or persons to whom said service is billed, is.
   State Relief Administration

Yours truly,

(Signed) E. C. LECOUNT.
District Manager

Communication.

The Speaker acknowledged the receipt of a letter from the Department of Finance, relative to the report of the Joint Legislative Fact-Finding Committee.

On motion of Mr. Poulson, the Speaker referred the communication to the Committee on Social Service and Welfare.

Senate Message (Resumed).

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

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

Assembly Bill No. 128.

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

The above reported bill ordered to enrollment.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 134—An act to amend section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition upon the termination of the Exposition.

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Wollenberg, and Yorty—56.

NOES—Bashore—1.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Kellems, Kepple, King, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, George P. Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Wollenberg, and Yorty—55.

NOES—Bashore—1.

Title read and approved Bill ordered transmitted to the Senate.

Assembly Bill No. 66—An act to amend sections 12, 13 and 14 of, and to add sections 10.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing, horse racing license fees, and commissions deducted from wagers, and the powers of the California Horse Racing Board in connection with receipts of licensees under the act.

Bill read third time.

Consideration of Urgency Clause.

Urgency clause read, and refused adoption by the following vote:

AYES—Call, Del Mutolo, Lyon, Miller, George P., Scudder, Stream, Thorp, Turner, Voigt, Waters, and Yorty—11.

NOES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Dills, Donnelly, Evans, Gal-

lagher, Gilmore, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Poulson, Rosenthal, Sawallisch, Tenney, Thurman, Walker, Watson, Weber, Weybret, and Wollenberg—42.

Recess.

At four o'clock and twelve minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of nine o'clock p.m.

Reassembled.

At nine o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair

Motion to Withdraw Assembly Bill No. 33 from Committee.

In compliance with a notice given on the previous day, Mr. O'Donnell moved that Assembly Bill No. 33 be withdrawn from the Committee on Revenue and Taxation and be placed upon the calendar.

Motion to Lay on the Table.

On motion of Mr. Desmond, the motions to withdraw Assembly Bills Nos. 33, 34, 27, 28, 29, 30, 31, 32, 18, and 12 from the Committee on Revenue and Taxation were laid on the table by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Doyle, Field, Gannon, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—45.

NOES—Atkinson, Bennett, Burns, Michael J., Collins, Del Mutolo, Dills, Donnelly, Hawkins, Heisinger, Kilpatrick, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, and Rosenthal—19.

Motion to Expunge the Record and Rescind the Action on Motion to Table Assembly Bills.

Mr. Atkinson moved to expunge the record and rescind the action whereby Assembly Bills Nos. 33, 34, 27, 28, 29, 30, 31, 32, 18 and 12 were laid on the table.

Motion lost by the following vote:

AYES—Atkinson, Bennett, Collins, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gilmore, Kilpatrick, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Richie, Robertson, and Rosenthal—20.

NOES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Daley, Desmond, Field, Gannon, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—45.

Notice of Motion to Reconsider House Resolution No. 85 Waived.

Mr. Carlson waived his notice of motion to reconsider the vote whereby House Resolution No. 85 was adopted.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

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

Assembly Bill No. 47.

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

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference concerning:

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made, and declaring that this act shall take effect immediately.

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

Reports of Standing Committees (Resumed).

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

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

Assembly Joint Resolution No. 27.

Respectfully reports the same back with the recommendation: Be adopted as amended.

DESMOND, Chairman.

Reading of Assembly Joint Resolution No. 27 (Out of Order).

Assembly Joint Resolution No. 27—Relative to memorializing the President and the Congress of the United States to do all in their power to preserve the neutrality of the United States.

Committee Amendments to Assembly Joint Resolution No. 27.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1 of the printed measure, strike out lines 8 to 15, inclusive.

Amendment No. 2.

On page 1 of the printed measure, strike out lines 21 to 27, inclusive.

Amendment No. 3.

On page 2 of the printed measure, strike out lines 17 to 21, inclusive, and insert in lieu thereof the following: "war propaganda or war hysteria from any source; and be it further".

Assembly Joint Resolution No. 27 ordered to reprint, and re-engrossment.

Report of Standing Committee.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 115.

Requests the same be amended, and re-referred back to committee.

TURNER, Chairman.

Second Reading of Assembly Bill No. 115 (Out of Order).

Assembly Bill No. 115—An act to amend section 13 of "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the allocation of the money in the Fair and Exposition Fund.

Committee Amendments to Assembly Bill No. 115.

The following amendments were submitted by the committee:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "Thirty-five", and insert in lieu thereof the following: "Thirty".

Amendment No. 2.

On page 2, line 5, of the printed bill, strike out "twenty-five", and insert in lieu thereof the following: "ten".

Amendment No. 3.

On page 2, line 14, of the printed bill, after "made.", insert the following: "5 per cent for payment to and use of those certain fruit fairs defined in section 94 of the Agricultural Code, but not to district agricultural associations or county fairs, said sum to be apportioned between such citrus fruit fairs upon the basis of the population of the several counties in which such fairs are held, and if only one such fair is held, then it shall receive all of said sum; 40 per cent of such balance".

Amendment No. 4.

On page 2 of the printed bill, strike out lines 21 to 25, inclusive, and insert in lieu thereof the following: "for the encouragement of county, district, or combined county and".

Amendment No. 5.

On page 2 of the printed bill, strike out line 27, and insert in lieu thereof the following: "County fair, the Sixth District Agricultural Association and such citrus fruit fairs".

Amendment No. 6.

On page 2, line 32, of the printed bill, strike out "citrus fruit fair,".

Amendment No. 7.

On page 2, line 36, of the printed bill, strike out "45", and insert in lieu thereof the following: "40".

Amendment No. 8.

On page 2, line 37, of the printed bill, strike out "amount of", and insert in lieu thereof the following: "amount of said".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 142: By Mr. Lyon—An act to make an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission for the extension of the State park system, providing for the acquisition of land in Del Norte County for State park purposes.

Assembly Bill No. 143: By Mr. Sawallisch—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, making an appropriation to carry out the provisions of this act, and repealing Chapter 25 of the Statutes of 1940, approved February 28, 1940, to take effect immediately.

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau and read first time:

Assembly Bill No. 142: By Mr. Lyon—An act to make an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission for the extension of the State park system, providing for the acquisition of land in Del Norte County for State park purposes.

Referred to Committee on Ways and Means.

Assembly Bill No. 143: By Mr. Sawallisch—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, making an appropriation to carry out the provisions of this act, and repealing Chapter 25 of the Statutes of 1940, approved February 28, 1940, to take effect immediately.

Request for Unanimous Consent.

Mr. Sawallisch asked for, and was granted, unanimous consent to have Assembly Bill No. 143 placed on calendar, at this time, without reference to committee

Report of Special Committee.

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY. Your Interim Committee, created by House Resolution No. 75, adopted February 25, 1940, known as Assembly Perpetual Care Fund Committee, desires to report as follows:

That upon investigation it finds that Chapter 339 of the Laws of 1939 amended certain sections of the Health and Safety Code, that under provision of said bill it has made it a penal offense to fail to invest the perpetual care funds of interment societies except in the manner provided by said act

Your committee therefore feels that responsibility for investigating Interment Societies and for the punishment of any alleged violations which may be found is the duty of the several district attorneys of the counties of the State of California and not an obligation or duty of the Legislature.

Your committee has not expended any of the funds allocated for its use.

Respectfully submitted.

CLINTON J. FULCHER, Chairman,
CHARLES W. LYON,
C. DON FIELD.

On motion of Mr. Fulcher, the above report was read, adopted, and ordered printed in the Journal.

Resolutions.

By Assemblymen Bashore, Houser, Lyon, Field, Lore and Kepple:

House Resolution No. 105.

WHEREAS, Adequate mechanical training for the youth of today should be considered an essential factor in our educational system; and

WHEREAS, An unusual opportunity is available for the initiation of a mechanical training program for young men and women through the joint efforts of the State Relief Administration and the National Youth Administration of California, a subsidiary of the Federal Security Agency; and

WHEREAS, Such a program will be a means of aiding and adding to the effectiveness and productive capacity of American industry, the first line of national defense; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Relief Administrator is hereby respectfully requested to cooperate with the National Youth Administration of California, a subsidiary of the Federal Security Agency in establishing a mechanical work training project throughout California; and be it further

Resolved, That the State Relief Administrator is hereby respectfully requested to make available one-half of one per cent of the total appropriation made for unemployment relief for the establishment of such a program for the training of the needy youth of relief families.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 105, at this time, without reference to committee.

House Resolution No. 105 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Clarke, Collins, Cronin, Daley, Del Mutolo, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—Burns, Michael J.—1.

Explanation of Vote.

I am in favor of training and employment of youth, but being a machinist and knowing the conditions of that trade I could not justify my voting encouragement to youth to learn a trade that is now very much overcrowded

MICHAEL J BURNS.

By Messrs. Turner and Desmond:

House Resolution No. 106.

Resolved, That the sum of $1,500, or so much thereof as may be necessary, in addition to any other fund heretofore made available, is hereby made available from the Contingent Fund to the Assembly for the expenses of the Revenue and Taxation

Interim Fact-Finding Committee, its subcommittees and its members, and for any charges, expenses or claims that the committee may incur under House Resolution No. 67, first extraordinary session, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the treasury.

House Resolution No. 106 read, and referred to Committee on Rules.

By Messrs. Voigt and Lyon:

House Resolution No. 107.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same.

Pacific Telephone and Telegraph Company	$59 95
Postal Telegraph Company	25
Western Union Telegraph Company	1 95
Department of Finance	1 80
Department of Finance	6 50
Department of Finance	7 07
H. S. Crocker Company, Inc	14 98
Bureau of Purchases	214 14
Geo. N. Hammond Typewriter Company, rentals	51 50

Request for Unanimous Consent.

Mr Turner asked for, and was granted, unanimous consent to consider House Resolution No. 107, at this time, without reference to committee.

House Resolution No. 107 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M, Burns, Michael J, Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—61

NOES—None.

By the Committee on Attaches:

House Resolution No. 108.

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the payroll of the Assembly to take effect on completion of work May 24, 1940:

Rev Raymond L Bailey	Robert Finnie
David V Oliver	Jack Carl Greenburg
C W. Booth	Wilkie Ogg
Frank Reed	Albert Day
John E. Fitzgerald	Lillian Larkin
George Doering	Michael Connolly
William Davies	Tom Lyons
Lee J. Hoffman	Ed Nathan
Harold McKenzie	William Murphy
Domingo Correa	Robert Cross
Jack Shafer	Richard Morgan

VOIGT, Chairman

House Resolution No. 108 read, and adopted.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Senate Bill No. 90.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940

MR. SPEAKER: Your Committee on Free Conference concerning:

Senate Bill No. 90—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration

thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Reports that it has met a like committee of the Senate, consisting of Senators Phillips, Mayo and Foley, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows.

Amendment No. 1.

On page 2, line 10, of the printed bill, as amended in Assembly May 21, 1940, after "1940.", insert the following. "Any unexpended amount remaining in this classification at the close of the ninety-first fiscal year may be expended during the first, second, or third quarter of the ninety-second fiscal year."

Amendment No. 2.

On page 2 of the printed bill, as amended May 21, 1940, between lines 37 and 38, insert the following:

"SEC. 3.5. Out of the money appropriated by this act, the Relief Administrator or his duly authorized agent may, without at the time furnishing vouchers and itemized statements, draw one sum not to exceed $25,000 for use as a revolving fund for payment of compensation earned, traveling expenses advanced, or where other cash payments are necessary, and another sum not to exceed $450,000 as a revolving fund for Federal Food Stamp purposes. On March 31, 1941, or at any other time, upon demand of the Department of Finance, these expenses must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller."

Amendment No. 3.

On page 4 of the printed bill, as amended May 21, 1940, between lines 30 and 31, insert the following:

"(e) All income received by any relief recipient or member of his family as pay for attending drill or for any other duty as a member of the National Guard."

Amendment No. 4.

On page 6, line 8, of the printed bill, as amended May 21, 1940, after "person" and before "who", insert the following. "who has not taken an oath under section 11 of Chapter 12 of the Statutes of 1940."

Amendment No. 5.

On page 8 of the printed bill, as amended May 21 1940 strike out lines 17 to 24, inclusive.

Amendment No. 6.

On page 8 of the printed bill, as amended May 21, 1940, strike out lines 44 to 50, inclusive.

DALEY
HOUSER.
Assembly Committee on Free Conference

PHILLIPS, Chairman
FOLEY.
MAYO.
Senate Committee on Free Conference

The roll was called

Call of the Assembly.

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

Motion carried Time, eleven o'clock and thirty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Miller, George P, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Resolution.

By Messrs. Miller, George P., and Maloney, and San Francisco and Alameda County delegations:

House Resolution No. 109.

Relating to the allocation of Federal funds for the modernization of Pacific Coast shipbuilding facilities.

WHEREAS, Congress has appropriated approximately one and one-half billion dollars for naval defense; and

WHEREAS, The Pacific Coast is well equipped with shipbuilding facilities necessary for the completion of a program of naval defense; and

WHEREAS, The Pacific Coast shipbuilding facilities, while ample, are in need of modernization and improvement; now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief of Naval Operations is hereby urged and requested to allocate to Pacific Coast shipyards a fair proportion of the shipbuilding under this appropriation; and be it further

Resolved, That the Chief of Naval Operations is also urged and requested to award such proportion of the sums appropriated for naval defense as may be necessary for the modernization and improvement of shipyards and other shipbuilding facilities on the Pacific Coast; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to send a copy of this resolution to the Chief of Naval Operations of the United States.

Request for Unanimous Consent.

Mr. Miller, George P., asked for, and was granted, unanimous consent to consider House Resolution No. 109, at this time, without reference to committee.

House Resolution No. 109 read, and adopted.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr Burns, Michael J., Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Consideration of Senate Bill No. 88.

Case of Urgency Resolution.

By Mr. Burns, Michael J.:

Resolved, That Senate Bill No. 88 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Daley, Del Mutolo, Dills, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—59

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 88, at this time.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman

Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65

NOES—None.

Third Reading of Senate Bill No. 88.

Senate Bill No. 88—An act relating to parks and making an appropriation for the State Park Maintenance and Acquisition Fund for the operation maintenance and extension of the State park system, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State park system," approved February 28, 1940, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Riche, Robertson, Rosenthal, Salsman Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Third Reading of Senate Concurrent Resolution No. 15.

Senate Concurrent Resolution No. 15—Relative to the operation, maintenance, and extension of the State park system.

Bill read, and adopted by the following vote

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Riche, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Presentation of Bill for Introduction.

The following bill was presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 144: By Mr. Lyon—An act to amend section 87 of the Agricultural Code, relating to horse racing, including the leasing by district agricultural associations of race tracks for running races of horses.

Introduction and Reference of Bill.

The following bill was reported back from the Legislative Counsel Bureau and read first time:

Assembly Bill No. 144: By Mr. Lyon—An act to amend section 87 of the Agricultural Code, relating to horse racing, including the leasing by district agricultural associations of race tracks for running races of horses

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to have Assembly Bill No. 144 placed upon the calendar, at this time, without reference to committee.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Field, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Introduction and Reference of Bills.

The following bills were introduced.

Assembly Concurrent Resolution No. 26: By Messrs. Field and Houser—Relative to the Fact-Finding Committee created by Senate Concurrent Resolution No. 10, and further defining its powers and duties in relation to home defense and the bearing thereof upon the solution of the problem of relief and unemployment.

Request for Unanimous Consent.

Mr. Field asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 26, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 26.

Assembly Concurrent Resolution No. 26 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—Heisinger and Lore—2

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Call, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Assembly Concurrent Resolution No. 27: By Messrs. Call, Scudder and Millington—Relative to the establishment of a legislative budget bureau.

Request for Unanimous Consent.

Mr. Call asked for unanimous consent to consider Assembly Concurrent Resolution No. 27, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. O'Donnell withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Call moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 27 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Atkinson, Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Field, Fulcher, Gallagher, Gannon, Johnson, Kellems, Kepple, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—47.

NOES—Bennett, Del Mutolo, Dills, Donnelly, Gilmore, Heisinger, King, Lore, and O'Donnell—9.

Consideration of Assembly Concurrent Resolution No. 27.

Assembly Concurrent Resolution No. 27 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Hawkins, Houser, Johnson, Kel-

lems, Kepple, Kilpatrick, King, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—Heisinger—1.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With.

At eleven o'clock and forty-five minutes p.m., on motion of Mrs Daley, further proceedings with reference to free conference concerning Senate Bill No. 90 under the call of the Assembly were dispensed with.

The roll of absentees was called, and the free conference report concerning Senate Bill No. 90 adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—58

NOES—Atkinson, Bennett, Collins, Del Mutolo, Dills, Hawkins, Kilpatrick, King, Lore, Massion, Pelletier, Richie, and Rosenthal—13.

Explanation of Vote.

We are voting for this bill on final action, not because it is a just and righteous measure, but because the facts face us; unless we give approval, there will be no relief legislation at this session, while thousands of citizens of California are facing privation, want and destitution on a living standard of five cents (5¢) or less per meal. Such disasters compel the counties to face larger relief expenditures.

We have earnestly endeavored to amend out of the bill, some of the objectionable and obnoxious features, but have been unable to do so.

S. L. HEISINGER.
EDWARD F. O'DAY
JOHN W. EVANS.
DAN GALLAGHER.
JOSEPH P. GILMORE.
HENRY P. MEEHAN.

Guests Extended Privilege of Assembly Floor.

On request of Messrs. Meehan and Phillips, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Kay Clarke of Oakland and Miss Agnes Morrow of Sacramento.

On request of Miss Eleanor Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dr. Alta B Hall of Los Angeles.

On request of Mr. Fulcher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Viola Quinlin of Redding and Lloyd Soldane of Yreka.

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs Dennis Shelley, Marian Shelley, Miss Ann Sindicich, Miss Lavina Wishard and Miss Catherine Wilson.

On request of Messrs. Tenney, Yorty, Bashore, Phillips, Gannon and Speaker Gordon Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to R E. Combs of Visalia.

Adjournment.

At eleven o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m., Friday, May 24, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY
ONE HUNDRED SEVENTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Friday, May 24, 1940.

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

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair. Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76

Quorum present.

Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

Reading of the Journal Dispensed With.

On motion of Mr. Del Mutolo, the further reading of the Journal of Thursday, May 23, 1940, was dispensed with.

Leaves of Absence for the Day.

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

Mr. Gilbert, on motion of Mr. Hawkins.

Motion to Print Prayer in the Journal.

On motion of Mr. Doyle, the following prayer by Rev. Tonness was ordered printed in the Journal.

Prayer—Assembly Session, May 24, 11 o'clock.

O Thou, Who livest, movest, and hast Thy being in us!

We are sincerely thankful to live in a land where, as yet, moving specks upon the distant sky do not instill fears—a land where differences of opinion do not disqualify for the full and free exercise of the rights and privileges of citizenship

Thou hast taught us, long since, that in the processes of a democracy there must be defeats as well as victories. But we have also learned that the life blood of all, the exacting toils, the fine loyalties, the unstinted devotions of vanquished and victors alike, are incorporated as vital elements in final results and accomplishments.

As we today approach the consummation of this unit of service, we find satisfaction in the thought that we have served faithfully and unsparingly, to the best of our ability and understanding—that in the interchange and pooling of honest efforts, honest results have been honestly achieved.

In that spirit and conviction we would anticipate and countenance all issues, tasks, and situations—ever ready to acquit ourselves as worthy representatives and citizens of this great Commonwealth.

Amen

Communication.

Resolution, from the city council of Long Beach protesting the enactment of provisions of Senate Bill No. 81.

Motion to Print Telegram in the Journal.

On motion of Mr. Rosenthal, the following telegram was ordered printed in the Journal:

WESTERN UNION.

SAN PEDRO, CALIFORNIA, May 23, 1940.

Hon. Ben Rosenthal,
State Capitol Building, Sacramento, California.

Please extend sincere appreciation and thanks to entire Legislature and other friends and Governor Olson for all you have done for me and the family in this hour of greatest need.

MRS. FRED REAVES AND FAMILY.

Report of Standing Committee.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 115.
Assembly Concurrent Resolution No. 24.
Assembly Joint Resolution No. 27.
And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bills ordered on third reading calendar.

Re-reference of Bills.

By order of the Speaker, the following bill was withdrawn from the calendar, and re-referred as follows:

Assembly Bill No. 115 re-referred to Committee on Revenue and Taxation

Motion to Print Report in the Journal.

On motion of Mr. Allen, the following report was ordered printed in the Journal and 1,500 extra copies were ordered printed.

Report of Assembly Governmental Efficiency and Economy Fact-Finding Committee.

Summary of Economy Recommendations.

Restore to the General Fund the amount allocated from 1937-39 Emergency Fund to Unified Construction Fund	$325,000*
Defer construction of Psychiatric Hospital and clinic in San Francisco, saving	150,000*
Limit Emergency Fund disbursements to $750,000, saving	1,000,000*
Eliminate unwarranted use of State-owned automobiles, out-of-State travel to conventions, the employment of publicists, the publication of propaganda, the needless creation of new jobs, communication, and other extravagant practices, through effecting a blanket cut in departmental expenditures of 5 per cent for the biennium or 10 per cent for second fiscal year only, saving	3,300,000*

Abandon Conn Valley Dam proposal and carry out original Rector Canyon Dam plan as recommended by Legislature in 1937	$350,000*
Repeal unused appropriation for Pacific Exposition and Mercado	1,500,000†
Sell California National Bank Building and place proceeds in General Fund	200,000*
Transfer impounded balance in Personal Income Tax Fund to General Fund	500,000*
Over-estimate of interest charges on registered warrants due to disregarding relief and other possible economies	1,200,000*
	$8,525,000

* Can be effected by Governor and administrative officers.
† Requires legislative action at regular session.

Summary of Efficiency Recommendations.

Prohibit deficiency appropriations and thus restore to the Legislature the final decision on controllable appropriations.

Restrict out-of-State travel by State officials particularly in connection with convention attendance.

Eliminate unnecessary travel by State employees particularly with respect to duplicate routes of travel and overlapping field work

Curtail or discontinue use of publicists by State departments.

Restrict use of the Emergency Fund by more clearly defining its purposes.

Enforce repayment of loans made out of Emergency Fund which have not been repaid.

Reduce mileage allowance on privately owned automobiles used on State business from 5½ cents to 5 cents per mile, for the first 1,000 miles per month and 4 cents per mile for each 1,000 miles thereafter.

Discontinue the creation of new State positions except where absolutely necessary, and eliminate nonessential positions now in existence.

Consider reorganization of State Government with particular reference to elimination of duplication and overlapping.

Restrict use of State-owned automobiles by providing for pooling of vehicles in general use, placing State seal on each vehicle and enforcing penalties for nonofficial use of such vehicles

Discontinue or restrict use of press clipping services

Establish an independent system of post auditing of expenditure accounts with particular reference to transferring this function from Department of Finance to the State Controller.

Restrict general powers of Department of Finance by returning to the Legislature certain blanket authority now delegated to this department.

Abolish Governor's Secret Service Fund and vest investigatory function in Attorney General.

Pursuant to Assembly Resolution 67 adopted on February 24, 1940, your Governmental Efficiency and Economy Fact Finding Committee herewith reports its findings and recommendations:

Scope of Investigation.

Although it would take many months to make an exhaustive study of State government, your Committee has endeavored to gather as much

information as possible in the limited time available. We have endeavored to pick the wheat from the chaff and condense our findings into a few salient points which we feel will be helpful to the Legislature in solving the State's fiscal problems. Our inquiry has not covered the subject of fixed charges, whether constitutional or statutory, although a large part of the budget is fixed by law. To those expenditures under administrative control, however, your Committee has devoted as much attention as time would permit. We held hearings in Sacramento, Los Angeles and San Francisco where we called in for questioning the heads and other officers of most of the departments of State government. We have likewise checked and studied various published reports and have requested from the different departments certain documentary and other information. We have also endeavored to seek the opinion of private citizens as to their attitude concerning public expenditures. Such citizens included farmers, home-owners, business men, professional men, and employed persons. With some general understanding of the problem of government, we have drawn certain conclusions upon which we have based our findings and recommendations.

Limitations on Economy Recommendations.

The Governor's proclamation, convening the special session of the Legislature, although designed to allow the Legislature to solve the State's financial difficulties, limited the course we might follow to (1) restricting unemployment relief and (2) levying new taxes With the sole exception of unemployment relief, we have been unable to find any language in the proclamation which would allow the Legislature at this time to consider any economy legislation. And in the case of relief it was apparently not the Governor's intention to effect economies, for the stop-gap relief appropriation was vetoed by him on the grounds that it was inadequate and his veto had to be over-ridden by the Legislature. Thus at the start we find ourselves handicapped in solving the State's financial difficulties.

If the State is to avoid new taxes it must spend less, which means *economy in State government and economy in the administration of* relief The subject of economy in relief is being handled by a separate investigating committee. The subject of economy and efficiency in State government is the object of the inquiry of this Committee

In connection with effecting economies in State government our recommendations are based on either or both of two alternatives·

1 Recommendations that the Governor and the independent agencies voluntarily refrain from spending certain money already appropriated

2. Recommendations for economy legislation to be considered by the Legislature when it convenes in regular session in January, 1941. It is the hope of this Committee that the administration will cooperate in avoiding new taxes by voluntarily effecting expenditure reductions. If the administration fails to effect economies as suggested and chooses to ignore public opposition to additional taxation it will be adding needlessly to the accumulation of an already large deficit.

The Legislature may act with full authority in January, 1941, which is but eight months away, at which time economies may have to be more drastic if retrenchment is postponed until then With respect to postponement of economies, we wish to call attention to the fact that had the Governor voluntarily effected economies in the SRA last July

instead of waiting until public indignation and legislative action forced them upon him, the present deficit would be some ten or fifteen millions less than it is. So again we repeat, if the Governor chooses to effect economies in those departments under his control and the independent State agencies do likewise, many millions can be saved now and the situation will not be so serious in January as otherwise might be the case. To delay will needlessly complicate the problem and might in turn require drastic cuts which would be as unpleasant as they would be necessary.

Rise in Cost of State Government.

While a substantial part of the State budget consists of fixed charges over which the Legislature has no control and a large part consists of humanitarian services which are made necessary because of widespread unemployment and distress, the fact still remains that every dollar spent by the State must now or later be collected from our citizens, either through taxation or through fee charges. Thus we must look at the general question of State taxation through the eyes of those who pay the bill and in this connection observe how great this burden is and how it has grown over the years. There follows a tabulation compiled from the records of the State Controller which shows the rise in the cost of State government, which includes State aid to local governments over the past thirty years. It is staggering to observe how this burden has grown, particularly in terms of population. The cost per citizen, which includes every man, woman and child, whether they pay taxes or not, has increased from $6.36 in 1909-10 to $40.24 in 1938-39. This does not include Federal or local tax burdens but only that imposed by the State.

Part of this increase has been due to the State assuming a greater share of the cost of public education, the advent of the automobile and the simultaneous need for highways and motor vehicle regulation, the development of the present system of pensions and social welfare aids, and the emergency need for unemployment relief. Although these items loom large, the various departments, divisions, bureaus, boards, commissions and institutions of State Government have likewise grown with alarming rapidity. Although there is no accurate check on the number, a cursory examination of the printed budget and other printed documents reveals that there are in excess of 300 such units of administration in State Government, ranging from small bureaus employing a handful of individuals, to gigantic departments employing thousands.

Total State Expenditures and Per Capita State Expenditures. State of California.

	Total State expenditures	*State expenditures per capita*	*State population*
1909–10	$14,866,851	$6.36	2,339,080
1910–11	14,672,048	6 01	2,442,670
1911–12	16,936,278	6 64	2,550,190
1912–13	18,502,456	6 92	2,673,900
1913–14	22,147,136	7.88	2,811,170
1914–15	25,306,325	8.65	2,924,480
1915–16	24,713,380	8 27	2,988,140
1916–17	25,542,319	8.37	3,050,180
1917–18	27,806,190	8 74	3,181,380
1918–19	30,648,403	9.46	3,238,240

Total State Expenditures and Per Capita State Expenditures—Continued.
State of California.

	Total State expenditures	*State expenditures per capita*	*State population*
1919–20	$36,125,456	$10.54	3,426,861
1920–21	39,213,388	10.58	3,706,790
1921–22	51,900,239	13.14	3,949,045
1922–23	56,734,786	13.56	4,183,992
1923–24	63,784,351	13.82	4,615,319
1924–25	76,631,298	16.09	4,762,746
1925–26	82,835,251	16.69	4,963,023
1926–27	87,597,756	17.07	5,132,078
1927–28	90,614,195	17.08	5,305,250
1928–29	110,088,137	20.20	5,448,650
1929–30	118,340,960	20.93	5,677,251
1930–31	123,644,803	21.29	5,806,920
1931–32	133,291,327	22.54	5,912,330
1932–33	122,310,011	20.44	5,984,650
1933–34	163,796,954	26.63	6,151,280
1934–35	168,506,065	27.23	6,188,300
1935–36	200,328,061	31.71	6,317,500
1936–37	216,965,801	33.73	6,431,700
1937–38	259,717,469	38.14	6,810,000
1938–1939	279,284,296	40 24	6,940,000

Dollars Saved Are as Good as Dollars in New Taxes.

The existing tax system is capable of taking care of the State's normal expenditure requirements. It is only the excess spending that would have to be financed through new taxes Thus it would appear self-evident that if unnecessary excess spending is eliminated, no new taxes will be necessary. A dollar saved is just as good as a dollar in new taxes.

With substantial economies already being effected in the administration of relief, a large part of the tax problem is being taken care of. A few millions in savings spread among the other departments and agencies of the State will add still more to balancing the general fund budget. In fact economies in relief spending and in State Government operations may be enough to bring the State budget close enough to balance that the immediate problem will be solved. At this point, however, mention must be made of a matter that bears on this same problem, although it comes within the purview of the investigation of another committee. Along with economy, it is to be hoped that the existing tax system will produce more revenue than has been officially forecast. With business continuing its uptrend, there is reason to believe that the flow of money into the State treasury will be greater than hoped for. The final nail in the deficit coffin, however, should be expenditure reduction.

Department of Finance.

The Department of Finance is vested primarily with responsibility for handling the business affairs of State government. This department is responsible for the purchase of materials and supplies, the approval of the employment of personnel, the maintenance of State buildings and grounds, the operation of the State printing plant, the preparation and administration of the State budget and several other related functions. With the business affairs of State government concentrated largely in this department, it is natural for this committee

to direct its attention more particularly to this branch of State government than to any other. In doing this, however, we have discovered a number of things about the way State business is being conducted that we believe should be called to the attention of the Legislature.

It will be recalled that when the 1939-41 budget was submitted to the Legislature in January, 1939, the Department of Finance requested that the General Fund support of its own department be increased from $1,463,216 to $2,025,155 or an increase of $561,939. As the business department requested an increase in its particular budget amounting to 38.4 per cent over the preceding biennium, and included in this increase was a request for 108 new State positions. This does not impress the committee as evidence of sound business management.

With respect to the creation of new State positions the Personnel Board advises us that during the first nine months of this fiscal year, the Department of Finance has created 110 new jobs. While a part of these new positions replaced old ones, the net increase was not justified by the financial condition of this State

Elsewhere in this report we have called attention to the fact that during the few remaining days of the last biennium the Department of Finance made last minute raids on the 1937-39 Emergency Fund, which would lapse on June 30, apparently in an attempt to exhaust the unexpended balance before it reverted to the treasury. Knowing the precarious condition of the State's finances this unexpended balance, which could have amounted to several hundred thousand dollars, might have reverted to the General Fund and eased the State deficit to this extent.

In the handling of Emergency Fund money and the allocation of money from the Unified Construction Fund, the Department of Finance wields a big stick. It has made available Emergency Fund money where no emergencies existed and in many cases has resorted to favoritism, especially in the case of its own finances. In the case of the Unified Construction Fund, the Legislature's wishes in suggesting that the money be used largely to relieve congestion in State institutions was disregarded to the extent of several million dollars, a large portion of which was diverted to the Department of Finance.

We requested information on telephone expenses, which was provided by the Department of Finance, but as soon as it was discovered that we checked these figures with the Controller, the department hastily revised them upward and submitted an amended statement. When we asked for current information on the operating losses of Napa State Farm, which is operated by the Department of Finance, the latest data were for the period ending December 31, 1936, although as late as August, 1937, $59,130 was transferred from the Emergency Fund to the farm to replenish its exhausted Revolving Fund, which on April 1, 1940, stood at approximately $35,000.

This committee is firm in its conviction that the Legislature has erred in allowing the Department of Finance to accumulate too much power. We recommend, therefore, that the Legislature give serious attention, when it reconvenes in January, 1941, to restricting the powers of the Department of Finance. We believe that a restriction of such powers would add materially to the cause of better business management in State government.

Unified Construction Program.

Specific examples of the actions of the Department of Finance in making transfers of funds, the effect of which is to defeat legislative intent may be cited as follows:

In 1937 the Legislature passed two bills appropriating $13,987,800 for the construction of various State buildings. Chapter 796 appropriated $6,781,550, which was the regular budget request, and Chapter 799 appropriated $7,206,250 to be used only in case PWA money was available. Although the Department of Finance was given broad authority over the expenditure of this money the Legislature accompanied these acts with two resolutions, Assembly Concurrent Resolution No. 55 and Assembly Concurrent Resolution No. 59, recommending that $12,810,800 of the amount appropriated be used for construction at State institutions, prisons and the Veterans' Home Instead of respecting the recommendations of the Legislature and spending this money to relieve congestion in the various State institutions, the Department of Finance limited the amount of money for institutional purposes to approximately $8,500,000 and diverted the remainder to other purposes.

Attention is directed to the fact that after diverting almost $4,500,000 of this money to purposes other than institutional construction, which was what the Legislature had in mind when it appropriated the money, the Department of Finance then requested the Legislature to approve a similar appropriation contained in the budget submitted in January, 1939 Here again we find an instance of the Department of Finance ignoring the will of the Legislature and by so doing adding to the State deficit and further complicating the State's financial problem

On June 29, 1939, the Department of Finance transferred $325,000 from the Emergency Fund to the Unified Construction Fund which, in effect, increased this fund to this extent. Inasmuch as the transfer of money from the Emergency Fund to the Unified Construction Fund was not based on any emergency we are led to believe that this was done to exhaust the unexpended balance in the Emergency Fund and thus prevent this balance from reverting to the State treasury at the end of the biennium, which was at midnight on the following day.

In connection with legislative appropriations the committee can not too strongly recommend that all funds be definitely earmarked, as far as possible, for the exact purpose for which the same are to be used. In addition, the Legislature should provide that all moneys not used for the specific purpose for which appropriated shall revert to the unappropriated portion of the General Fund. This committee further condemns the practise of making a general appropriation of funds, and later directing the allocation or spending of such funds by resolution only, as was done in the 1937 session as above indicated Such resolutions have no binding effect on the Department of Finance, and have been ignored in the past.

Psychiatric Hospital and Clinic.

The State budget as submitted to the Legislature in January, 1939, requested $500,000 for the purpose of constructing a psychiatric hospital and clinic in the city of San Francisco. In view of the condition of the State treasury the Assembly questioned the advisability and necessity for this proposed institution and deleted the entire amount

from the budget bill. It was pointed out that this activity was somewhat experimental in character, that it would duplicate the psychiatric hospital connected with the San Francisco County Hospital, and that for the time being such experimental work could be carried on at one of the State hospitals for the insane, thus precluding the immediate necessity for constructing this particular institution. When the budget bill reached the Senate, however, that body restored $350,000 for this purpose and the Assembly concurred in the Senate amendment. Thus the intention of the Legislature was to appropriate $350,000 for the psychiatric hospital.

This committee is now advised that the Department of Finance added $150,000 from the Unified Construction Fund to the legislative appropriation, which in effect restored the amount to the original figure contained in the budget as submitted. We feel that the Department of Finance has again violated the expressed will of the Legislature by making this restoration.

Emergency Fund.

It has been the custom for many years for the Legislature to appropriate a sum of money to constitute an Emergency Fund which is designed to take care of unforeseen contingencies which may occur while the Legislature is not in session. While such a fund lends flexibility to the budget and is a necessary adjunct, the use of this money is sometimes subject to abuse. It is to the unwarranted use of Emergency Fund money that this committee desires to direct attention.

In examining the records over a period of years we have observed that on numerous occasions the Emergency Fund money has been used for purposes which are really not emergencies. In certain instances Emergency Fund money is used to supplement the regular budget of favorite departments particularly in cases where those departments through extravagance have failed to live within their support appropriations. There are numerous instances where Emergency Fund money has been used for purposes entirely out of the scope of the emergency concept. A notable example is the allocation of $30,000 to construct an Indian Museum at Sutter's Fort. While this may be a desirable purpose, it certainly is not an emergency, and the decision to spend money for purposes of this character rests with the Legislature and not the State Department of Finance.

We observe also that during the last few days of the last biennium, raids were made upon the Emergency Fund to the extent of almost three-quarters of a million dollars. It would appear that this was not accidental or coincidental, but rather a deliberate attempt by the Department of Finance to exhaust the unexpended balance in the Emergency Fund appropriated for the biennium ending June 30, 1939, in order to prevent any money remaining unallocated at midnight on June 30 from reverting to the State treasury.

In addition to the above cited example we observe that on June 29, 1939, there was transferred from the Emergency Fund to the Governor's support appropriation $14,000 and to the Secret Service Fund $10,665, although no evidence was submitted to this committee to indicate that an emergency existed in either case.

During the last six months of the Merriam administration, the Governor transferred $39,668 from the Emergency Fund to his Secret

Service Fund. During the first six months of the Olson administration, the Governor transferred from the Emergency Fund to his support appropriation and his Secret Service Fund $48,961. In either case there appears to have been no evidence of an emergency requiring the expenditure of such large sums of money. Because of a restriction placed in the budget bill by the 1939 Legislature, it will henceforth be impossible for the Governor to transfer money from the Emergency Fund to his support appropriation or to his Secret Service Fund, so that such practice has been made illegal. But in calling it to public attention again we desire to emphasize the fact that Emergency Fund money has been and in many instances still is being used for purposes not truly emergency in character and in some instances for purposes that are entirely unnecessary.

The following tabulation shows the amounts of money appropriated to the Emergency Fund for each of the past five biennial periods, together with the amount set up in the budget for the current biennium:

1929–31	$1,000,000	
1931–33	1,500,000	
1933–35	500,000	
1935–37	1,000,000	
1937–39	1,000,000	(Appropriated in regular session)
1937–39	1,000,000	(Appropriated in special session—March, 1938)
1939–41	1,750,000	(Budget.)

In 1937 it will be recalled that the Legislature appropriated $1,000,000 for the Emergency Fund, but in March, 1938, it added another $1,000,000 primarily for the purpose of taking care of the new salary scales which had been set in operation by the State Personnel Board. However, in the case of the second $1,000,000, the Emergency Fund was used merely as a vehicle for handling the salary money and in this sense it should not be considered as an Emergency Fund appropriation in the usual sense of the word. Thus the $1,750,000 contained in the current budget is in reality the largest true Emergency Fund appropriation ever provided by the Legislature.

It is the belief of this committee that the aggregate expenditures from the Emergency Fund for the current biennium can be kept within $750,000 if the Department of Finance exercises diligence in the allocation of this money. In view of the serious condition of the State Treasury and the disinclination on the part of the general public to accept additional taxation it is recommended that an effort be made to keep Emergency Fund expenditures as low as possible, and it is our belief that this will make possible the saving of at least $1,000,000.

We have further observed that on several occasions Emergency Fund money has been loaned to certain departments with the understanding that it would be repaid at some future date. This procedure is followed to facilitate the financing of certain activities for which ready cash is not available but for which certain income is anticipated at a future date. The committee has observed, however, that in certain instances, the Department of Finance has been negligent in enforcing the repayment of these advances. The committee strongly recommends that as soon as money is available in the various special funds that these loans

be repaid to the Emergency Fund which in turn will relieve the cash condition of the General Fund.

Alteration of Governor's Office.

Although the money has already been spent, we believe it should be made a matter of record that the State Department of Finance has expended during the current fiscal year $59,982 to remodel and refurnish the Governor's Sacramento office. The cost of construction amounted to $42,996 which included $12,457 for air conditioning Furniture and office equipment cost $5,795 which included the purchase of $1,519 worth of furniture made by convict labor in San Quentin prison. Carpets and drapes cost $3,197 and dictagraph equipment cost $4,055. Architectural supervision amounted to $3,939.

While it may be highly desirable to uphold the dignity of the office of Governor by providing our Chief Executive with a lavishly furnished office, we believe that to expend almost $60,000 for this purpose at a time when the State Treasury is badly overdrawn is evidence of gross mismanagement of the State's funds. While spending money for this unnecessary purpose, the taxpayers of this State are being asked to provide millions of dollars in additional taxes to finance an unprecedented spending orgy.

Last but not least, we wish to call attention to the fact that the money used to finance these alterations and refurnishings was obtained from the State's Emergency Fund, although the purpose for which the money was expended was certainly not an emergency within the true meaning of the word.

Lieutenant Governor.

The primary duty of the Lieutenant Governor is to preside over the State Senate and in connection with the performance of this duty he has available to him secretarial and clerical assistance from the regular attaches of that body. In 1935 the Legislature authorized the employment of a secretary for the Lieutenant Governor so that he would no longer be dependent upon the regular clerical staff While there is some question as to the necessity for such a position the dignity of the office may call for this type of assistance.

This committee was astounded to discover that the incumbent Lieutenant Governor has been unable to perform the duties of his office without adding several additional employees. Since July 1, 1939, in addition to his secretary, he had employed two stenographers and an assistant to the Lieutenant Governor. We recommend that the assistant to the Lieutenant Governor be immediately abolished or otherwise prevented from becoming a permanent position. Obviously the biennial appropriation of $13,100 provided for in the State budget, which is $6,550 a year, has proved inadequate and it has been necessary for him to call upon the Department of Finance for an allocation from the Emergency Fund, which has been made. This brings his annual budget up to $12,560 which on a biennial basis is approximately twice the amount set forth in the State budget.

The committee desires to point out that the duties of the Lieutenant Governor are mainly to preside over the Senate and to serve upon various boards and commissions of which he is a member by law Therefore, the committee deplores the extensions of the activities of this office to a point where an assistant to the Lieutenant Governor is

needed and numerous secretaries required. The office of assistant to the Lieutenant Governor should be abolished and the need for additional secretaries reexamined in the light of the actual duties required of this office.

While it may not be our function to criticize the acts of a constitutional officer we deplore this wanton waste of public funds, particularly at a time when the State Treasury is so badly overdrawn. This is but another illustration of extravagance which emphasizes the opportunity for economy in State Government which could be realized if State funds were always expended prudently.

Indian Museum.

In June, 1939, the Department of Finance allocated certain moneys from the Emergency Fund for construction purposes, and included in this allocation was $30,000 to construct a building at Sutter's Fort to house the State Indian Exhibit which, prior to 1938, was located on the fourth floor of the State Capitol. In the spring of 1939 the Legislature discovered that although the Indian Exhibit was set forth in the State budget it was actually boxed up in a Sacramento warehouse. When this discovery was made the Department of Finance hastily moved the exhibit from the warehouse to the California Bank Building which the State had acquired in 1937 to be used as a State Treasury. This exhibit is still located in the bank building in Sacramento. Now it is proposed to transfer the exhibit to Sutter's Fort and to house it in the building which the State now proposes to build at a cost of $30,000

Your committee is cognizant of the desirability of maintaining this exhibit available to the public, but in passing we point out that here again the Department of Finance is in a position to transfer moneys from the Emergency Fund to be used where there is no emergency in fact.

Deficiency Appropriations.

The Director of Finance is authorized by law to permit special fund activities to spend in excess of the amount provided in the budget bill if their revenues are sufficient to take care of such excess spending and to do this without any subsequent authority from the Legislature. As a result the special fund items in the general appropriation bill are meaningless because as soon as the Legislature adjourns the Department of Finance is able to restore any cuts effected or to increase the special fund budgets above the amount authorized by the Legislature.

The 1937 Legislature, for example, allowed the Department of Motor Vehicles $10,136,600 in the budget bill to cover its support for the biennium 1937-39. The State budget submitted to the Legislature in January, 1939, indicated that the department's expenditures during that period would be $12,162,683 or $2,026,083 in excess of the budget adopted in 1937. Moreover, the 1937 Legislature allowed the Sales Tax Division of the State Board of Equalization $3,743,720 in the budget bill for that same biennium, but the new State budget indicates that the division's expenditures during that biennium would be $4,124,832 or $381,112 in excess of the budget as approved by the Legislature.

There are numerous instances of this sort but the above illustrates the evils of special fund deficiency appropriations. We are of the opinion that the Legislature should fix all appropriations and that

the necessary flexibility should be provided through the emergency fund and not through authority vested in the Department of Finance to authorize deficiency appropriations without legislative consent. We recommend, therefore, that at the next regular session of the Legislature section 661 of the Political Code, which authorizes deficiency appropriations, be repealed so that the Legislature may become the master of the appropriation situation and not the State Department of Finance.

In the case of General Fund appropriations the Department of Finance is authorized to approve spending on a deficiency basis in contemplation of subsequent legislative approval. In other words, a General Fund department with the approval of the Department of Finance may exhaust its biennial appropriation in advance of the end of the biennium in contemplation of a legislative act appropriating sufficient money to make up the difference. In January of legislative years it has been the custom to submit General Fund deficiency appropriations bills to the Legislature to cover the over-spending in such departments as have spent in excess of the quarterly pro rata allowance which would have been available had the biennial appropriation been spread over the full 24 months of the biennium. This committee hereby declares its opposition to this practice and serves notice on the Department of Finance and other State departments that it is recommending to the Legislature that all such General Fund deficiency appropriations submitted in January, 1941, be rejected The various departments of State government should live within the limits of their appropriations.

Governor's Secret Service Fund.

For many years it has been the custom to appropriate money to constitute a Secret Service Fund for the Governor, which for the current biennium amounts to $15,000 The purpose of this fund is to allow the Governor to finance secret investigations of whatever character he deems desirable and necessary. It is the belief of this committee that the function of making criminal and other investigations requiring secrecy belongs to the Attorney General and not to the State's Chief Executive Under the law the Governor has the right to call violations of the law to the attention of the Attorney General and there is no reason why he should be allowed to carry on private investigations of his own. We recommend, therefore, that at the next session of the Legislature the Governor's Secret Service Fund be discontinued.

Miscellaneous.

The committee in the course of its investigation came upon numerous items which in its opinion could be so arranged or handled as to effect material savings to the people of this State. No effort is here made to list all of such items, but the following will serve to illustrate conditions brought to the attention of the Committee:

State-Owned Automobiles.

The State of California owns and operates 5993 automobiles and trucks Not only does this represent a large outlay of taxpayers' money but the cost of operating and maintaining this fleet amounted to $1,009,913 last year While much of this expense is necessary and can not be easily avoided, the committee's attention has been directed to the many abuses to which the use of passenger vehicles is subjected. There is

evidence everywhere that state-owned automobiles are being used for personal purposes including transportation to and from work, joy riding, attendance at football games and other pleasure purposes By restricting the use of state-owned automobiles to official business only, the State would save tens of thousands of dollars.

In order to facilitate the more efficient use of state-owned automobiles, this committee recommends the following:

1. That a greater attempt be made to pool all those vehicles not in constant use by individual employees and that the casual users of such vehicles requisition them from the pool as needed.
2. That the State Seal, together with the words "For Official Business Only," be inscribed on the sides of all state-owned vehicles not now exhibiting this emblem with the exception of under-cover vehicles used for investigatory work.
3. That some penalty be provided in the case of State employees who wilfully use state-owned vehicles for purposes other than official business.

In addition to the use of state-owned automobiles for purposes other than official business, we desire to comment on abuses connected with the official use of such vehicles.

There appears to be abundant evidence that state-owned vehicles are being used on trips that are not entirely necessary even though they do involve public business. In many instances it would be far cheaper for employees to travel by train or other similar conveyance rather than drive a state-owned vehicle or to be paid mileage in connection with the use of a privately-owned vehicle. Broadly speaking it is the committee's opinion that a large sum of money can be saved if the various departments would restrict traveling to actual necessity.

Attention is directed to the fact that traveling involves not only the expense of transportation but also hotel bills, meals, and other incidental expenses. Thus economy in travel should be capable of relieving the State treasury of a considerable expenditure that need not affect the status of any existing State employee.

Automobile Mileage Allowance.

The Department of Finance reported to the committee that approximately 3442 State employees use their privately-owned automobiles on State business and are compensated therefor at the rate of 5½ cents per mile. While the use of privately-owned automobiles on a mileage basis is acceptable practice, particularly in cases where the individuals concerned do not require automobile transportation regularly or where pooled automobiles are not available, it is the belief of the committee that the mileage allowance is excessive. In the case of the less expensive models or types of automobiles the records of agencies using large fleets of automobiles disclose that the actual cost of operation, including depreciation, is less than 5 cents. It is recommended, therefore, that the State limit the mileage allowance to 5 cents per mile for the first 1000 miles per month and 4 cents per mile for every 1000 miles thereafter, which compares favorably with the mileage allowance granted in private industry.

Traveling Expenses.

It is customary for the State to pay the traveling expenses of its employees when they are engaged in work away from their headquarters. In our investigation we observed several instances where employees have apparently arranged to have headquarters where they spend the least amount of time. The result of this practice is to build up large expense accounts needlessly. It is our recommendation that greater care be used to headquarter State employees where they spend most of their time so as to reduce the number of days they are away from their headquarters drawing expense money. We observed in one instance where an employee was headquartered in a San Francisco suburb and drew travel expense money every day she went to her office in San Francisco because the latter city happened to be located away from the city where she was headquartered. Technically her headquarters should have been San Francisco where her office is located and the suburb where her home was situated should have been considered a part of the metropolitan area. This is little different from the practice of State employees using state-owned automobiles in going to and from work.

We further recommend that an attempt be made to eliminate duplicate routes of travel and unnecessary overlapping in the field

Out-of-State Travel.

The records disclose that a considerable sum of money is spent by the State each year to finance out-of-state travel on the part of certain public officials Although the committee is mindful that some of this travel may be necessary in connection with public business, it has observed that numerous out-of-state trips involve attendance at various conventions. Although conventions allow an exchange of ideas and the accumulation of information which may be helpful in the administration of certain public offices, it is our belief that these junkets are more recreational than they are educational. In view of the condition of the State treasury, therefore, we recommend that the State discontinue financing trips to out-of-state conventions and that such travel be limited to the most urgent public business.

Publicists.

In several State departments the committee has discovered the presence of publicists or press representatives whose duties consist primarily of gathering and disseminating publicity on the activities of these departments. For example, on page 42 of the State budget as submitted to the Legislature in 1939, provision is made for three public relations officers for the State Board of Equalization whose salaries amount to $18,720 for the biennium. The Personnel Board advises me that there are 22 such positions in State service but we doubt if all departments are frank enough to list their publicists as such, resorting to the subterfuge of having this work handled by employees bearing other titles. In the aggregate, the cost of maintaining or carrying on a service of this character is appreciable enough to deserve attention.

While it is highly desirable to supply the public with information concerning governmental activities there is considerable question about the need for carrying on propaganda work designed to justify public services the need for which is not self-evident. Selling public service through the use of propaganda is one of the most vicious aspects of

bureaucracy and is to be deplored. Your committee recommends, therefore, that the various State departments discontinue the use of publicists and limit their informational services to official reports

Press Clipping Service.

We have been advised by a leading press clipping service that the various State departments and agencies spend approximately $650 a month, or $7,800 a year on press clippings supplied by them. This does not include competing press clipping services, information on which we were unable to obtain, with the result that we are of the opinion that this figure is but a portion of the total expenditures for this purpose. We question the importance of this expenditure and recommend that it be curtailed, if not eliminated entirely In general, the press clipping service employed by the State is but an adjunct to the propaganda activities of the various departments and we can see no benefit accruing to the taxpayers as a result of this expenditure.

Communications.

The Department of Finance advised the committee that during the last fiscal year, $547,197 was spent by the various departments for telephone and telegraph expenses. We believe that the actual expenditures for this purpose were considerably greater than this amount.

While it has been impossible to ascertain from individual vouchers the exact nature of these official communications, the committee is of the opinion that much needless expense can be saved by reducing the number of telegraph messages and long distance telephone calls and substituting therefor the use of the United States mails.

If work were more orderly arranged the urgency of long distance calls and telegraph communications would not be so great. We recommend that long distance telephone calls, telegrams and such forms of communication be authorized and approved by the department on a standard form on which is set forth the reason for call, persons communicated with, and other relative data. One copy of such record to be submitted to the Controller's office at the end of each period, and one copy to be retained in the departments responsible for expense incurred.

New State Positions.

According to the records of the State Personnel Board, the number of State employees has increased from 29,554 on December 31, 1938, to 31,192 on December 31, 1939. This means that in one year 1,638 employees have been added to the State's pay rolls. The largest departmental increase was in the case of the SRA which added 1,106 employees during this period. Two large departments showed a decrease in personnel. The Department of Employment reduced its personnel from 2,543 employees to 2,246, or a net decrease of 297. On December 31, 1939, the Department of Motor Vehicles had 100 less employees than it had a year previously. In the case of most of the other departments, however, there has been a net increase in the number of employees which, in the aggregate, amounts to 1,638.

Although the Department of Finance is probably more familiar with the State's financial problems than any other department and should therefore recognize the necessity for economy, we regret to report that during the calendar year 1939 the Department of Finance increased its personnel from 873 to 955, or a net addition of 82 employees In

view of the fact that this department has grown by leaps and bounds in recent years it should have been possible for it to have called a halt on expansion when faced with what it has woefully called "threatened bankruptcy."

One might glean from the preceding figures that those charged with the administration of State government are endeavoring to relieve unemployment by adding people to the State pay roll. If private industry were relieved of part of its tax burden it would be in a better position to provide employment for people and thus relieve office holders of the urge to provide jobs.

This committee is of the opinion that public employment should be limited to manning essential public services and that the cost of these services be curtailed rather than expanded.

The creation of an excessive number of new positions must be curbed promptly. One method of accomplishing this is to amend the State civil service law so as to vest in the State Personnel Board responsibility for making an independent investigation of every request from a department head for the creation of a new classification or other means of creating additional positions.

It is our recommendation that the State Personnel Board, upon an application being made for the creation of a new classification, before acting upon such request, shall make an investigation of the necessity of such classification, the reason for the request, the possibility of present employees performing the duties to be assigned to such new classification, and the availability and source of funds for the payment of the persons to be appointed to fill any such new positions. The result of such investigation shall be filed in writing before the State Personnel Board may act upon any such request.

So serious has this problem become that this committee reports for consideration by the entire Legislature, a suggestion which is more severe, but which may be necessary to curb the expansion of our State service. This suggestion is that the civil service law be amended so as to provide that no new classification or position shall become permanent until approved by a resolution adopted by a majority vote in both houses of the Legislature.

Rector Canyon Dam.

For several years there has been an acute water shortage at the California Veterans' Home in Napa County. In order to relieve this situation it has been recommended by the Department of Public Works that a dam be constructed in Rector Canyon which is located on Napa State Farm, that such dam be used for impounding the runoff of Rector's Creek, and that this water be made available to the Veterans' Home and other State institutions in that vicinity

A report recommending this project was made by the Department of Public Works in 1926. In this report the cost of a 135-foot dam in Rector Canyon was estimated at $278,000 Since that time several other surveys have been made, all of which pointed to a similar conclusion

The 1937 Legislature adopted the Senate Concurrent Resolution No. 14 which authorized and directed the Director of Finance "on or before April 1, 1937, to enter into such lease or leases, contract or con-

tracts, and to insert in the State budget such appropriation or appropriations as in his opinion shall be necessary to assure to the State of California a continuing and adequate supply of water available for use for said Veterans' Home, State hospitals and State farms, for domestic, fire protection, and irrigation purposes, on or before March 1, 1938." Following up on this resolution, the Legislature, pursuant to Chapter 761 of the Statutes of 1937, appropriated $300,000 to finance this undertaking. This appropriation carried an urgency clause and became effective immediately in recognition of the fact that the need for water was great.

Regardless of the urgency, nothing has been done to date with respect to carrying out the wishes of the 1937 Legislature. The 1939 budget, submitted by the Department of Finance, indicated that the department had allocated to the Unified Construction Fund an additional $350,000, making a total appropriation of $650,000 which money would be used to build a dam in Conn Valley which is located several miles to the north of Rector Canyon. Attention is directed to the fact that the State would have to purchase Conn Valley, for it is now privately owned, whereas the watershed of Rector Canyon is located on Napa State Farm which is already owned by the State.

The committee wishes to direct attention to the fact that almost three years have passed since the Legislature directed the Department of Finance to take action with respect to the water situation in Napa County and, in neglecting to do so, has violated the will and intent of that body. Moreover, in diverting $350,000 from the Unified Construction Fund for this purpose, the department has further violated legislative intent, for this fund was designed to relieve overcrowded conditions in State institutions and was not intended for purposes other than those indicated by the Legislature. Finally, it does not appear to be good business for the State to buy privately-owned land to build the dam when it already owns a watershed and a suitable dam site. This is particularly significant in view of the fact that the State treasury is strained and necessary functions of government must be carried out with a minimum of expense.

Your committee recommends that the original instructions of the Legislature be respected by the Department of Finance and that the dam be constructed in Rector Canyon within the limits of the 1937 appropriation. Thus the State treasury would be relieved to the extent of the $350,000 now allocated out of the Unified Construction Fund and this would relieve the deficit situation to this extent.

Pacific Exposition and Mercado.

In 1937 the Legislature appropriated $1,500,000 for the purpose of assisting financially in the construction and operation of an exposition to be held in Los Angeles. This appropriation has been available for approximately three years and will revert to the State treasury on June 30, 1941. It is the understanding of this committee that there is little likelihood of this money being expended. Until the appropriation reverts, however, it will remain on the books as a part of the expenditure budget for the current biennium. Inasmuch as it is expected that this appropriation will revert to the State treasury this committee calls attention to the fact that the State deficit will be

reduced to this extent, which in turn should be taken into account in considering the State's financial problem.

California National Bank Building.

In 1937 the Legislature appropriated $200.000 upon recommendation of the State Department of Finance for the purpose of acquiring the California National Bank Building in Sacramento. It was stated that the State desired to use this building to house the State treasury. In 1939 the Legislature was advised by the Department of Finance that this building had proved unsuitable for the purpose for which it was purchased and that it desired to sell the building and apply the proceeds to the construction of a building near the State Capitol to be used for this purpose. A bill was introduced proposing to authorize this action but it was amended to provide that the proceeds from the sale should be placed in the General Fund.

When this bill was introduced, the Legislature was advised by the Department of Finance that it had received an offer from a prospective purchaser and that all that was necessary was authority from the Legislature to consummate the sale. We now find that this building remains unsold and that it is now used to house a collection of Indian relics although the State has an investment of $200.000 in it.

We recommend at this time that the Department of Finance make a strenuous effort to sell this property so that the proceeds from the sale may relieve the General Fund to that extent and thus carry out the provisions of Chapter 905 of the Statutes of 1939.

Personal Income Tax Fund.

We have observed that over the years there has accumulated a cash balance in the Personal Income Tax Fund which has resulted from the fact that the administrator has expended less than the 3 per cent authorized by law. We are advised that at the present time the amount of this impounded money exceeds $500,000.

We recommend that the unexpended balance in the Personal Income Tax Fund so accumulated be transferred to the General Fund and that henceforth the Franchise Tax Commissioner limit his administrative expenditures to the amount set forth in the budget bill. By releasing this money the General Fund deficit will be relieved to this extent and yet the commissioner will be allowed to spend up to 3 per cent of collections as provided by law.

Bond Interest and Redemption.

Interest and redemption charges on General Fund bonds outstanding will amount to $15,883,000 during the current biennium. This charge is fixed by the State Constitution and is entirely beyond legislative control. Attention is directed to the fact, however, that unless the State issues more bonds, and these can not be issued without the consent of the voters, the amount of this charge will decline year by year as redemptions reduce interest payments.

While this large fixed charge may continue to decline, the committee nevertheless desires to point out that these sums are being expended each year on debt service and retirement. The committee therefore recommends that we reduce our State debt from its present high level and that every effort be made to discourage future indebtedness by the State in order to relieve the tax paying public from these burdensome interest payments.

Interest on Registered Warrants.

In addition to interest and redemption on State bonds outstanding, the State pays a considerable amount in interest on registered warrants. This figure has been estimated by the State Department of Finance at $3,800,000 for the current biennium. This committee is of the opinion, however, that the yield of existing State taxes will exceed the official estimates of the Department of Finance which in turn will tend to reduce the volume of warrants outstanding. Moreover, if economies are effected in unemployment relief and, as suggested by this committee, the State deficit will fall correspondingly, this in turn will reduce the volume of registered warrants. It is our belief, therefore, that the above estimate of registered warrant interest charges is excessive.

In fact it appears that the Department of Finance has estimated the interest charges on registered warrants on the assumption that the Legislature would appropriate the full amount requested by the Governor for relief and that all existing appropriations would be expended. With a relief appropriation of $25,000,000 less than the $112,500,000 set forth in the Department of Finance budget summary of December 15, 1939, with $5,000,000 or $10,000,000 in general economies effected during the second year of this biennium and with $10,000,000 or $15,000,000 in unexpected revenues due to improved business conditions, it is conceivable that the volume of registered warrants outstanding for the next fiscal year might be as much as $40,000,000 lower than has been anticipated by the Department of Finance. If this is true, and we believe it is, the interest charges on registered warrants outstanding computed at an average interest rate of 3 per cent would be $1,200,000 less. Thus the interest charges on registered warrants for the full biennium would be $1,200,000 less than the $3,800,000 estimated by the Department of Finance. If we are correct in this assumption, this saving of $1,200,000 can be taken into account in computing the amount of the deficit on June 30, 1941

When the Department of Finance set up the budget picture as of December 15, 1939, it computed interest charges on registered warrants on the basis of a maximum relief appropriation and on the assumption that every dollar appropriated for other purposes would be expended before the end of the biennium. It did not call attention to the fact that should the Legislature effect economies in relief or any other branch of State government, the volume of registered warrants would be less than indicated and the interest charges on these warrants would be correspondingly less than the amount that they figured.

Auditing of Expenditures.

The auditing of State expenditures is divided between two agencies—the State Controller and the State Department of Finance. Under the law the State Controller is responsible for ascertaining the legality of all claims against the State treasury. This is done at the time warrants are drawn against the treasury in accordance with claims submitted by the various departments. The Department of Finance, on the other hand, is responsible for setting up in advance the expenditure budgets of the various State departments, approving certain specific expenditure acts and finally, post auditing all expenditure accounts. The latter function is a true auditing operation and is designed to

verify the accounting records of all the various departments. It happens, however, that the Department of Finance is responsible directly to the Governor, as are most of the other departments of State government. Thus, in effect, an agency responsible to the Governor, is responsible for auditing the books and accounts of other agencies responsible to the Governor.

It is the belief of this committee, based on a cursory examination of the situation, that it would be in the interest of governmental efficiency and economy to have all post auditing handled by an independent agency, preferably the State Controller who is elected directly by the people and is not responsible to any other agency of government. This would take away from the Department of Finance the power and duty to post audit all expenditure accounts and leave with that department those matters having to do with the administration of the State budget, the purchase of materials and supplies, the administration of State land, State printing, and the operation of buildings and grounds. Although this committee has not made an exhaustive study of the subject of State auditing we recommend that a legislative investigation into this general question be made at some future date, with particular reference to the creation of an independent office of Auditor General which agency would be charged with the responsibility of auditing all State departments and of making budget estimates for the Legislature, or to delegate this responsibility to the State Controller.

General Economy.

The General Fund expenditures of the departments of State government, including colleges and institutions, based on appropriations for the current biennium, will amount to $65,938,049 compared with $49,844,604 in the biennium 1935-37. This represents an increase of approximately 32 per cent in the cost of the general functions of State government in four years.

Support of General Functions of State Government.
General Fund Only.

	Expenditures 1935-37	*Expenditures 1937-39*	*Budget 1939-41*
Institutions and prisons	$17,313,978	$21,056,311	$24,285,320
University, State colleges and special schools	17,719,030	19,757,249	22,163,668
General government	14,811,596	18,919,949	19,389,061
Total	$49,844,604	$59,733,509	$65,938,049

Elsewhere in this report we have called attention to various extravagant practices in the departments of State government. These have included the following:

1. The creation of a large number of new State positions in the past year.
2. The extravagant use of State-owned automobiles.
3. The unnecessary use of long distance telephone and telegraph communications.
4. Unnecessary out-of-state travel by State officials.
5. The employment of publicists and propagandists

6. The publication of unnecessary magazines and propaganda material.
7. Unnecessary travel expense.
8. The presence of padded budgets and the concealment of sources of income.
9. The injudicious use of emergency fund money.
10. The unwise allocation of capital outlay money.
11. The performance of unimportant functions and the inefficient performance of important functions.

This committee is of the firm opinion that through the elimination of these extravagances and through the adoption of a general spirit of economy, a large sum of money can be saved. The exact amount of these savings can not be measured accurately or specifically. We recommend, therefore, that in view of the general need for economy a blanket cut be considered and that it be spread according to the best judgment of those in charge of the administration of the various State departments. Computed at 5 per cent of the biennial appropriation or 10 per cent of the second year of this biennium, this cut would approximate $3,300,000. In recommending this cut, which would have to be effected voluntarily by the Governor and the independent agencies of State government, we do so with the thought that the citizens in general are demanding economy in government in lieu of the imposition of additional taxes Whatever is saved under this blanket recommendation will revert to the State treasury at the end of this biennium and reduce the deficit to that extent.

Reorganization and Consolidation.

In examining an organization chart of State government and studying the budgets of the various departments, we find numerous instances of overlapping and duplication of functions We observed that in several cases two or more bureaus are doing similar work, which might more conveniently and more economically be handled by a single bureau. There appears to be just reason, for example, to consolidate the State Division of Water Resources and the State Reclamation Board, both agencies being engaged in similar work. Our attention has also been directed to the fact that certain departments have considerable number of extremely small bureaus.

It would take more time than this committee has available to untangle the complex system of boards and bureaus, but we are led to the conclusion that through reorganization and consolidation there exists an opportunity to save considerable money. We commend to the attention of the 1941 Legislature the advisability of considering a study of this subject.

As has been stated several times in this report, your committee has been unable to delve deeply into the question of governmental efficiency and economy. Because of the short time available we have had to content ourselves with scratching the surface. As a result, there are several objects of investigation we believe should be given further study, particularly in the fields of auditing of expenditures, administration of State personnel and reorganization of State government.

It is our firm belief that economy in government is not a passing fancy but offers real hope to the taxpayers and is fundamental in attacking unemployment and in securing business recovery.

Respectfully submitted.

DON A. ALLEN, Chairman.
BYRL R. SALSMAN.
T. J. DOYLE.
ALLEN G. THURMAN.
JACOB M LEONARD.
BERNARD A. SHERIDAN.
ROBERT M. GREEN.

Individual Statement of Committee Member.

It has been my conviction that the Legislature should be conservative in creating interim investigating committees and in appropriating funds to finance their investigations. I am convinced also that those committees, when created, should be equally conservative in expending the funds allocated to them and in making recommendations not supported by substantial testimony of credible witnesses.

Not having been able to attend all of the hearings of this committee, I must refrain from joining in some of the minor recommendations, such as those concerning Press Clipping Service and the Rector Canyon Dam.

I am entirely in accord with the more important recommendations such as those concerning the Department of Finance, Deficiency Appropriations, and New State Positions. These recommendations can not be too strongly urged upon the entire membership of the Legislature.

May 23, 1940.

GARDINER JOHNSON.

We concur:

THOMAS H. KUCHEL.
GORDON W. CORWIN.
JACOB M. LEONARD.
THOS. J. DOYLE.

Motion to Print Report in the Journal.

On motion of Mrs. Daley, the following report was ordered printed in the Journal:

PART VII.

Part VII of the Fact-Finding Committee's Report on Employment represents a gathering of various reports, statistical data and exhibits which in the bound pamphlet to follow will probably be inserted in appropriate places in connection with previously submitted material.

The reports of three subcommittees which have been submitted to the Joint Committee have been approved only as to general form but have not been approved finally nor as to their recommendations. It is believed that these can be completed in time to be included in the pamphlet referred to above. These are the reports of those members of the committee who were gathering material to be submitted to the Joint Committee on the following subjects:

1. Cooperatives (Senator Mixter)
2. Surplus Commodities (Assemblyman Lore)
3. Youth Movement (Assemblyman O'Day)

In addition to these, the items in this seventh part include the following:

1. A letter from a former recipient of relief, who had been returned to his home State and now wants to come back to the more attractive conditions of California.

2. A chart showing the difference between the amount of money actually spent for relief since the beginning of this biennium and the amount which would probably have been needed if the present case number represents a truer picture than the case totals during previous months.

3. Two forms, A-1 and A-2, which suggest the influence of political backgrounds in the selection of SRA employees.

4. One of many cards found in the SRA offices in San Francisco after this department had moved to Los Angeles.

5. A reproduction of the interesting "Waiver" required of SRA employees who were taken on the rolls before any job existed for them.

6. Four statistical tables showing monthly expenditures in the SRA, the monthly case loads, comparative expenditures and per capita costs between California and other States, and the basis for the appropriation contained in Senate Bill No. 90.

The Joint Committee submits these items as the final part of its report. All of the material will be gathered together, and in a short time will be ready for distribution in more convenient form. The committee, if it is continued, will attempt to keep statistical matter up to date and to review other material already in its files but which it was impossible to work upon in the short time between sessions.

Form A - 1
Northern Division:
Read form carefully before filling out.

APPLICATION FOR POSITION IN STATE SERVICE
(To be executed in duplicate and delivered to)
(Headquarters, Northern Division, Democratic)
(State Central Committee, Hobart Building,)
(582 Market Street, San Francisco, California)

County where application originated_____

Name_____Street Address_____

Age_____Sex_____Telephone_____City_____

County of residence_____Party Registration_____

Congressional District_____Assembly District_____Precinct_____

Place of birth_____Nationality_____

White or colored_____Married or single_____

Native born citizen_____Naturalized citizen_____When_____

Where naturalized_____

Occupation_____

Education_____

(if more space is needed, use blank sheet and attach hereto)
Position desired_____

What section of State do you desire to reside in?_____

Persons dependent upon you for support_____

Qualifications for position_____

(if more space is needed, use blank sheet and attach hereto)
Former employment: From 1929 to date_____

Employer	Address	Position	Salary

(if more space is needed, use blank sheet and attach hereto)

What is your present position?_____
Have you ever been convicted of a felony or a crime involving moral turpitude?_____Date and place of such conviction_____

If you are a lawyer or have ever been admitted to the practice of the law, have you ever been-- (a) Disbarred_____
(b) Disciplined for an offense involving moral turpitude_____
If answer is "yes" to (a) or (b), explain fully by reciting the facts on a separate sheet and attach hereto.

Form A - 2 :
Northern Division :

Read form carefully before filling out.

TO BE ATTACHED TO FORM A - 1 (APPLICATION FOR POSITION IN STATE SERVICE)
(to be executed in duplicate)

Name_____ Address_____

Political activities_____

Political activities verified by:

_____
(signature of person verifying) (address)

Telephone
(Title or designation of person verifying political activities.)
(Title or designation held during campaign by person verifying, preferably, should be stated.)

Note: Verification may be made by any one of the following: Any officer of the Democratic State Central Committee; chairman of Democratic County Central Committees for applicants resident in their respective Counties; and State, Area, Congressional District, County, Assembly or other District Campaign Chairman, Manager, Director or similar official during the Primary or General Election campaign of 1938, for applicants resident in or who worked in such territory over which such campaign official had jurisdiction during said campaigns. Also, verification may be made by a President, Chairman or other managing officer of a Democratic or other club or group organization, such as Veterans, Racial Groups, Youth Groups, Labor Groups or Organizations, etc., but whenever such verification is used the reason for not securing one of the preceding verifications should be stated. Persons verifying must have knowledge of or reliable information concerning the work of the applicant.

Person verifying may add here any statements, which he desires to make

I hereby certify that the foregoing information given by me and others, contained in or attached to Form A - 1 and Form A - 2, is true and correct to the best of my knowledge and belief.

Dated_____ 193____

_____
Signature of Applicant

(Date)_____19__

I,_____hereby Pledge
to the Democratic State Central Committee,
707 South Broadway
Los Angeles, California

the sum of _____Dollars

($_____) per month.

From_____1939 to September,1940.

(Name)_____

(Address)_____

To David V. Gill
County Supervisor of Operations.

From_____ Subject: WAIVER.

It is expressly understood that I accept my assignment to work within the State Relief Administration, Los Angeles,County, with the full understanding that there is considerable doubt as to the availability of money to be used for payment of the position which I am accepting, and that in the event such money is not available, I will make no claim against either the State or any individual for the t ime which I spend on such assignment until status of position is definately ascertained.

This waiver is volunterily signed with the full knowledge of the conditions prevailing, and it is my personal desire to assist in instituting the program to the extent that I am perfectly willing to volunteer my services without compensation, if necessary.

_____

The question of the return of Relief to the Counties now agitating the Legislature is not desired nor indorsed by County Supervisors themselves. Orange, San Diego, and Los Angeles Counties and the State Associations of Supervisors would not endorse this plan.

The Sponsers are a small group of Special Interests who maintain a large Legislative Lobby. They wish to defeat the only sensible plan which has been presented in the State for the handling of this problem, namely; Work Relief. The S.R.A. says "every man should work for his relief".

This special interest group wishes to switch the tax burden to County taxpayers and Property Owners - a group which is not now taxed for unemployment relief.

If Relief Appropriations are cut down or if Administration is returned to Counties a number of things will happen as a severe jolt to all classes of society.

1st. County tax rate will jump 41.7 % with an increase of $12 to $15 per year on $3,000 assessed valuation.

2nd. Relief will be paid in kind, - grocery orders and rent orders, On the lowest possible scale regardless of suffering and need. County schedules are now held up by State standards.

3rd. SRA Sponsered W.P.A. projects including sewing will be discontinued. Distribution of Federal Surplus Commodities will be curtailed as will also the stamp plan and other means of Fedoral Assistance.

4th. All Merchants, Landlords, and Utilities will suffer a servere jolt in the income with the elimination of $125,000 to $150,000 monthly circulation through the S.R.A.

5th. Suffering, discontent, and agitation will increase until malnutrition and hunger will cause mass meetings, mobs and riots, as occured in Cleveland and such as happened frequently when unemployment was originally handled by the cities and counties.

Orange County Assemblyman, Clyde Watson in the south of the county and Thomas Kuchel in the north of the county, are working with and for the special interests which are trying to defeat an adequate relief program and shift the burden to county political control and the ever changing Boards of Supervisors.

They should be wired, phoned, or written, care of the Assembly at Sacramento, and told in no uncertain terms to support an adequate appropriation so that a common sense program of work and self help can be completed which in a short time will actually save tax-payers money.

58 Counties have nothing new to add to the solution of this problem. A return to them would delay the achievements of the past 5 years.

Republicans and Democrats alike are joining in opposing the rule or ruin program of this small group of self constituted State Dictators.

Columbus, Ga.
Feb. 21. 40.

Dear friend -
just a few lines to let you hear from me. I am still living. and feeling O.K. and truly hope you are the same. tell Jack & Red hello for me - and sure would like to see you all. George I want you to write and give me particulars on how things are out there. and tell me if they have cut out the relief. as I am thinking of coming back out there. I am sending you a stamp - so please answer in a hurry - as I want to come out there. it sure is cold here. well I'll be looking for answer real soon.

Sincerely your friend

Columbus - Ga.

Monthly Expenditures of SRA Including Relief and Administrative Overhead.

	1936–37	*1937–38*	*1938–39*	*1939–40*	*1940–41*
July	$1,289,393	$1,927,247	$3,212,621	$4,149,298	$2,088,691
August	1,221,887	1,920,475	2,854,032	3,815,923	2,116,532
September	1,276,771	1,906,103	2,724,974	3,897,050	1,901,289
October	1,316,290	1,885,965	2,878,614	4,143,950	1,874,919
November	1,463,603	2,037,019	2,751,931	4,315,840	1,938,062
December	2,035,453	2,618,125	3,279,608	4,771,712	2,515,743
January	2,544,373	3,266,561	3,971,785	5,248,606*	2,781,075
February	2,916,539	3,679,553	4,370,810	5,229,421*	3,100,875
March	2,986,315	3,811,644	4,552,313	4,076,871*	3,168,792
April	2,549,491	3,462,983	4,313,722	3,500,000†	
May	1,956,476	3,092,887	3,922,513	3,000,000†	
June	1,494,558	2,883,554	3,214,667	2,361,113	
Total	$23,051,349	$32,492,116	$42,047,590		

* According to records of State Controller.
† Arbitrary distribution of $12,000,000 appropriated in S B 81.
June, 1940, to March, 1941, figures are in new bill.
Source of actual expenditures: SRA Monthly Bulletins
(Joint Committee—May, 1940)

State and Local Expenditures for General Relief in Western States January, 1940.

	Total expenditures	*Expenditure per case*
California	$5,033,304	$31.35
Minnesota	1,147,497	27.22
Utah	141,839	22.48
Nevada	19,080	20.94
Iowa	737,250	19.87
North Dakota	99,888	18.74
Wyoming	33,814	18.12
Montana	100,881	17.56
Louisiana	161,541	16.37
Oregon	193,569	16.08
Colorado	243,140	15.59
South Dakota	86,000	15.36
Kansas	424,001	14.56
Idaho	32,064	14 37
Washington	349,936	14.37
Arizona	41,258	14 30
Nebraska	164,595	13.20
Missouri	461,076	12.82
New Mexico	15,590	7.42
Texas	109,000	7.08
Oklahoma	65,000	4.96
Arkansas	18,328	4.86

NOTE: Figures do not include administrative overhead.
Source. U. S. Social Security Bulletin.
(Joint Committee—May, 1940)

Weekly Count of Cases on SRA and WPA in California.

	Wednesday Count of Cases	
	SRA	*WPA*
November 1, 1939	85,016	74,254
November 8, 1939	87,212	77,721
November 15, 1939	90,419	79,061
November 22, 1939	91,157	81,160
November 29, 1939	94,153	83,090
December 6, 1939	96,893	85,572
December 13, 1939	100,178	86,780
December 20, 1939	102,155	87,431
December 27, 1939	103,340	87,528
January 3, 1940	105,163	87,598
January 10, 1940	108,163	87,589
January 17, 1940	111,505	88,749
January 24, 1940	113,338	88,828
January 31, 1940	115,224	88,320
February 7, 1940	116,174	89,275
February 14, 1940	116,306	90,911
February 21, 1940	113,994	91,642
February 28, 1940	112,354	92,007
March 6, 1940	110,020	92,096
March 13, 1940	107,700	92,538
March 20, 1940	102,144	94,404
March 27, 1940	98,898	94,132
April 2, 1940	91,584	92,561
April 9, 1940	87,639	89,752
April 16, 1940	85,728	88,321
April 23, 1940	83,674	86,827
May 2, 1940	81,884	86,684
May 9, 1940	78,913	85,987

(Joint Committee—May, 1940)

Method of Determining Amount of SRA Appropriation for Period Beginning June 1, 1940, and Ending March 31, 1941.

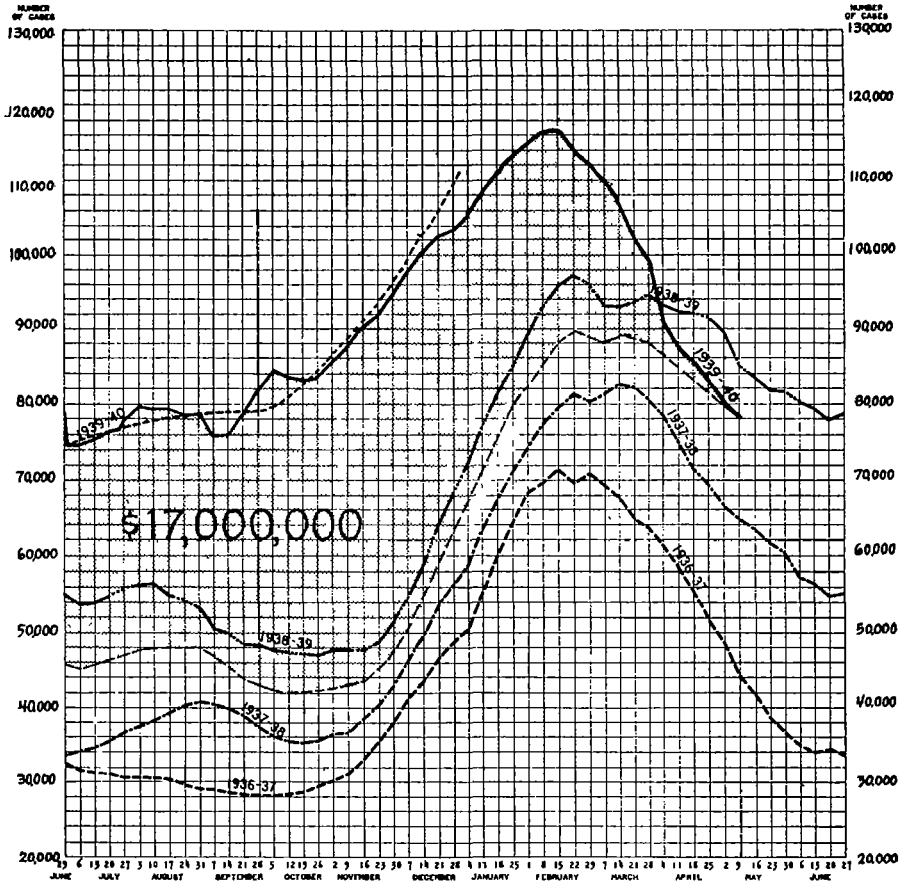
Month	Actual Relief Granted by SRA in 1938-1939	Proposed Relief Appropriation Based on Percentage Cut	Add 15% for Admin Overhead	Proposed Relief Appropriation for 10 Months Beginning 6/1/40
June	$2,415,461	$2,053,142*	$307,971	$2,361,113
July	2,136,768	1,816,253*	272,438	2,088,691
August	2,165,251	1,840,463*	276,069	2,116,532
September	1,945,053	1,653,295*	247,994	1,901,289
	$6,247,072	$5,310,011	$796,501	$6,106,512
October	$1,918,076	$1,630,365*	$244,555	$1,874,919
November	1,982,672	1,685,271*	252,791	1,938,062
December	2,573,649	2,187,602*	328,140	2,515,743
	$6,474,397	$5,503,238	$825,486	$6,328,724
January	$3,224,434	$2,418,326**	$362,749	$2,781,075
February	3,505,217	2,696,413**	404,462	3,100,875
March	3,673,963	2,755,472**	413,320	3,168,792
	$10,493,614	$7,870,211	$1,180,531	$9,050,742
Ten Months Total	$25,630,544	$20,736,602	$3,110,489	$23,847,091
			Controller's Expense	500,000
GRAND TOTAL APPROPRIATION				$24,347,091

* Cut 15% below actual expenditures in 1938-39.
** Cut 25% below actual expenditures in 1938-39.
(Joint Committee—May, 1940)


Get on
Relief

TOTAL SRA CASES UNDER CARE

FOR FISCAL YEARS BY WEEKS – JULY 1, 1936 TO JUNE 30, 1940



Motion to Print Report in the Journal.

On motion of Mr. Hawkins, the following report was ordered printed in the Journal, and 1,000 extra copies were ordered printed:

Minority Report of the Housing and Slum Clearance Fact-Finding Committee.

At the fifty-third extraordinary session a Housing and Slum Clearance Fact-Finding Committee was created in the Assembly of the Legislature of the State of California and authorized to function throughout the duration of this session and any recesses thereof so as to obtain pertinent facts upon which the Legislature could act intelligently in regard to the subject contained in Assembly Bill No. 57.

Assembly Bill No. 57 would establish a State housing authority to undertake in cooperation with the Federal Government a program of housing for rural families of low income. This measure is now before the Senate having passed the Assembly by a vote of 46 to 23. We feel we should emphasize the fact that the Assembly investigating committee appointed by the Speaker, consisted of eleven members, seven of whom voted against Assembly Bill No. 57.

A conflict of opinion developed during the hearings as to the philosophy contained in our whole public housing program. We do not wish to argue this point. Congress established public housing as a National policy by passing the United States Housing Act in 1937 and the Legislature of California, due to a demand that transcended party lines, established enabling legislation in 1938 and affirmed in our State the fact that public housing is an approved governmental function.

The principle contained in Assembly Bill No. 57, therefore, is no new principle, no new philosophy, no fantastic scheme. The acts adopted in 1938 by this Legislature are adaptable principally to the urban housing problem. The proposed bill is intended to facilitate the application of the already accepted program of public housing to the rural areas. This would be accomplished by the creation of a State housing authority authorized to act with the approval of local legislative bodies, in any area not now served by a housing authority. The State housing authority would make it possible for the State to undertake housing projects in areas where there is acute need because of sharp population increases of lower income families and where the nature of the problem is such that one county or city alone can not economically or adequately handle the situation.

The committee conducted hearings in Los Angeles, Bakersfield, Fresno, Upland, Riverside, Marysville, Sacramento, Stockton and San Francisco. In Kern, Fresno, Yuba and Sacramento counties we made extensive inspections of rural housing conditions and obtained first hand knowledge of the actual housing facilities available to thousands of families living in those areas. We found clusters of shack towns—health and social menaces—clinging to the outskirts of practically every agricultural community. With few exceptions housing facilities consisted of one-room shacks built of rags, brush, sacks, boxes, boards,

odd bits of tin, galvanized iron, pieces of canvas and whatever other materials were at hand.

The overwhelming majority of the families we observed were white and born in this country. We found in many places 4 to 5 children sleeping on one bed. Sanitary facilities were at a minimum; there were unprotected wells, no sewage disposal, primitive privies serving 8 to 10 families. These conditions were found to be breeding grounds for much sickness, delinquency and crime. This was forcibly brought out by testimony of competent witnesses who established the fact that the costs which these conditions imposed upon community facilities were several times greater than the tax return from the land and slum improvements.

These areas, while prevalent in every agricultural center of the State, are located outside of cities, and off the main highways so that the people of the State of California are not fully aware that such deplorable conditions do exist.

In many cases hovels were being constructed by their inhabitants on land offered for sale by rural subdividers. For example, in Marysville we saw the Bull tracts, a cheap subdivision development. Mr. D. D. Collins, Yuba County Farm Advisor, valued some of these tracts at considerably less than $50 per acre. Yet it is being sold to persons of low income on a long-term basis for $200 to $400 per acre. It was further established that this land is almost wholly unproductive. The natural and laudable desire of these families to own their own homes, is thus being exploited by inducing them to purchase extremely undesirable and improperly located plots at inflated values. Under these conditions the residents are unable to augment their extremely low incomes by carrying on gardening on the homesites they are struggling desperately to acquire These facts presented to the committee proved to us that this type of development by private enterprise is creating undesirable slum areas and their resultant social and economic problems. Such conditions are economically and socially unsound and call for immediate action.

In other areas we found rents ranging from $15 to $20 for totally inadequate one- and two-room shacks Notable in this connection is the fact that in many of these cases the rent is being paid by relief and welfare agencies. We were appraised of the fact that in eight San Joaquin counties alone the State is spending about $150,000 per month for relief rentals for these families for housing consisting of shacks, hovels, cheap auto camps and tent camping space. We were told that the State Relief Administration spends in excess of $10,000,000 each year for rent, much of it going to support some of the worst slum areas in California.

Regardless of definition or the connotation of the word slum, it is a fact that there was presented before the committee overwhelming evidence of the awful housing conditions under which large numbers of low income families in this State are forced to live. Representatives of numerous public and private agencies dealing with health, relief and general welfare family problems presented graphic descriptions of the un-American housing conditions of the lowest income groups among us. There was no evidence presented which could minimize the bad situation.

We wholeheartedly approve every possible encouragement of private enterprise in the field of housing, but we can not agree with those who would leave the re-housing of the very low income rural families to nonexistent theoretical private resources. Likewise, we concur in the showing of need for more long range planning and an intelligent enforcement of existing health, safety and sanitary measures to prevent the development of slum conditions but we can not accept the belief that such corrective measures would bring decent housing within rental reach of the low income groups We are convinced that we can not solve the rural housing problem by eliminating under existing laws substandard dwellings without providing better housing as an accompanying feature of such demolition These people must have a home They must have a place to sleep. By tearing down existing shelter we drive them to other areas where experience has shown that new and often worse shacks will be thrown together.

These facts were thoroughly corroborated by the testimony of Mr. William Mulligan, Chief of the Bureau of Sanitation and Housing of the city of Sacramento, whose duties include the condemnation of substandard dwellings.

> "We found, of course, some very bad places, but the trouble is that when we have them ready to move we can't find any place to house them. * * * We have right now several places that we could have buildings torn down if we only could get places to move the occupants to"

In all of the hearings in the cities named we heard witnesses from all walks of life—organized labor, clergymen both Catholic and Protestant, social workers and some city and county officials. It seems to us that the absence of any large scale representations before the committee by city, county and other public officials is not significant. The absence of official representation on any large scale is largely due to a lack of an awareness of the seriousness of the situation It is this very unawareness that has made State action necessary so that greater progress may be made in dealing with the most acute housing problems with which this committee has now become acquainted by what it has heard from those who have been in a position to describe the bad housing conditions and their many serious effects.

In this connection it seems regrettable that this committee did not utilize the vast and important material available both in the files and from the trained personnel of existing State agencies that deal every day with the rural housing problem as a part of their legal duties

We feel that we must mention the attitude of the State Planning Board to the creation of a State Housing Authority Although Mr. L. D. Tilton, administrative officer of the Planning Board, told the committee in Los Angeles that the board did not favor a State Housing Authority without further study, this was previous to any action taken by that body. In a subsequent meeting the State Planning Board unanimously recommended State action to meet the need for low-cost housing in rural areas and further stated that the only solution for this need is the creation of a State Housing Authority Mr. Samuel C. May, chairman of the State Planning Board, in his letter of

transmittal that accompanied the report of the housing study by that board, stated:

"Housing is, at one and the same time, an urgent social, economic and technical problem In addition, its urban and rural aspects frequently have different implications and require different remedies. The housing problem has therefore gradually become a matter of public concern and responsibility at a number of different points

Major public activities in this field now include, positive assistance and guidance for private builders; field surveys and research to establish facts as to conditions and needs; establishment and enforcement of minimum standards affecting both new residential construction and existing buildings (including the condemnation of substandard homes), and the direct production of minimum standard homes for those lowest-income families who are entirely beyond the reach of private enterprise

For more than a year this board, with the help of a special Housing Advisory Committee, has been conducting a broad study of governmental agencies concerned with both private and public housing in California Although our work is not yet complete, I have been directed to submit the following progress report summarizing the board's findings and recommendations to date

In condensed summary, it was the opinion of the board at the present status of its investigation that (1) there is a housing need for low-income groups in California which requires State attention; (2) neither existing private agencies nor existing State and local agencies are fully solving the problem, (3) there should be established a state-wide housing authority to cooperate with the Federal Government in those portions of the State where local housing authorities do not exist; and (4) a State housing authority might be located within an existing State agency or a separate agency be created

Sincerely yours,

(Signed) SAMUEL C MAY, Chairman"

In reference to the cost of housing projects under the current USHA program pertinent figures may be obtained from the annual report of the USHA for 1939. In rural areas similar to those in California, average over-all costs are as low as $2,754 per dwelling unit. In Texas average over-all costs run $3,627, $3,216 and $3,320; in Alabama: $3,449 and $3,636. Even in California costs lower than $4,000 have been achieved The Ramona project in Los Angeles has an over-all cost per dwelling unit of $3,250, while the Sunnydale project in San Francisco is $3,505 These last mentioned are city projects where land costs do not compare with those in rural areas We believe, therefore, that even lower per unit costs can be achieved by a California State Housing Authority operating in the rural areas, as contemplated by Assembly Bill No. 57

Actually, in the United States Housing Act costs are limited in cities of 500,000 or less by the following provision:

"No contract for any loan annual contribution or capital grant made pursuant to this act shall be entered into by the Authority

with respect to any project whereafter initiated cost more than $4,000 per family dwelling unit ''

A further statutory limitation as to cost is set down in the act by providing that:

''The average construction cost of the dwelling units (excluding land, demolition and non-dwelling facilities) in any such project is not greater than the average construction cost of dwelling units concurrently produced by private enterprise, in the locality or metropolitan area concerned ''

Strangely enough the main opposition to any rural housing program came not from the farm interests or the rural areas, but from urban interests and were led chiefly by certain groups who sell or rent apartment houses and real estate.

In contrast, support for such a program has come from all parts of the State and from a cross-section of ''interests.'' We submit the following list of witnesses, together with their affiliations, as proof of this latter statement:

Partial List of Witnesses:

Neal Haggerty, American Federation of Labor;
Harold Pomeroy, former State Relief Administrator;
M S Siegal, Director of Housing and Sanitation, City of Los Angeles;
Eugene Weston, The American Institute of Architects;
Rolla E. Clapp, Consulting Engineer;
R. Paul Fries, Secretary, National Research Staff;
Dr. Kaufman, Department of County Health, Los Angeles County;
Mrs. Mahoney, Director, Catholic Welfare Bureau;
Miss Alice Collins, Council of Social Agencies;
Rev R. G Benner, Ministerial Association of Los Angeles;
Helen Gahagan Douglas, Actress;
Dr Charles Hogan, San Francisco Junior College;
Mrs Douglas Black, Upland News;
Mr. Hill, Board of Supervisors, Riverside;
Howard Moise, Professor of Architecture, University of California;
Miss Alice Griffith, President of the Telegraph Hill Neighborhood Association;
Arthur Eaton, Secretary of San Francisco Housing Association;
V. F Anderson, Producers Council Club of Northern California, a group of national manufacturers of building materials, paints and equipment;
Steve Merrill, Retirement Life Payments Association;
Miss Catherine Bauer, Rosenberg Professor in Public Social Service, University of California;
Lyle V. Platt, County Social Service Supervisor, Yuba County;
Charles Hartwig, Welfare Director of Sutter County;
D. D. Collins, Farm Advisor, Yuba County;
William Mulligan, Chief, Bureau of Sanitation and Housing, City of Sacramento;
Michael B Kunz, Councilman, City of Sacramento;
Mrs W. W Douglas, League of Women Voters.

In careful consideration of the aforementioned material, we the undersigned can not but believe that in any discussion of the housing question we are under solemn obligation to be impersonal in approach, practical in manner and realistic in our philosophy.

It has often been suggested to the committee, and we agree, that private enterprise should cope with this most bewildering and complex matter of providing adequate, safe, sanitary and comfortable housing for low-income families. However, there has been no evidence presented to the committee to show that such housing is profitable to private enterprise or that private enterprise is equipped to undertake this important task. Whatever efforts are made by private interests in the field of housing it is a simple fact that private enterprise can not provide decent housing for the thousands of families among us whose annual normal incomes are so low that they do not have the money to rent or purchase decent shelter.

After a state-wide review of existing housing conditions of the low income groups undertaken by this committee, we find that some form of governmental assistance is inevitable because private initiative has done and can do nothing In view of the material at the disposal of this committee it is our firm conviction that the only answer is the establishment of a State Housing Authority under the terms of Assembly Bill No. 57.

AUGUSTUS F. HAWKINS.
G. A. ANDREAS.
JOHN B PELLETIER.

Second Reading of Assembly Bills.

Assembly Bill No. 143—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, making an appropriation to carry out the provisions of this act, and repealing Chapter 25 of the Statutes of 1940, approved February 28, 1940, to take effect immediately

Bill read second time, and ordered to engrossment.

Introduction and Reference of Bills.

The following bill was introduced:

Assembly Joint Resolution No. 28: By Messrs. Bashore, Tenney, Yorty, Gannon and Phillips—Relative to condemnation of the "smear campaign" against the Federal Bureau of Investigation, and memorializing Congress to increase the appropriation for the Bureau.

Request for Unanimous Consent.

Mr. Bashore asked for, and was granted, unanimous consent to consider Assembly Joint Resolution No. 28, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Consideration of Assembly Joint Resolution No. 28.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

Motion carried. Time, eleven o'clock and forty minutes a.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Call, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Motion for Temporary Suspension of the Rules.

Mr. Call moved that the rules be temporarily suspended for the purpose of introducing and considering a concurrent resolution at this time.

The roll was called, and the rules temporarily suspended by the following vote:

AYES—Allen, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Daley, Del Mutolo, Desmond, Dilworth, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—49.

NOES—Atkinson, Crowley, Dills, Massion, Richie, and Rosenthal—6

Introduction and Reference of Bills.

The following bill was introduced:

Assembly Concurrent Resolution No. 28: By Messrs. Call, Scudder and Millington—Relative to preparation of the budget bill to be submitted to the Legislature in 1941

Without reference to committee

Consideration of Assembly Concurrent Resolution No. 28.

Assembly Concurrent Resolution No. 28 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Withdrawal and Re-reference of Assembly Bill No. 144.

On motion of Mr. Lyon, Assembly Bill No. 144 was withdrawn from the calendar and referred to the Committee on Agriculture

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Sawallisch, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent

Consideration of Assembly Bill No. 143.

Case of Urgency Resolution.

By Mr. Sawallisch.

Resolved, That Assembly Bill No. 143 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Lyon, Maloney, Massion, Meehan, Miller,

Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No 143, at this time.

Consideration of Urgency Clause.

Urgency clause read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Sawallisch moved a call of the Assembly.

Motion carried. Time, twelve o'clock and ten minutes p.m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Proceedings Under Call of the Assembly Dispensed With on Assembly Joint Resolution No. 28.

At twelve o'clock and eleven minutes p.m., on motion of Mr. Bashore, further proceedings under the Call of the Assembly were dispensed with on Assembly Joint Resolution No. 28.

The roll of absentees was called, and Assembly Joint Resolution No 28 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

NOES—Richie—1.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With on Urgency Clause to Assembly Bill No. 143.

At twelve o'clock and fifteen minutes p.m., on motion of Mr. Sawallisch, further proceedings under the call of the Assembly were dispensed with on urgency clause to Assembly Bill No. 143.

The roll of absentees was called, and urgency clause to Assembly Bill No. 143 adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Crowley, Daley Del Mutolo, Desmond, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—61.

NOES—Dills, Dilworth, Kepple, Knight, and Richie—5

Third Reading of Assembly Bill No. 143.

Assembly Bill No. 143—An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, making

an appropriation to carry out the provisions of this act, and repealing Chapter 25 of the Statutes of 1940, approved February 28, 1940, to take effect immediately

Bill read third time, and passed by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Crowley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—59

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Recess.

At twelve o'clock and twenty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of one o'clock and thirty minutes p.m.

Reassembled.

At one o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair

Motion to Print Report in the Journal.

On motion of Mr. Yorty, the following report was ordered printed in the Journal, and 10,000 extra copies were ordered printed:

State Relief Investigation Committee Progress Report.

Mr. Speaker.

Your committee authorized and empowered by house resolutions, 9 and 29, to investigate subversive activities in the State Relief Administration respectfully reports as follows:

I.

"Fifth Columns."

The world has recently been shocked by the deadly effectiveness of subversive organizations working within such nations as Czechoslovakia, Austria, Poland, Spain, Denmark, Norway, Holland and Belgium. Organizations of foreign directed termites, commonly called "fifth columns" have demonstrated their ability to paralyze the defenses of victimized nations while cooperating with outside aggressors. It is evident that a relatively small organized force can render a whole nation helpless by coordinating its activities with forces driving from the outside.

The great masses of the people are always completely unarmed and unorganized. When confronted with an organized and disciplined group, they find themselves helpless. The Communist, or Bolshevik Party, has already demonstrated the ability of a small organized group to overthrow a government when that government is in a state of crisis resulting from either internal conditions, or the necessity of defending itself against outside forces. It is difficult to realize that the Russian branch of the Communist Party had a membership that included only an infinitesimal part of the population of Russia, when it successfully captured control of the government of that country and commenced its dictatorial domination over millions of Russian people. Those who scoff at the dangers of Communist activity in this country unknowingly befriend persons engaged in a treasonable conspiracy, because such

scoffing tends to lull the populace into a state of false security which hinders effective work calculated to stop the march of "fifth columns."

Communism vs. Americanism.

The Communist Party is bent upon overthrowing the American Government in order to substitute a dictatorship for our democracy. These traitors probably do not have the power to accomplish this objective today without outside assistance. But they are preparing to strike whenever we face a crisis of sufficient gravity to weaken our resistance As part of our national defense we must stop them before they are able to attain sufficient strength to accomplish their objectives.

Stalin and Hitler.

Protected on the east by an alliance with Stalin, Hitler's hordes have been freed to concentrate on the destruction of once peaceful and independent republics. If Hitler and Stalin can destroy the democracies of Europe, there is a grave danger that their lust for power may soon attempt to span the Atlantic. In this event, it is imperative that we face these hordes free from the treachery of traitorous Nazi and Communist termites who would not hesitate to stab us in the back and our defenses from the inside. The fate of nations like Norway and Denmark should teach us the necessity of curbing treasonable conspiracies existing within our country.

Duty of Americans.

Those who believe in democracy have a right, and it is their duty, to defend that democracy from enemies both within and without. Those who believe in the Constitution of the United States have a right, and a duty, to see to it that subversive groups are not permitted to subvert constitutional rights, in order to bring about their destruction. The Communists and Nazis, who are today screaming for protection of their constitutional rights are at the same time completely ignoring the obligations which such rights entail; namely, the duty of protecting and upholding the government provided for in the Constitution. Those who demand protection under the Constitution in good faith should be willing to support the entire Constitution, rather than to pick out and support only the provisions of which they approve, and under which they claim privileges.

In the SRA.

Your committee has been amazed at the extent of Communist infiltration into the State Relief Administration. Under the cloak of this branch of State government, Communists have found their way into widely separated areas of the State In these areas, they are engaged in carrying out a well-planned scheme to undermine State government Some of the strategy employed by them is quite apparent It follows very closely the pattern laid down by the founders of the Communist Party and it parallels to a great degree the strategy of the Communist Party in Russia—with allowances made for the differences in the problems faced by the party because of the differences in the two nations.

In The Communist Party Manual on Organization, hereafter referred to as the Manual, Comrade J. Peters said:

> "As the leader and organizer of the proletariat, the Communist Party of the United States of America leads the working class

in the fight for the revolutionary overthrow of capitalism, for the establishment of the dictatorship of the proletariat, for the establishment of a socialistic Soviet republic in the United States, for the complete abolition of classes, for the establishment of socialism, the first stage of the classless Communist Society. * * * Our Party realizes that certain conditions must exist before the outworn capitalistic system can be overthrown. What are the conditions? Comrade Lenin answers this question, '* * * for revolution it is essential, first, that a majority of the workers (or at least a majority of the class-conscious, thinking, politically active workers) should fully understand the necessity for revolution and be ready to sacrifice their lives for it; secondly, that the ruling classes be in a state of governmental crisis which draws even the most backward masses into politics, * * * weakens the government and makes it possible for the revolutionaries to overthrow it rapidly."

Crisis Awaited.

The Communist Party is simply awaiting a crisis. Through its efforts in the State Relief Administration, it is endeavoring to aggravate the present condition brought about by unemployment in California and in the nation It is attempting to do this by maliciously endeavoring to increase relief costs to such an extent, that taxpayers will be unable to carry the burden, and all relief will thereby be jeopardized Under the guise of aiding the needy, the Communists are actually carrying out this program calculated to eventually deny relief to the destitute. They want to cause unbearable suffering Such suffering is useful to them in their revolutionary agitation.

Dominated by Russia.

It is evident that the Communist Party is not endeavoring to engage merely in the advocacy of the theories of Socialism or Communism It is rather determined to force its will upon a majority of the people of the United States, whether or not, they are ever willing to accept it. Instead of being an advocate of mere theories, the Communist Party is part of an international organization dominated by Russia, and bound to carry on activity beneficial to that nation, irrespective of the effects such activity may have upon the nation in which the Party members live, and to which they pretend to give allegiance

The international character of the Communist Party is well outlined in a Communist Party Membership Book for the year of 1933 The first paragraph in said book reads as follows

"A member of the party can be every person from the age of 18 up who accepts the program and statutes of the Communist International and the Communist Party of the United States of America, who becomes a member of a basic organization of the Party, who is active in this organization, who subordinates himself to all decisions of the Comintern and of the Party, and regularly pays his membership dues "

This official Party book demonstrates very well the fact that the Communist Party is not an ordinary political organization It is, rather, a disciplined army of "termites " In describing the principles upon which the Party is founded, the book says:

"Acceptance and carrying out of the decisions of the higher party committees by the lower, strict Party discipline, and immediate and exact applications of the decisions of executive committee of the Communist International and of the Central Committee of the Party * * *

After a decision has been adopted at the congress of the Comintern, the Party convention, or by the leading Party committee it must be carried out unconditionally, even if some of the members or some of the local organizations are not in agreement with the decision. * * *

The strictest Party discipline is the most solemn duty of all Party members and all Party organizations. * * *

He who weakens, no matter how little, the iron discipline of the Party of the proletariat (especially during the period of dictatorship), effectually helps the bourgeoisie against the proletariat." (Lenin)

In this same official book under the heading, "What is the Communist Party?" appears the following:

"It incorporates the whole body of experience of the proletarian struggle, basing itself upon the revolutionary theory of Marxism and representing the general and lasting interests of the whole of the working class, the Party personifies the unity of proletarian principles, of proletarian will and of proletarian revolutionary action" (From the program of the Communist International)

An Army on the March.

The Party manual referred to above also discusses discipline under the heading, "Why do the Communists attach so much importance to discipline?" It says:

"* * * How can an army fight against the army of the enemy if every soldier in the army is allowed to question and even disobey orders of his superior officers. What would happen in a war if, for example, the general staff orders an attack and one section of the army decides to obey and goes into battle; another thinks it is wrong to attack the enemy at the time and stays away from the battle; and a third section decides to quit the trenches and retreat to another position instead of going forward?

Let us take an example from the class struggle. The district committee decided that a demonstration should be held against police terror and gives directions to the Sections to mobilize the whole membership to get the greatest possible number of workers to the demonstration. The date and place of the demonstration are set by the district committee. One section, after receiving the decisions, works out plans to mobilize the masses, and activizes the whole Section to work for the demonstration. Another Section does not think the issue is very important and neglects to mobilize the membership; a third Section decides that the time set by the committee is not the best one and instructs its members to mobilize at a later hour; and a fourth Section decides to come at an earlier hour. What kind of a demonstration would it be? What would workers think and say about such a party?

Our Party cannot lead the masses if there is not unity in action. Unity of will and action can be achieved only if all of the members of the Party act as one—are disciplined. If each Party member should decide which decision of the Party he wanted to carry out; if each member would carry out only those decisions which he liked and ignored those with which he disagreed, it would be impossible to lead the masses in a struggle against capitalism. An army with that kind of leadership would be defeated."

Too much emphasis cannot be placed upon the fact that the Communist Party describes itself as a disciplined army bound to follow the program given to it by the Communist International irrespective of the nature of that program. This is completely unlike the American concept of political parties. It explains the meaning of the term, "Fifth Column," which accurately describes the fact that the disciplined army working within a nation, is an integral part of that army of invasion, with whom it is bound to cooperate when directed to do so. This Communist discipline, when understood, explains the success of the Communist Party in organizing demonstrations such as that fostered by Labor's Non-Partisan League and the Workers Alliance in Sacramento on February 25, 1940.

Workers Alliance Demonstration.

There is no doubt that the so-called Workers Alliance march on the State Capitol was, in reality, a Communist political demonstration, of the type used by the Communists, as part of the revolutionary training of the masses. Evidence adduced before the committee establishes the fact that letters directing Workers Alliance members to march on the Capitol were sent out from the State office and signed by the State President of the Workers Alliance, Mr. Alex Noral, who not only admitted his membership in the Communist Party, but also exhibited his official membership book. This is only one concrete example of the disciplined activity of many similar Communist-organized and directed demonstrations, which have been prevalent in California in recent years. It is worthy of note here, that similar demonstrations were employed to protest lay-offs of unnecessary SRA personnel, by the Communist-controlled Union to which many members of the relief staff belong

Deception Used.

The Communist Party is today endeavoring to deceive the American people into believing that the party is not international in character, foreign directed, or planning to overthrow the American government by force and violence. The Communists are afraid that legislation may be passed by the National Congress outlawing all political groups advocating force and violence as a means for bringing about changes in government Therefore, the deceptive strategy of the Communist Party is aimed toward making it appear that the Communist Party does not fall within that classification.

Many Fooled.

Many people have been fooled by this Communist scheme because of their failure to realize that the Party is a disciplined army of termites. This army, at any given time, may not advocate immediate revolution, because its whole strategy is directed toward building

organizations from undercover until sufficient strength is attained, to make success of forcible action practically certain. The fundamental principles of the Communist Party are not always divulged to new recruits, unless they have responded to discipline and Communist education to such an extent, that they can be trusted to keep concealed the revolutionary intent of the Party. Your committee has heard the testimony of former Communists, some of whom were in the party only a short time, and never fully understood its true purposes. Others were heard who ranked high enough in the Party to be informed relative to its real, underlying, revolutionary character.

The whole history of the Communists proves that they would never hesitate to lie in stating their immediate or ultimate objectives, just as the termites in Denmark, Norway, Sweden, and Belgium pretended to give allegiance to their governments before the day for open betrayal arrived Such termites in America are lying and hiding their real intent. They are awaiting an opportune moment to execute their nefarious schemes by sabotaging our defenses, or seizing control of our Government.

The "History of the Communist Party, of the Soviet Union (Bolsheviks)" edited by a Commission of the Central Committee of the Communist Party of the Soviet Union, and authorized by the Central Committee of the Communist Party, shows very clearly that the Bolsheviks have never hesitated to make use of illegal methods or any manner of deception. It should be remembered that the Communist Party is part of the same international group which called itself the "Bolsheviks" when plotting the Russian Revolution.

In the official history, the following quotation makes this point clear:

> "Lenin proposed that the Party of the Bolsheviks should be called the Communist Party, which was the name given by Marx and Engels to their Party. This name was scientifically correct, for it was the ultimate aim of the Bolshevik Party to achieve Communism."

Even the present Communist Party Constitution in which much deceptive working is employed to set forth the ostensible intent of the Communist Party reads as follows:

> "* * * that is, by the establishment of Socialism according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and Stalin, embodied in the Communist International."

Some parts of this Constitution can only be understood by one who has studied Communist strategy. For instance in the Constitution of the Communist Party, the Preamble says,

> "* * * It is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation and the preparation of the working class for its historic mission to unite and lead the American people to extend these Democratic principles to their necessary and logical conclusions * * *"

To understand this language one would have to know that the Communists teach that the historic mission of the working class is to lead a revolution for the purpose of establishing a dictatorship of the

proletariat. Such dictatorship is to the Communists, "the necessary and logical conclusion."

Vigilance Needed.

During this period of world crisis, it is most important that the American people be not lulled into a tolerance of Communist organizations by their false claims of devotion to American democracy. America is a capitalist country in which citizens have a right to own their own homes, and other property which they may acquire legally, and hold subject to the right of government to levy taxes upon such property, or to take it for public purposes by paying compensation therefor. The Communist Party advocates the destruction of all capitalist countries. In order to destroy capitalism, they feel justified in setting up a dictatorship and in ruthlessly stamping out all persons who disagree with them by murderous purges or otherwise.

Communist Theory.

The official history of the party referred to above, and hereafter referred to as the official history, discusses the Communist attitude toward revolution in the following language:

> "Marx and Engels discovered the laws of development of capitalist society and proved scientifically that the development of capitalist society, and the class struggle going on within it, must inevitably lead to the fall of capitalism, to the victory of the proletariat, to the dictatorship of the proletariat.
>
> Marx and Engels taught that it was impossible to get rid of the power of capital and to convert capitalist property into public property by peaceful means, and the working class could achieve this only by revolutionary violence against the bourgeoisie, by a proletarian Revolution, by establishing its own political rule—the dictatorship of the proletariat—which must crush the resistance of the exploiters and create a new, classless, Communist Society."

This is the theory upon which the Russian dictatorship was established, and upon which, the Communists justify the total destruction of all rights of free speech, press, assemblage and religion in Russia.

Would Destroy Constitution.

Today we find the Communist termites in America demanding the right to use privileges guaranteed by the American Constitution, in order to work for the destruction of our Constitution and the right that it gives all of us, to disagree at all times with our government, so long as we express our disagreement in a manner within the framework of the Constitution. The Communists yell loudly for their Constitutional rights. They completely ignore the fact that exercise of these rights necessarily places upon one the duty of defending the Constitution, and the American Government, against its enemies—both within and without the nation.

The Communists in Russia tolerate no difference of opinion and they would tolerate no difference here, if allowed to seize power. They justify such intolerance on the grounds that they know they are right. But our American form of government is based upon the tolerance of disagreements, that are expressed peaceably in campaigns calculated to win the support of a majority of the people. Those successful in attaining power in our government are nevertheless bound to defend

the right of others to differ with them, so long as no forcible effort is made by those who disagree, to impose their will upon the majority in the manner advocated by the Communist Party.

In the official history, the following quotation illustrated the Communist attitude in Russia toward the liberties which they demand in America:

> "In order to consolidate the Soviet power, the old, bourgeois State machine had to be shattered and destroyed and a new, Soviet State machine set up in its place. Further, it was necessary to destroy the survivals of this division of society into estates and the regime of national oppression, to abolish the privileges of the church, to suppress the counter-revolutionary press, and counter-revolutionary organizations of all kinds, legal and illegal, and to dissolve the bourgeois constituent assembly."

In the above quotation, the term "counter-revolutionary," referred to the activity of those who opposed the Bolshevik Revolution.

Under Communist government where the State is everything, and the individual nothing, government is not restrained by the necessity of collecting taxes from the population in order to carry on its activities. There is no balance between public and private ownership.

There is no right to strike under Communist Government because strikes are considered acts against the government. This fact is completely ignored and concealed by the Communists who work within the American labor movement telling workers that a Communist Government would be beneficial to them Political demonstrations such as those organized by Communists in this country would not be tolerated by a Communist Government. Such demonstrations would be classed as counter-revolutionary, and persons found engaging in them would be promptly and effectively liquidated.

Communist Hypocrisy.

These examples of the destruction of individual rights under the Communist Government of Russia, are set forth here to direct attention to the hypocrisy of the Communists and their accomplices in this country, who set themselves up as the guardians of American civil liberties and Constitutional rights. The framers of the Constitution never intended that it be interpreted, so as to grant a license to destroy the government, to tools of foreign aggressors. The right to rely on the Constitution for protection should include the obligation to use the privileges granted by it in good faith—and good faith—is something the Communists can not honestly claim.

The sugar-coated program of progressive reforms openly advocated by the Communist Party is simply a flypaper calculated to win support from the unwary in order to lead them down the road of desecration and destruction which is Communism. The same tactics were used in Russia by the Bolsheviks Their official History says at one point,

> "The petition was discussed at workers meetings where amendments were made Bolsheviks spoke at these meetings without openly announcing themselves as such Under their influence, the petition was supplemented by demands for freedom of press, free-

dom of speech, freedom of association for workers * * * an 8-hour day * * *."

Of course these demands were made before the Communists seized control over the government and stamped out all of the rights of others which they had so vociferously demanded for themselves.

Fear of Reprisals.

Few persons who have left the Communist Party have had the courage to speak out against it. This results from fear of reprisals by the comrades who have no respect for laws. This results also, from the fact that persons who have left the Communist Party, are often so ashamed of ever having been part of it, that they fear exposure In this regard it is interesting to note that the Communists, themselves, hold the threat of exposure over their members at all times, as a matter of discipline. The Communist Constitution says on this point,

"* * * or members whose actions are detrimental to the Party and the working class, shall be summarily dismissed from positions of responsibility, expelled from the Party and exposed before the general public."

Communists in the State Relief Administration have used as a smoke screen for their activities a CIO union called the State, County and Municipal Workers of America. Such use of legal organizations is an old tactic of the Communist Party. By hiding behind what appears to be a labor organization, and by using as "fronts" non-Communists led into such an organization, they are able to screen their activities. The Communists then endeavor to make it appear that attacks on them are attacks on a labor union.

Communists Control SCMWA.

Your committee knows that the leadership of this SRA group is communistic. In order to deny this fact, when questioned before the committee, these leaders would have to perjure themselves. For this reason, they devised the strategy of hiring attorneys, in every case either Communists or known sympathizers, who in purporting to represent the best interests of all members of the so-called union, made it clear to all of them that they should not answer questions relative to Communism. This meant that Communists and non-Communists alike, who were members of the so-called union, would refuse to answer questions relative to Communism. This saved the Communists from the necessity of being the only ones forced to refuse to answer in order to escape exposure or possible prosecution for perjury. Non-Communists were thus used as a screen.

The record shows that your committee constantly advised members of this Communist controlled organization, that if they were not Communists they should answer the questions frankly and not be dupes for Communist hoodlums. But the typical Communist discipline was already so well inculcated into the minds of the members of this organization, that only a few had the courage to defy their leaders by stating to the committee that they were not Communists, and that they did not believe in Communism. Those who did testify were dismissed from the union for so doing. In contrast to the attitude of the disciplined

members of this so-called union were all of the other witnesses who came before the committee, in every case without attorneys, and in every case with a willingness to answer questions put by the committee relative to Communism.

Sabotage Relief Bill.

Another example of Communist discipline of members of this so-called union was the order it issued to its members in San Francisco instructing them not to work overtime even though they were offered time off at a later date to make up for the extra hours. This order was carried out with the consent of the administrator in San Francisco who agreed not to take any action against the recalcitrants for their refusal to cooperate. The union stated as one of its reasons for ordering the members not to work overtime, that it did not want to help the reactionary Legislature of the State of California which it claimed was on the spot because of baggage of Senate Bill No. 81. In other words, the leaders of this so-called union who opposed Senate Bill No. 81 wanted to do everything they could to make it turn out badly in order to keep relief costs high in the State.

In San Francisco, the workers who were not members of this group worked exceedingly long hours to bring that district into compliance with Senate Bill No. 81 and to clean up the case load. During the period of readjustment members of the so-called union deliberately refused to aid in the program of readjustment. That the county administrator would agree not to hold such action against the recalcitrants seems incredible, but it is, nevertheless, true. Certainly in making evaluations or in compiling the ratings of members of the staff, this arbitrary refusal to cooperate should have been taken into consideration. But with the evaluations, or ratings, being made by those who sympathized with the so-called unions attitude, its members, quite naturally, had no fear of finding their inexcusable conduct detrimental.

Underground Tactics.

Use of legal organizations, such as the SCMWA to cover up illegal, or what the Communists call "underground" activity is a fundamental tactic of the Stalinists. This tactic is especially useful during periods when the attention of the people is directed toward the subversive character of their activities. This is the situation in America now and, as one would expect, the Communist Party is going "underground." In other words, fearing that it will soon be made illegal, it is preparing to combine illegal underground activity with work through controlled legal organizations like the SCMWA. In going underground the Communists also are breaking down their party units into small groups less apt to be detected. Such small groups, even if detected, will represent such a minute part of the party as to make the arrest of any one of them inconsequential to the party structure.

Describing such periods in their official history the Communists say:

> "Lenin pointed out that at such moments revolutionary parties should perfect their knowledge. During the period of rise of the revolution they learned how to advance, during the period of reaction they should learn how to retreat properly, how to go underground, how to preserve and strengthen the illegal Party, how to make use of legal opportunities, of all legally existing,

especially mass organizations in order to strengthen their connections with the masses * * *.

The Party had to reckon with a new situation. Offensive tactics had to be replaced by defensive tactics, the tactics of mustering forces, the tactics of withdrawing the cadres underground and of carrying on the work of the Party from underground, the tactics of combining illegal work with work in the legal working class organizations.

The surviving legal organizations served as a sort of screen for the underground organization of the Party and as a means of maintaining connections with the masses. In order to preserve their connections with the masses, the Bolsheviks made use of the trade unions and other legally existing public organizations, such as sick benefits societies, workers cooperative societies, clubs, educational societies and Peoples Houses * * *.

Thanks to a skillful combination of illegal and legal work, the Bolsheviks were able to become a serious force in the legal workers organization. This was revealed, incidentally, in the great influence which the Bolsheviks exercised on the workers groups at four legally held Congresses that took place at that period * * * a Congress of peoples universities, a women's Congress, a Congress of factory Physicians and a Temperance Congress."

Communist Infiltration.

This analysis of the Communist tactics employed in Russia when their status was comparable to their current status in the United States, explains the presence of Communists in so many American legal organizations formed to foster progressive reforms. This shows, also, that the interest of the Communists in these organizations is not an honest interest in the things for which the organizations stand, but rather, a desire to use the opportunity afforded by work within such groups, to establish contacts helpful in the dissemination of agitational propaganda, used by the Communists in preparation for the overthrow of our government.

In a further discussion of this tactic, the official history says:

> "In this difficult period, the Bolsheviks set an example of how legal work should be combined with illegal work.
>
> It is evident that that example is being followed by the Communist gangsters in the United States today through their activities in the SCMWA and similar groups."

The official history said further:

> "The Bolsheviks wanted to create a new Party, a Bolshevist Party, which would serve as a model for all who wanted to have a real revolutionary Marxist Party."

It is also evident that this model is now being copied by the Stalinists in the United States. At another point in the official history in describing illegal activity the following appears:

> "The conference noted that the most important rule of Bolshevik tactics in periods of retreat, namely, to combine illegal work with legal work within the various legally existing workers societies and unions, was being observed in all localities."

Communist Newspaper.

One of the important phases of Communist activity is the publication of a newspaper for purposes other than mere dissemination of news. The confidential Communist Party Guide issued from the state headquarters in California described the "People's World" as the Communist newspaper of California. The official history quotes Lenin as saying:

> "A newspaper is not only a collective propagandist and collective agitator, but also a collective organizer."

In publishing the "People's World," the California Communists demonstrate once more the fact that they are simply following the pattern laid down by Lenin, and others, and successfully followed by the Bolsheviks in Russia. As a matter of agitation, the "People's World" often writes articles describing suicides by the unemployed. Of course, it always blames lack of work for these actions whether or not the actual facts so indicate. Just as you would expect, the official history in describing the work of the Bolshevik paper, "Pravda" said:

> "Pravda often reported cases of suicide of unemployed and starving workers who had lost all hope of ever finding jobs again."

Another statement by the Communists in their official history showing the importance they attach to a newspaper and the uses they can make of it is very interesting:

> "Pravda helped to organize the mass actions of the proletariat at the time of a big lock-out in St. Petersburg in the spring of 1914. When it was expedient to declare a mass strike, Pravda called upon the workers to resort to other forms of struggle such as mass meetings in the factories and demonstrations in the states. This could not be stated openly in the newspaper, but the cause was understood by class-conscious workers when they read an article by Lenin bearing the modest title, 'Forms of the Working Class Movement' and stating at the given moment, strikes should yield place to a higher form of working class-movement * * * which meant a call to organize meetings and demonstrations.
>
> In this way, the illegal revolutionary activities of the Bolsheviks were combined with legal forms of agitation and organization of the masses of the workers through Pravda * * *.
>
> Pravda stood in the center of the struggle for the Party principle, for the building up of a mass working class revolutionary party. Pravda rallied all the legally existing organizations around the illegal centers of the Bolshevik Party and directed the working-class movement towards one definite aim * * * preparation for revolution * * * in the Pravda editorial office was concentrated a large share of the organizational work of the Party, here meetings were arranged with representatives from Party nuclei; here reports were received of Party work in the mills and factories; and from here were transmitted the instructions of the St. Petersburg Committee and the Central Committee of the Party."

"Pravda" of California.

Evidence adduced before your committee together with an analysis of articles appearing in the "People's World" shows conclusively that

this Communist propaganda organ is simply the "Pravda" of the California Communists. It is doing the identical work here that "Pravda" did in the preparation for the Russian Revolution. Communist Party members are constantly admonished to support and obtain subscriptions for this Communist propaganda paper.

The "People's World" was much in evidence around the offices of the State Relief Administration investigated by your committee. Members of the SRA Staff openly solicited subscriptions for it during working hours. It was posted on the bulletin board daily in some offices, and in others, copies were left on tables where they could be conveniently picked up by members of the staff.

During the hearings of your committee, this Communist paper printed scurrilous attacks upon members of the committee. It consistently distorted the facts and resorted to deliberate lies. The committee found that a large percentage of the members of the SRA Communist controlled union subscribed to this paper. Some of them testified before the committee that they considered it the "only truthful paper in California"—and this in spite of the fact that the "People's World" acclaimed the Russian invasion of Finland. It clumsily changed its policy to pro-Hitlerism when the Stalin-Hitler Alliance was made although before the Alliance it was loud in its condemnation of the Nazis.

Attack Preparedness.

The "People's World" has recently devoted much space to attacks on the American preparedness program and the work of J. Edgar Hoover. To find such a subversive newspaper openly and widely supported by members of the State Relief Administration staff affiliated with the SCMWA is shocking and disgusting. No one not sympathetic with the Communists could read this propaganda sheet without resenting the rank distortion to which it stoops. It is not a newspaper in the American sense, at all It is the central organ in California of the international gangsters in the Communist Party.

Subversive organizations have been greatly aided in carrying out their international conspiracy in this country by the laxity of our laws, designed to curb treason and foreign espionage. Law-enforcement agencies are the hated enemy of subversive groups. They constantly carry on a campaign for the purpose of discrediting all agencies of government created to check on subversive groups.

The successful sabotage of European democracies by these international gangsters, has caused our national government to invoke the services of the G-Men in the Department of Justice, in order to ascertain the extent of plans for sabotage or overthrow of the American Government. The FBI under Mr. J. Edgar Hoover is a department of which every American is proud Nothing could be more reassuring to patriotic Americans than knowing that the G-Men are on the trail of the international gangsters working here in America. On the other hand, nothing could strike more fear into the hearts of subversive elements than being cognizant of surveillance by Mr. Hoover's G-Men. In view of these facts, it is not surprising that in recent months, the Communists have embarked upon a scurrilous "smear" campaign, intended to discredit J. Edgar Hoover and the Department of Justice.

'Smear" Methods.

As is usual with these despicable vermin, they are not attacking Mr. Hoover on the grounds that he is checking on subversive activities, but rather they are pretending to see in his work an attack on labor unions. In other words, the subversive groups are once more attempting to hide behind American labor, once more proclaiming that their civil liberties are in jeopardy, once more screaming that constitutional rights are being violated, once more conducting a typical scheming, underhanded "smear" campaign, all of which is planned to do just one thing—that is to carry out the Communist program of "smearing" everyone, and every organization that conducts a fight against their subversive machinations.

Naturally the Communist-controlled SRA union has been called upon to do its part in the "smear Hoover" campaign. The fact that this campaign originated with the Communist Party is not open to doubt. Every piece of Communist literature published in recent months has carried analogous attacks on the FBI. For instance, a May Day pamphlet recently issued from the National Communist Party office in New York said:

> " * * * The Bill of Rights is being trampled under foot by the Dies Committee and FBI. Attempts are made to curb and cripple the trade unions. Anti-war fighters, especially the Communists, are being persecuted and jailed."

Another Communist May Day pamphlet written by Lewis Budenz says:

> " * * * In Detroit, the plug-uglies of J. Edgar Hoover—who learned his lessons from the strike-breaker and labor spy, William J. Burns—have shown their true, hideous faces."

Patterson Support.

A handbill recently issued by the People's World containing a subscription blank, and urging support of the Patterson slate of convention delegates, listed several reasons for dissatisfaction with the New Deal. One of the acts for which the New Deal was condemned was, "attacks on trade unions by the Department of Justice." The Communist-inspired Patterson slate, in its proposed program, sandwiched in a condemnation of the FBI with the usual sugar-coated proposals calculated to fool the masses of people into following Communist leadership. Another handbill advertising a meeting for the benefit of William Schneiderman, California head of the Communist Party against whom the government has recently taken action, listed as one of the topics of talk: "Are the recent activities of the FBI a menace to American Democracy?" Many other examples of this widespread Communist "smear" campaign, including attacks on the FBI in the People's World, could be cited. It is singular that one of the first to place the Communist "smear" machinery in operation against the FBI was the notorious Communist accomplice, Harry Bridges.

The so-called union to which the SRA staff belongs had done its part in the "smear Hoover" campaign through the bulletins published by it.

In one of these bulletins—along with the ever-recurrent attacks on your committee—the following language appears:

"* * * California's open shoppers want to break the unions. The Yorty Committee has asked for a membership list of State, County, and Municipal Workers Union and is incensed at the idea that they might not be supplied. Naturally, if these unions give their membership lists to Yorty, they have opened the way to wholesale blacklisting and for the notorious snooping of the FBI. Once material is made available so that governmental agencies can regulate union activities, we are well onto the road to Fascism."

Deceptive Propaganda.

This Communist propaganda demonstrates again the Communist tactic of hiding behind labor organizations. Both your committee and the FBI have exposed Communists. When these Communists happen to be found working within labor organizations, they always use deceptive propaganda designed to make attacks on their subversive activities appear to be attacks on labor. They always attempt to scare union members by threats of blacklisting, or something else. This is done to convince union members that they must rally to the defense of the subversive elements in order to defend themselves. Such is the Communist program for recruiting support for their policies from those who do not realize for what they are being used. In line with their policy of calling everything they don't like an attack on trade unions, one bulletin issued by this so-called union in the SRA carried the following choice propaganda:

"* * * It was also brought out that the current drive for the reduction of relief budgets is part of a drive against trade unions. * * *"

The same tactic was employed in a Communist May Day pamphlet which contained the following:

"* * * On May Day, we can rally against these assaults on our trade unions. On our banner, we can proclaim: 'Save the unions! Halt the attack on our organizations!' In order to put the skids under the trade unions, Washington has carefully prepared the way through the persecution of Communists. * * * The Communists are persecuted for one reason above all: that they are unflinchingly opposed to American entry into this imperialistic war. They are persecuted, further, because thereby the Department of Justice can establish a precedent under which to lay waste the entire labor movement."

False Peace Stand.

In recent months, the Communists have endeavored to maintain connections with the masses by setting themselves up as the champions for peace. Any thinking person should easily see through this smokescreen. The Communists are yelling for peace because this offers a convenient method for carrying on propaganda against the Allies and in favor of the Hitler-Stalin Alliance.

They have hit upon a clever slogan, "The Yanks Are Not Coming." This slogan is being publicized in practically all Communist literature just as is the attack on the FBI. Under the guise of a demand for peace, the Communists are fighting the American preparedness pro-

gram which has the support of all informed and patriotic Americans. The subversive groups want to keep America weak. They would like to see us fall prey to the Hitler or Stalin war-machines. They would like to see us unable to defend ourselves if attacked by their international gangster cohorts. They would like to keep us unable to prevent sabotage perpetrated from the inside. They would like to see America make the same mistake, that many nations of Europe made, when they sought peace through unpreparedness.

Unfortunately many Americans are today being fooled by the fake peace propaganda of the Communists. As part of their program the Communists are carrying on a vicious attack against President Roosevelt in which they condemn him for being more friendly to the Allies than to Hitler. As usual, the Communists pretend to see in the realistic and necessary American preparedness program, an attack on labor unions. In fact, this subversive group, which has reduced lying and deception to a fine art, can be expected to find an attack on labor unions in most anything. So the "Yanks Are Not Coming" and "Stop Roosevelt's War Policies" are being added to the current slogans of the international gangsters.

In the People's World handbill favoring the Patterson slate referred to above, among the charges against the New Deal are the following:

> "* * * Tremendous boost in war appropriations; sale of military secrets and airplanes to Allies; Roosevelt administration no longer neutral—assists Allies."

If Stalin and Hitler were being assisted they would not complain.

Cripple Legitimate Unions.

An official Communist May Day circular offers a fine example of propaganda condemning American aid to Finland, and showing the utilization of the slogan, "The Yanks Are Not Coming" by this group:

> "* * * Under the hypocritical slogans of 'Neutrality' and 'Aid to the Democracies' by methods short of war, big business and the Roosevelt government have lifted the arms embargo, and turned America into an arms factory for the Allies, opposing the ending of war, and doing everything in their power to spread it. Through this and similar measures such as loans to Finland and the Scandinavian countries, through diplomatic intervention and other aid to the Finnish White Guards, American Imperialism has already taken a long step towards dragging the American people into war * * * Attempts are being made to curb and cripple the trade unions. Anti-war fighters, especially the Communists, are being persecuted and jailed. * * * The workers organized in the CIO, AFL, and Railroad Brotherhoods, the young people through the American Youth Congress, the toiling farmers and the negro people through the militant organizations, are daily expressing their opposition to the war and hunger program. The slogan, "The Yanks Are Not Coming" has become the rallying cry of millions."

A strikingly similar combination of the slogan, "The Yanks Are Not Coming" with the anti-Finnish propaganda is contained in a SCMWA

bulletin. This bulletin also contains the typical Communist propaganda against the Allies. It says.

> "* * * 'The Yanks Are Not Coming' was the slogan selected by the 117 official delegates from 53 counties. * * * Britain and France's encouragement of the invasions of China, Ethiopia, Albania, Czechoslovakia, and Poland, and their nonintervention in Spain, indicates that the ruling classes are not particularly interested in maintaining Democracy. The recent great amount of propaganda about Finland and the contributions of Italy, England, and other nations of planes and credits to that nation, did not stem from love of Democracy but from the desire of capitalist nations to provoke a war against the Soviet Union, a socialist nation."

SRA Communists.

The Communist group in SRA has flooded the State offices with propaganda following the Communist Party line. In fact, the State Relief Administration has apparently become a spearhead of the entire Communist propaganda campaign in California. This phase of the so-called union's activity will be considered again below.

SECTION II.

The chameleonic Communist Party line oft-times results in a change of immediate policy, but the long time objective, namely, the setting up of a dictatorship, never changes. The necessity of making changes to coordinate with new policies of Soviet Russia is a great handicap to the Communist Party consistency. During the years when the Communists regarded the Nazis as enemies of Soviet Russia, they propagandized against the Nazis and organized groups such as the Hollywood Anti-Nazi League through which to carry on such activity. The "People's World" and other organs of the Party during this period could not think of vile enough names to call Adolph Hitler. In an official Los Angeles County Communist publication issued in commemoration of the Twentieth Anniversary of the Los Angeles County Communist organization, and written before the Hitler-Stalin Pact, the following statement appears:

> "* * * In the name of the Communist Party of the United States, Earl Browder and William C. Foster, general secretary and chairman, respectively, have written to President Roosevelt and to all members of the Congress of the United States, pledging the Party support of President Roosevelt's peace policies as approved by the majority of the American people."

At another point in the same publication, it says:

> "* * * In this period of war crisis, when Hitler and the Munichmen are spreading their hideous destruction, the military defense of our country becomes a key factor for national security."

The program of the Communists as set forth in this publication listed as its 12th plank the following:

> "* * * Full official city and county support of President Roosevelt's Peace Policy of Collective Security, cooperation of all local law-enforcement bodies with Federal services for detection

and prosecution of all agents and spies of Nazi, Japanese, and other Fascist governments in local aircraft and fishing industries."

The ink was hardly dry on this publication when the Hitler-Stalin Pact was signed. During their campaign against the Nazis, the Communists had believed that Soviet Russia would conclude a pact with the Allies against Hitler. When the world was stunned by the agreement between Hitler and Stalin, the Communists fumbled for several days without knowing how to explain the unexpected turn of events calling for the formulation of an entirely new party line.

Stalin Nazi Switch.

Stalin had given Hitler the assurance he needed against attacks from the East, in order to make it possible for him to start his campaign of destruction against the Scandinavian countries and the small republics to the West In explaining their change of attitude toward the Nazis, after the pact was signed, the Communists reached the zenith of hypocrisy. The Russian Commisar of Foreign Affairs in addressing the Supreme Soviet of the USSR, said:

"* * * It is our duty to think of the interests of the Soviet people, the interests of the Union of Soviet Socialist Republics * * *. Only when it became clear to us that the German government desired to change its foreign policy so as to secure an improvement in the relations with the USSR, was the basis found for the conclusion of a Soviet-German Non-Aggressive Pact. Everybody knows that during the last six years, ever since the Nationalist Socialists (Nazis) came into power, political relations between Germany and the USSR have been strained * * *. Exposing the hullabaloo raised in the British, French, and American press about Germany's plans for the seizure of the Soviet Ukraine, Stalin said, 'It looks as if the purpose of this suspicious hullabaloo was to incense the Soviet Union against Germany, to poison the atmosphere and to provoke a conflict with Germany without any visible ground.' * * * We have always stood for amity between the peoples of USSR and Germany for the growth and development of friendship between the peoples of the Soviet Union and the German people. * * * Is it really difficult to understand that the USSR is pursuing and will continue to pursue its own independent policy, based upon the interests of the peoples of the USSR and only their interests? * * * This Pact not only eliminates the menace of a war with Germany, narrows down the zone of possible hostilities in Europe, and serves thereby the cause of universal peace; it must open to us new possibilities of increasing our strength."

No greater batch of lies was ever concocted by the Stalinists than those used in their attempt to justify the Hitler-Stalin Pact, and the changes in their propaganda and policies, made necessary thereby. It is difficult to imagine such a brazen liar as was Stalin when he accused Americans of trying to provoke war between Russia and Germany. The fact of the matter was, that his gangsters in this country were busy conducting Nazi campaigns because they feared a possible plan of Adolph Hitler to drive to the East, which drive was described,

by Hitler, in his book, "Mein Kampf," and which was most certainly not an invention of the American press, as claimed by Stalin.

Molotov's Lies.

Hypocrisy, Communist style, bristles also in Molotov's claim that the Communists always stood for friendship between Germany and Russia. Molotov told the truth when he mentioned the previously existing strained relations between Russia and Germany. It was obviously these strained relations that caused the Stalinists in this country to carry on an anti-Nazi campaign in the interests of the Soviet Union. It was the end of these strained relations, and the Hitler-Stalin Pact, that caused the Stalinists in America to completely change their position by commencing attacks against American preparedness measures, and also by condemning as "unneutral," those who continued to denounce Hitler, just as the Stalinists did before the pact. This change of policy on their part was brought about solely in the interest of the Stalinist dictatorship even though such interest is directly adverse to the national safety of this country. Molotov lied again when he said the pact was in the interest of universal peace. He knew that the real purpose of the pact was to give Hitler the protection he needed in the East, to permit him to turn his destructive efforts in another direction.

The awkward change of the Communist policy in this country brought about by the Hitler-Stalin Pact is also exemplified in their change of heart relative to Federal investigation of Nazi and Fascist spies. Since the pact has made the Communist and Nazi termites in this country part of the same "fifth column," they now stand together in a campaign to smear the counter-espionage work of the FBI which the Communists themselves advocated before the pact. All of these examples add to the abundance of evidence, showing that the allegiance of the Communist Party members is not to the United States. They demonstrate the danger and the foolishness involved in permitting such foreign directed agents to carry on their poison propaganda under the cloak of official positions in the State Relief Administration. They show the impossibility of relying upon their stated or pretended intentions in determining the real nature of their program.

Not long ago, the Communists carried on an extensive campaign in favor of lifting the embargo on the shipment of arms to Loyalist Spain, giving as their reason the fact that a small nation was being invaded by outside forces. But when the United States proposed to help Finland and to lift the embargo on shipments of arms to the Allies, the Communists scurried to form peace councils for the purpose of denouncing everyone as "unneutral" who advocated the same changes in the Statutes which the Communists advocated before the Hitler-Stalin pact.

Compulsory Military Training.

Another example of Communist hypocrisy is their attitude toward compulsory military training in the United States. In the official history of the party, referred to above, describing some of the measures taken by the Bolsheviks in Russia after they seized power, the following appears:

> "* * * Therefore the Congress considered it the fundamental task of the Party (Communist) to adopt the most energetic

and resolute measures to strengthen the self-discipline and discipline of the workers and peasants, to prepare the masses for self-sacrificing defense of the Socialist Country, to organize the Red Army and to introduce universal military training."

It is quite apparent that the Communists advocate military training for Russians because they want Russia to be strong. They denounce military training in America because they want America to be weak.

The Communists are now condemning American foreign policy as "imperialistic." The proposal of some United States Senators that we purchase certain islands near the Canal Zone is labeled "an imperialistic scheme" by the Stalinists. The sale of arms to the Allies is condemned as a program of the American Imperialists. The United States is placed on their list of hated imperialistic nations. As an indication of what might be expected from Communists in this country in case we were compelled to defend ourselves against Stalin or his pal, Hitler, one needs only to turn again to the official history of the Communist Party for a statement of its attitude toward what it terms, "an imperialistic country." It should also be borne in mind that the United States is classed as a bourgeois nation in Communist terminology.

The official history says:

"In opposition to the Menshevik and Socialist Revolutionary policy of defending the bourgeois fatherland, the Bolsheviks (Stalinists) advanced a policy of 'the defeat of one's own government in the imperialist war.' This meant voting against war credits, forming illegal revolutionary organizations in the armed forces, supporting fraternization among the soldiers at the Front, organizing revolutionary actions of the workers and peasants against the war, and turning these actions into an uprising against one's own imperialist government * * * Lenin held that the policy of working for the defeat of one's own imperialist government must be pursued not only by the Russian revolutionaries, but by the revolutionary parties of the working class in all the belligerent countries * * * The Bolshevik Party (Communist) was the only proletarian party which remained faithful to the cause of socialism and internationalism and which organized civil war against its own imperialist government."

Since the United States is now called Imperialistic, these quotations may be the basis for determining what the Communist policy might be in case this country faced a crisis. Along this line, the following quotation from the official history is also indicative:

"Lenin always taught that without a revolution of the working class, capitalism can not be overthrown; therefore, while defining imperialism as moribund capitalism, Lenin at the same time showed that 'Imperialism is the eve of the social revolution of the proletariat.'"

Let persons who scoff at and ridicule the fight against Communism in America consider well these expressions of policy recommended for Communists engaged in sabotaging their own nations. The Communists in America, with their dreams of themselves at the head of a Com-

munist dictatorship in America, may be laughed at now by persons who fail to comprehend their insidiousness, but in case of a crisis in America, those who today ridicule anti-Communist activities will find that their apathy to duty has actually aided the activities of traitorous international gangsters.

Army, Navy Threatened.

It is well known that Stalinists in America are today attempting to extend vicious activity into our army and navy. Some of this termiting is on the west coast. The Legislature will remember that William J. Plunkert was appointed by Governor Olson to a position as Deputy State Relief Administrator immediately after the Olson Administration came into power. Plunkert then commenced a Communist Program in the State Relief Administration and only a storm of protests caused the Governor to dismiss him from the State service. Almost immediately after this dismissal, Plunkert became field representative for an organization similar to the SRA union. It is called the United Federal Workers of America. Its purpose is to organize federal employees. In a bulletin issued by this organization on November 29, 1939, the Communist activities of Mr. Plunkert are made apparent under the heading "Field Representatives Report," where it is stated:

> "W. J. Plunkert just came back from a trip to Oregon and Washington (State) In Oregon, the WPA State Administrator sent out official notices that he was in town and would speak. The same thing happened at Bonneville Dam and in Seattle Organization is proceeding at Bremerton Navy Yard, where there are 7,000 federal employees."

Here we have a known Communist reporting on organizing work among our armed forces. This Stalinist, during the period he was with the State, was able to start much of the SRA infiltration that still exists. He offers a good example of the type of official that this administration had permitted to find a place in the State Relief Administration. The interest of this man in gaining a place in the SRA should be apparent from his present activities. Although he is gone, the SRA is still loaded with Bill Plunkerts They are effectively carrying on the work in which he was so interested.

Communist Gangsters.

It cannot be emphasized too often that the Stalinists in America are a disciplined army of international gangsters Their immediate policies change in accordance with desires of Dictator Stalin. Their plans do not call for actual seizure of power until they are prepared, and assured of a fair chance of success. This strategy also is outlined in the official history where they say:

> "The Bolshevik Party was opposed to armed action at that time, for it considered that the revolutionary crisis had not yet matured, that the army and the provinces were not yet prepared to support an uprising in the capitol, and that an isolated and premature rising might only make it easier for the counter-revolutionaries to crush the vanguard of the revolution."

Let no one suppose that because the Communists are not uprising now, that they are not planning, preparing, and awaiting the opportune moment to strike at the foundations of American liberty.

An analysis of the changes in Communist strategy brought about by the Hitler-Stalin pact tends to explain some of the queer political maneuvering that has taken place recently in the United States and in California. It is clear that before the pact, the Stalinists were able to screen their activities quite well since their foreign policy seemed to favor the Allies, just as did the overwhelming majority of the people of the United States. Therefore, by supporting American foreign policy and joining in with all groups advocating economical reforms of any kind, the Stalinists were able to fool many people into believing them to be genuinely interested in progressive measures. Their strategy of joining with American progressive groups in a "united front" made them less obvious than they would be if engaged in advocating a program of their own. In the 1938 elections, the Communist Party stated its strategy in the following words:

> "Wherever an honest progressive is running against a reactionary in the final elections, the Communist Party withdraws its candidates and works for the election of the progressive—but when the only candidate of the two major parties is an arch-reactionary—the Communist Party will keep its candidate in the field and will work toward the defeat of the reactionary."

This was the strategy being carried out by the Communists who, without invitation, proclaimed themselves supporters of candidates representing the so-called liberal wing of the Democratic Party. By this strategy, they hoped to legitimate themselves to a degree and to gain influence in liberal circles, preparatory to use of the entire liberal movement as a shield against attacks upon them. This strategy worked very well before the Hitler-Stalin Pact and is successful in some degree even today. But the pact did place the Communists in an embarrassing position. They were forced to attempt to justify it while the American liberals with whom they had joined were condemning it, and as if that were not enough, they were soon forced to justify the Russian invasion in Finland, while the President of the United States and the liberals with whom they had joined were denouncing it. Then on top of it all, they were forced to lend encouragement to foreign marauders by fighting a preparedness program calculated to give the United States sufficient strength to resist any possible foreign aggression.

At the same time, their resolutions favoring the third term for Roosevelt had to be hurriedly rescinded because of his condemnation of both the Russian and German aggressions. The Communists who had called everybody a reactionary who opposed the third term, had to start calling everybody a reactionary who favored it. All of these political gymnastics served to expose the international aspect of their program and to lose for them the respect they had built up during the period of the operation of their successful "united front" traps.

"United Front" Traps.

In striving to drag the non-Communist elements among the "united front" groups over to the changed Communist policy, they cracked the "united front" wide open, and gradually isolated, and exposed themselves, to a greater and greater degree. Now, unable to work harmoniously with either the Republican Party or the Democratic

Party, the Stalinists face the necessity of forming a new party which they can manipulate while remaining in the background. Apparently they are trying desperately to use Labor's Non-Partisan League as the basis for such a Communist vehicle.

In the Communist Party Manual on Organization under the heading "Allies of the Proletariat," appears the following:

> "The chief strategic aim of our Party in the present period is to win the majority of the working class in their struggle against capitalism. This is an essential condition for victory over the bourgeoisie, and for preparing the workers for the decisive battles for the dictatorship of the proletariat.
>
> The revolutionary overthrow of the capitalist system is the historical mission of the working class but the workers cannot fulfill their mission if they fail to win over the wide sections of the toiling masses. It is essential that the proletariat wins to its cause all its allies without whom there cannot be a successful revolution.
>
> Who are the allies of the working class? The open letter adopted by the Central Committee in July, 1933, very clearly answers this question: * * * The main task of the Party in its work among the agrarian toilers is above all, the organization of the agricultural wage workers, organizing them into the trade unions and the Party, organizing and leading strikes of the agricultural workers for better wages and working conditions. Such strikes in many places have played an important part in the development of the farmer's movement. * * * The other important ally of the American proletariat is the mass of 13,000,000 negro people. * * * The Party can stand at the head of the national revolutionary struggle of the negro masses against American Imperialism only if it energetically carries through the following tasks: The Party must mobilize the masses for the struggle for equal rights of the negroes and for the right of self-determination for the negroes in the black belt."

Communist utilization of youth groups is described in the official history in the following words:

> "The Congress (Communist) adopted a resolution on the youth leagues, which, at that time, frequently sprang up spontaneously. As a result of the Party's subsequent efforts it succeeded in definitely securing the adherence of these youth organizations, which became a reserve of the party."

Little need be said to informed Americans about success of Communists in taking advantage of the depression to indoctrinate American youth

Lewis Involved.

In view of the above plan of Communist strategy, it is interesting to note that John L. Lewis recently took the lead in threatening to form a third party with its initial membership based upon a uniting of the very groups listed by the Communists as their potential allies in the movement toward revolution. Lewis announced that he had obtained the support of the National Negro Congress Shortly thereafter, the President of the National Negro Congress refused to stand for reelection He gave as his reason, the fact that the National Negro Congress

was accepting contributions from the Communist Party and that he felt such contributions would cause the Communists to dominate the organization. Lewis also announced that he had obtained the support of certain of the youth groups for his plan These are the youth groups that so openly disclosed their Communist sympathies in a recent convention.

One should not overlook the fact that the Communist-controlled Workers Alliance is already affiliated with Labor's Non-Partisan League, and is therefore, part of the basis for the third party which Mr. Lewis has threatened to form The agricultural workers, described by the Communists as their necessary allies, remain to be organized and recruited. To do this job in California is the task of the Communists in the State Relief Administration who, under the cloak of SRA, have found their way into communities all over California Intense propaganda work is being carried on by these State employees who form a part of the Stalin army of international termites

Professional Revolutionists.

The Communists call the more advanced comrades professional revolutionists They are described in the party manual in the following language

> "Comrade Lenin in his writings always stressed the necessity of developing a core of comrades from among the best tested, mass leaders, to such a point that they would be able to serve the proletariat as trained, skilled revolutionary leaders There is a misconception in the ranks of the Party as to what a professional revolutionist, in the Leninist sense, is Some are of the opinion that a professional revolutionist is a comrade whom the Party takes out of the factory and assigns as a full-time functionary; in other words, that the Party organization supports him while he spends all his time on Party work This notion is wrong.
>
> The professional revolutionist is a highly developed comrade, trained in revolutionary theory and practice, tested in struggles, who gives his whole life to the fight for the interests of his class A professional revolutionist is ready to go whenever and wherever the Party sends him Today, he may be working in a mine, organizing the Party, the trade unions, leading struggles; tomorrow, if the Party so decides, he may be in a steel mill; the day after tomorrow, he may be a leader and organizer of the unemployed."

The day after tomorrow has arrived for many of the professional revolutionists working in the outlying areas of California, ostensibly as employees of the State Relief Administration but in reality, as part of the disciplined Stalinist army of agitation, determined to capture the support of agricultural workers for the Communist conspiracy against American liberty The parts of the plan fit together perfectly. The present movement for a third party based upon the Communist outline, is summed up in a Communist May Day pamphlet which says:

> "The time is rotten ripe for an independent political expression of the common people through the initiative of progressive labor Earl Browder, General Secretary of the Communist Party, has said—and said correctly: 'The issue before the American masses today is not the third term, but the third party.'"

The Communists are today finding themselves exposed by their necessary fidelity to the rapidly changing whims of Comrade Stalin, Czar of all the Communists. In California, upon finding themselves in this position, and thus unable to continue to work as Democrats, they were recently forced to arrange for the filing of an independent slate of Democratic Convention delegates, nominally pledged to Lieutenant Governor Ellis E. Patterson—a slate which used as its slogan one borrowed directly and totally from an official Communist May Day pamphlet which said in part:

> "We, the working people, must promote the building of a new mass party of the people—a broad peace party that will fight for us—only through such an anti-imperialist people's front and party—can we best advance our fight for JOBS, SECURITY, DEMOCRACY, AND PEACE."

Communist May Day circular also said:

> "Not a man, not a cent, not a gun for the imperialist war and military preparations."

The Patterson slate throw-away sheet said under the heading of "Peace, Not War":

> "More men, no arms—no loans to foreign powers. Stop intrigue leading us into war."

Many similar statements used by the Patterson slate can be traced directly to Communist propaganda. The overwhelming rebuke given the Patterson group by the people of California may cause the California strategists to endeavor to work out some policy to substitute for the "independent action" plan which proved so disastrous from the standpoint of votes. But even at that, the Communists need not feel too down-hearted. Their slate did get some 50,000 votes in the State. As a speaker on the "People's World" radio program put it:

> "Our slate may have been defeated but we proved we had 50,000 loyal and socially conscious voters in California."

Dangerous "Fifth Column."

Every Californian should ponder this consoling statement addressed to California's fifth column, 50,000 termites, or even 25,000 could succeed in doing an inconceivable amount of sabotage if this country were attacked. Of course, all persons who voted for the Patterson slate were not Communists. Many were, no doubt, fooled into voting for it. But one thing is certain, all of Mr. Stalin's army of Communists in California did vote for the Patterson slate since it was a direct reflection of their change to a third party strategy.

The Stalinists working in the SRA and operating through the so-called union are a valuable bulwark of the party. Headed by Comrade Jeffery, they have lost no time in starting to employ the usual Communist tactics of lies, deception, and constant agitation. Their bulletins have fed a stream of Communist propaganda to the entire SRA staff. Their infiltration in all parts of California has given them contact with the unemployed all over the State.

In usual Communist fashion, they have never hesitated to show their contempt for the government of California. With great bravado,

they have threatened the Olson administration and forced it to backwater on occasion after occasion. Like all Communist-led groups, their word is worth nothing. For example, in a pamphlet issued by the Washington headquarters of this so-called union, the "State, County, Municipal Workers of America affiliated with the CIO" under a program listing the aims of the union, appears the following:

> "These aims shall be accomplished by means of legislation, negotiation, and education. Strikes and picketing shall be deemed a violation of the policies of this organization."

But this statement of policies was like all Communist statements—no more reliable than those who made it. Everyone now knows that this so-called union resorted to picketing of the State Building and SRA offices in typical Communist fashion the moment it had a grievance against the State. To further make a sheer mockery of the statement of the policy of the national organization of which it is a part, the so-called union even made a motion picture of its own demonstrations which it named, "Picket" and described as a picture of "the largest white-collar picket line in San Francisco's labor history."

Rowdy SRA Staffs.

Of course, all Communist-led demonstrations called for the use of songs, so the members of the relief administration staff were called upon to sing songs while demonstrating outside of State offices. Some of these songs were the same as those sung by Communist-controlled Workers Alliance gangs that marched on the State Capitol this year Some of these songs typifying the rowdy attitude of staff members who follow the Communist Program are set forth below:

SING IT PRETTY:

Tie a Can to Politicians.

(Solidarity Forever)

Oh, they're passing out the gravy
To the phonies and the finks;
If you want our frank opinion,
Confidentially, it stinks.
They're filling key positions
With a gang of missing links
To wreck the SRA.

Chorus—
Tie a can to politicians,
Tie a can to politicians,
Tie a can to politicians,
And save the SRA.

Oh, they're shooting craps with Phillips,
And they're cutting cards with Call;
They are drinking Yorty's whiskey
And they're calling Hoover "Pal";
The Associated Farmers
Are invited to the ball
To wreck the SRA.

Chorus—
Send a wire to Governor Olson,
Drop a line to Walter Chambers,
Help us stop the politicians,
For a decent SRA.

Come Join the Song.

(Come Join Our Band)

Come join the song
If you're a union member strong;
Let the whole world see
That we have solidarity.
Together we stand,
The strongest union in the land.
One for all and all for one,
We'll stand together
Till our fight is won.

Solidarity Forever.

When the Union's inspiration through the workers' blood shall run,
There can be no power greater anywhere beneath the sun;
Yet what force on earth is weaker than the feeble strength of one?
But the Union makes us strong.
Solidarity forever!
Solidarity forever!
Solidarity forever!
The Union makes us strong.
In our hands is placed a power greater than the hoarded gold,
Greater than the might of armies magnified a thousand-fold.
We can bring to birth the new world with the ashes of the old,
For the Union makes us strong.

Chambers Is Having a Heck of a Time.

(Mademoiselle of Armentieres)

Chambers is having a heck of a time,
Parley Vous;
Chambers is having a heck of a time.
Parley Vous;
Chambers is having a heck of a time,
Trying to break our picket line,
Hinky Dinky Parley Vous
Chambers gave us a run-around,
Parley Vous;
Chambers gave us a run-around,
Parley Vous;
Chambers gave us a run-around,
But we got off and went to town,
Hinky Dinky Parley Vous

Issued by State, County, Municipal Workers of America, Local No. 3, Balboa Bldg.

SRA Unionists Arrogant.

No State administration with the slightest regard for maintenance of the dignity of government would have tolerated for a minute the insubordinate and arrogant attitude of the leaders of the so-called SRA union. No administration, not forced by unseen fetters to tolerate the threats of this pressure gang, could conceivably have permitted them to openly defy it. As an example of how this gang was permitted to carry on ridiculous activities within the SRA, the following random quotations are taken from some of their bulletins:

DAY OF RECKONING IMMINENT.

Meanwhile the State CIO and LNPL (Labor Non-Partisan League) are completing plans for a showdown with Governor Olson on immediate adjustment of our grievances; the rescinding of layoffs and the reinstatement of dismissed union members.

HERE WE GO AGAIN.

The Governor of the State of California has demonstrated his bad faith with 3,000 members of the SCMWA, the entire labor movement, and the people who elected him to office, it was stated here today by members of the District Executive Board of SCMWA * * * If the word of the Chief Executive is no good, then upon whom can we depend? The union's program supplies the answer—WE CAN DEPEND ONLY UPON THE PEOPLE OF THE STATE AND WE MUST REACH THEM.

KEEP IN MIND THAT THE RECENT ACTION OF THE ECONOMY-MINDED LEGISLATURE HAS THREATENED MANY OF OUR HARD-FOUGHT GAINS. IT REQUIRES THE UNITED AND VIGOROUS SUPPORT OF EACH AND EVERY MEMBER OF OUR LOCAL TO HOLD FAST TO OUR ACHIEVEMENTS.

THE UNIONS DEMAND TO MEET WITH A RESPONSIBLE SRA REPRESENTATIVE:

Mr Chambers agreed to meet with the union members on a weekly basis until the authority and functions of the SRA Board of Personnel Standards and Appeals has been further clarified * * * The more than detailed plans are under way for a campaign of pressure, including a systematic series of news releases being compiled by the Newspaper Guild, a law suit in preparation by CIO attorneys, and a series of radio programs.

IT SHOULD BE CLEAR TO ALL SRA WORKERS THAT THE SCMWA CAN, AND WILL, CARRY ON AN EFFECTIVE FIGHT FOR THE PROTECTION AND RIGHTS OF SRA WORKERS.

The following bulletin of this so-called union is so typical of its attitude that it is reproduced here in its entirety·

SCMWA
Carried Layoff Fight To—
GOVERNOR OLSON
Bulletin To All SCMWA Locals.

Everything's in good faith, said the Gov to the press, so SCMWA is laughing up its sleeve. Not that it's so funny. It just means that the Union has (apparently) got the runaround again and this time it's a real fancy high-type runaround from the highest official in the State, Governor Culbert L. Olson, the man we fought for and campaigned for and saw elected on a progressive people's platform in 1938—remember?

OKAY, GOV, YOUR DEAL

The Governor got into Los Angeles yesterday from his Palm Springs hideout and immediately announced that he would be happy to meet with SCMWA and discuss our problems. So we went in good faith to arrange for an audience. But the Governor wasn't the same man today that made expansive statements to the press yesterday. Ho, ho, said the Gov, meet with a negotiating committee? That's a laugh. I might as well be the administrator. Tell you what I'll do boys, I'll come out and give a speech to your whole picket line.

OUR DEAL, GOV, TRUTH IS TRUMPS

Sure, we said, that'll be dandy. Then you can tell the press and the people on the street, and the whole world what a swell liberal you are and how busy you are carrying out the program (like telling the Legislature the SRA absolutely, positively, needed 95 million but you'd settle for 66 million—which meant you'd settle for a helluva lot less than 66 million—didn't it, Gov?) anyhow you're happy to entertain any grievances any time, any place, anyhow, but not just now, SCMWA.

THE ONLY ANSWER IS NO.

No soap, Gov, we said. We demand that we negotiate with you as a serious body attempting to get justice for our members out of a situation that is completely devoid of justice. You can save the speeches for the National Convention We are only concerned with the bread and butter of 6,000 clerical and professional workers in SRA. We are not interested in politics We are only interested in sane and just SRA personnel policy and procedure

WE DEMAND SOMETHING

Your Administrator has proven himself incapable of administration. The SRA Board of Standards and Appeals to which you refer us is an evasive nonconvening body which, by its acts, proves that it has no intention of abiding by its word. We come to you only because we find no one in SRA with whom we can negotiate as a final authority.

SUMMING UP.

So that's the Governor's offer and that's SCMWA's rejection. We demand that the Governor hear us or appoint someone who will. We will not accuse the Governor of bad faith until he, by his own actions and statements has made himself open to such charges. But we demand a place of final authority and we don't mean the SRA Board of Personnel S. and A. or the Relief Commission and we'll keep up our picket line until and unless we get such an audience

SCMWA MEETS OLSON.
TUESDAY, MARCH 19, 1940.

Finally we get a meeting with Governor Olson. And what a meeting. At least it served as an eye-opener for some of the 150 SCMWA members·who were there The meeting opened with Chapman outlining why we were there. The Governor wanted to know what our grievances were that we couldn't get adjusted and we gave him a few examples. He actually opened his remarks by waving a big fat case record around and staging this was too much work and not related to determining whether a person was eligible for unemployment relief Page· Elimination of Social Service. The Governor then went into a tirade about his liberalism and his "program" and how the administration must be staffed with people who were in "sympathy" with his program. Furthermore they must have people who were "loyal" to him and his program and he couldn't stand for any opposition. Stated that he would fire "every union member" if necessary. Anyone who opposes must

be fired if he is a member of SCMWA or California State Employees Association or whatnot."

The meeting in toto was a complete verification of our charge that Chambers does not have authority to administer the program. At one point Chapman said "why, Chambers doesn't even have the authority to 'spit out the window'" and this was not denied by Olson Of course, our main demand was that Olson instruct Chambers and the Board that we are to negotiate with Chambers and get answers from him. At the mention of "negotiate" Olson hit the ceiling. NEGOTIATE? "That's the wrong attitude." We should send in our "constructive suggestions" and allow the administrator to do what he saw fit with them "He's the administrator, isn't he?"

When we told him that we didn't want to be shoved off onto this damn Board he wanted to know what we'd do if he decided that we should be to which we replied that we would continue to fight and take this thing to the public "And support the recall?" demanded Olson, to which we gave no answer.

The Gov obviously didn't understand what we were talking about. At one point we were reiterating and pointing out what good trade union points these were (after he had just tried to bait us into stating we spent more time on politics than anything else) which brought forth a tirade about what a great trade union man he is, and had been for years. He also wanted to know how many of those assembled had been taken on during the last year—to which question about one-third raised their hands. "That's pretty good," says the Gov A member present made some statement about there not being the mess there is today if the Administration hadn't "been piddling for the last year" This, of course, riled the Governor.

At the end we made it very clear that we were not satisfied with the runaround that he was giving us, but that if we could get an answer immediately that would be O. K We also agreed to get to him with the list of our grievances we desire to take up immediately We issued press releases stating the meeting was wholly unsatisfactory, that the Governor was demanding "blind faith" and that he is motivated by the one desire (apparently) to have relief administered by good, needy Democrats.

WE'LL FIGHT IF IT TAKES ALL SUMMER.

SCMWA pickets and mass demonstrations in Los Angeles resulted in the audience with Governor Olson Today (Wednesday) San Francisco SCMWA'ers start picketing. Tomorrow we hope to see Oakland hit the line.

WE WILL TAKE OUR FIGHT TO THE PEOPLE OF CALIFORNIA—THE PEOPLE CAN'T LET US DOWN BECAUSE WE'RE FIGHTING.

AGAINST THE SPOILS SYSTEM IN RELIEF FOR DECENT AND EFFICIENT ADMINISTRATION OF SRA.

ISSUED BY
STATE, COUNTY AND MUNICIPAL WORKERS OF AMERICA (CIO)
DISTRICT PUBLICITY COMMITTEE

522-23 Balboa Bldg, San Francisco
Phone. YUkon 2012

FLASH

SAN FRANCISCO NEWS (MARCH 20, 1940)

Los Angeles, March 20.—Governor Olson promised members of the State, County and Municipal Workers of America today that he would appoint a person or committee to negotiate with them on their demands for reinstatement of dismissed State Relief Administration employees.

Another bulletin describes how 250 persons descended upon Walter Chambers en masse in order to bring pressure to bear on him. It says under the heading "Who Did It":

"You can thank the SCMWA—as you probably know, we had a 'little' meeting with Walter Chambers Thursday noon—only 250 strong, members from all over Los Angeles County, come to see justice done, insisting that layoffs be made on a fair basis. What a thrill.

There were newspaper reporters there, and photographers, and stenographers, and division heads and us. We talked, the administration talked, and we wound up in a meeting a little later with a slightly smaller committee. We gained the points. Thursday

night, we held a mass meeting at which 800 people yowled their support of our program in no uncertain terms. Friday, we met practically all day with the Administration, and the result—glance at these victories and quit worrying about being laid off without a sound reason.

The evaluations (which, incidentally, have been admitted as being worthless but which we agreed to use because of the shortage of time) will be grouped into 3 categories of efficiency * * *."

Another bulletin containing an attack on your committee also says under the heading, "SCMWA National President Wires Protest to Olson on Alameda Firings":

"President Flaxor last Thursday sent the following wire to Governor Olson: 'Outrageous dismissal of score of seasoned welfare workers from staff of Alameda County office of State Relief Administration who are leading members of our union violates your pledge to end political spoils manipulations and anti-union discrimination in SRA. By breaking pledge you have slapped in the face the clean politics and liberal movements of California. Only immediate re-instatement of these loyal and efficient employees and setting up of an impartial appeals board—which you promised at my meeting with you at your apartment three weeks ago, following earlier dismissals of hundreds of experienced SRA employees to make room for political hacks—can save your administration from the stigma of stabbing the merit system in the back and selling down the river the good government and progressive forces which elected you'"

Exposure.

If ever the SRA Communists made their intention of building a pressure gang by a combination of relief administrators and clients into a Communist-dominated machine, they did so recently, when they issued a bulletin appealing directly to relief clients for support in their fight to remain on the State payroll. This bulletin also is important enough to warrant inclusion here in its entirety:

STATE, COUNTY AND MUNICIPAL WORKERS OF AMERICA—LOCAL 91
MAY 17, 1940

Mr Relief Client:

How do you like being kicked around? You are in need and are entitled to speedy and adequate service. Are you getting it? The answer is no!

Alameda County SRA has reached an all time low in efficiency and consideration for the needs of unemployed people. Many needy applicants are being refused help without any good reason. Many checks are late, or short or never come at all. People are forced to wait for weeks before getting their first checks. WPA certifications are delayed

WHY?

The answer is clear. On April 23rd, a new director, Mr. D C. Willford, came into Alameda County. In the name of "efficiency" he laid off 30 employees (out of a staff of 275). They included clerks, stenographers, social workers, and most of the supervisors. This brought the total of recently laid off people to nearly 200—out of a staff of 450.

The lay-off of the 30 people not only was done with no regard for what would happen to the relief clients and their families but was also a clear-cut union-busting move. All but one of the thirty were members of the SCMWA Local 91. It included most of the executive board of the union. All were efficient and had years of service.

The reason for this is a plain one Mr Willford is acting for Governor Olson in his drive to lower relief standards and prepare for return of relief to the counties. Return of relief to the counties means control of relief by

the Associated Farmers and the Republican party. The SCMWA opposes both schemes. Our union has always fought for better—more adequate—more efficient relief, and will continue to do so. Therefore Governor Olson decided to get it out of the way so there would be no opposition to his relief cuts.

Busting our union today means relief cuts for you tomorrow.

We are with you in your fight for adequate relief.

We have been laid off because of this. We ask you to support us in our fight to return to our jobs

Send cards and letters to Governor Olson, B. C. Willford, Walter Chambers.

Hoodwink the Public.

This bulletin shows clearly the deliberate, planned, intention of the Communists in the State Relief Administration to court the favor of relief clients; to hoodwink them into following the Communist program calling for ever greater demands from the taxpayers; and to eventually cause a breakdown of relief agencies. Nothing could better demonstrate the obvious fact that these SRA Stalinists have no regard for the welfare of the State of California. Instead of doing their jobs, they are using official positions to carry out an organizing campaign directed by the Communist Party. Their attitude toward their work, and the State Government, has caused the shattering of the morale in every office in which they have gained a foothold.

The committee has evidence to show that members of this so-called union were told to slow down, lest by doing too much work, they might keep other persons out of work. This slow-down policy was pursued in spite of the fact that it meant more excessive overhead and consequently less money for the relief clients, for whom the Communists constantly shed crocodile tears.

San Diego an Example.

One of the best examples of the effect of this motley crowd on a relief office was the situation in San Diego County. Director Roe of that county told the chairman of this committee that after getting rid of the Stalinist gang, he felt that he was doing a better job with 70 employees than he had formerly been able to do with 150 employees.

San Diego County is not an isolated example of the effect of Communists on the efficiency and morale of the State Relief Administration. Wherever their so-called union has gained a foothold, the staff has been split into two camps.

In all of the counties where your committee has conducted an investigation, the so-called union crowd have definitely held the upper hand. They have carried on an underhanded campaign to eliminate from the relief administration those who do not approve of their policies. In typical Communist style, the SRA Communists have publicly condemned politics in relief while using every possible political trick to influence relief policies and personnel procedures. In one of their bulletins they, themselves, outline the politics employed by them to keep friendly directors in office. The said bulletin under the heading of "SCMWA Fights Political Intrigue in SRA":

"In cooperation with the CIO and the LNPL, SCMWA has been successful in organizing community pressure to thwart reactionary political forces in the attempt to remove progressive SRA county directors in four counties. Further action to combat these removals was taken by the SCMWA District Council when resolutions were adopted, protesting the proposed changes in Tulare,

Fresno, and San Joaquin Counties * * * The Legislative Committee was instructed to prepare educational material on the issue of politics in relief for the use of LNPL and the State CIO. The council condemned any move to replace Directors McGrath, LeFevre and Halloran."

Two of these directors which the SCMWA was so interested in having retained were questioned by your committee. One of them, Mr. LeFevre, had absolutely no social welfare experience; was a director purely and solely because of political connections; and was definitely sympathetic to the Communists. The other one, Mr. McGrath, was proved to be a staunch defender and active accomplice of the Communists working under him in his county. Thus, while using every manner of politics to keep their accomplices in office, the Communist-controlled SCMWA had the unadulterated gall to pretend to oppose politics in relief. In other words, these perpetrators of a despicable political conspiracy to control the State Relief Administration announced themselves as opposed to all politics in relief, when in reality, the only politics they opposed were those that ran counter to their revolutionary machinations.

Pressure Gang Effective.

It goes without saying that, in the face of this political pressure, the administration did actually back down and retain in power the directors defended by the SCMWA. In view of this, how could anyone expect these directors to refrain from juggling evaluations so as to keep the Communists on the pay roll while firing others. After such a demonstration of devotion to them by their comrades, the directors would naturally be expected to reciprocate.

The bulletin quoted above was issued in December, 1939. The so-called union was, at that time, laying the groundwork for its fight against the ouster of Communists working for the State Relief Administration The strategy of this fight was to confuse non-Communists by leading them to believe that an attack on the real Communists would be detrimental to all liberals whether Communists or not. This is another example of the old tactic employed by the Communists when they claimed that attacks on them were, in reality, attacks on the labor movement behind which they always hide. This same "anti-politics bulletin" says under the heading of "Dies 'Purge' List":

> "Regarding this list, well-founded rumors indicate that the administration has obtained, through the Dies Committee, a list of so-called "Reds" in SRA. All union members know exactly what this means. Every liberal person, every trade-unionist, and, for that matter, every honest supporter of the New Deal and of the Governor's Relief Program will be a suspect! This is the blackest form of intimidation, and one which the union will fight to a standstill.
>
> The committee requested either explicit confirmation or denial of the existence of such a list, and asked for a reaffirmation of circular letter No. 18 guaranteeing against discrimination because of political affiliations.
>
> The Administration gave an evasive answer to this question."

It is evident that long before your committee was appointed by the Legislature, the Communists in SRA, through their controlled organization, were laying plans to fight for retention of their comrades in case of exposure. Incidentally, this same bulletin makes the usual complaint against understaffing. The complaint is raised by the SCMWA as part of its campaign to add comrades to the State Relief Administration payroll. Such comrades, by following the so-called "liberal" relief policies, can then justify their addition to the staff by adding to the relief rolls. In this manner both the cost of administration and the cost of relief are increased, and by this method is advanced the Communist policy of adding to relief costs in order to wreck the State Relief Administration.

SRA Wreckage Plan.

Only a professional revolutionist like John E. Jeffrey, well schooled in the art of subterfuge and deception, could have successfully steered the course of SRA wrecking which was plunging the State headlong toward bankruptcy when the Legislature wrested control from the weak and befuddled Olson Administration In this connection, the Legislature should understand that Jeffrey's comrades who infiltrated into California communities through the SRA, did not confine their activities to that organization only. For instance, in Stockton, one of the Communists, Goodman Brudney, was instrumental in forming the "San Joaquin County Youth Council" through which much Communist activity has been carried on. Mr. Brudney also branched out from his base in Stockton to aid in the forming of a similar "Youth Council" in Sacramento. A great deal of Communist propaganda designed for America's youth is disseminated through groups formed in just this manner, and controlled through the energetic action of Communists, whether they represent the majority in such groups or not.

The Communists brought into Stockton through the State Relief Administration also attempted to capture control of the Young Democrat's organization in that area. Failing in this, they formed a new Young Democrat's club which affiliated with that branch of the Young Democratic clubs, recognized by everyone as being the object of a Communist drive—a drive which only recently has met resistance from many in the organization who were previously hoodwinked by the Communists. The whole plan which the Communists follow in the communities to which they find their way under the cloak of SRA, is so complete and effective and so cleverly screened as to appear almost fantastic to persons not familiar with the intricacy of their conspiracy

The enthusiasm of the SRA Communists for forming "Youth Councils" was demonstrated in another locality by a lengthy report on such activities contained in a SCMWA bulletin published in Oakland, which said:

> "A phenomena of this age is the rising tide of the youth movement in the United States The fence-building attitude is striking harmonious chords for the young people leaving schools and colleges to find themselves lost in the chaos of other people's backyards. Too many young people are without jobs, are living in substandard homes, are without proper nourishment, find themselves discriminated against by racial or religious reasons. Con-

fronted with problems of youth, left neglected by their elders, we young uns have taken the initiative and throughout the country are organizing to guarantee the security of the future.

The appearance in California of the Model Legislature heralded a wave of the movement which, in the last two years, has swept the State. Now the East Bay has joined in the formation of local youth councils which conducts the work in each community from Legislature to Legislature.

Meeting at the YMCA on November 5 was a group of delegates and visitors which formed itself into the permanent East Bay Youth Council. There were 184 present representing 58 different organizations. Delegates attended from AFL and CIO unions, political groups, church groups, and civil groups.

The program of the conference included a symposium on youth and peace. * * * It was felt by all present that the enthusiastic spirit and determination to carry their plans into definite action augured well for the success of the East Bay Council. * * * Affiliated with this excellent organization is the SCMWA Local No. 91 which has sent delegates, and made a financial contribution, and has continued to be active through representation of the executive committee."

Here, once again, we get a glimpse of the Communist-organizing policy being carried out in the various California communities by SRA members skilled in Communist organizing strategy; directed and disciplined on a state-wide scale by the State headquarters of the Communist party, itself in turn, taking direction from Comrade Stalin, Czar of all the Communists in the world

The Youth Legislature for which the SRA staff so energetically organized, was the one that recently held a state-wide meeting at which its sympathies for the Communist party were completely exposed.

The SRA Communists conducted a campaign of vicious lies against the restrictions on relief placed in effect by this session of the Legislature. They even went so far in San Francisco as to attempt to cause a breakdown of that agency when it was involved in adjusting its operations to the Relief Act. Hoping to cause a breakdown through their controlled union, they compelled all members to refrain from working overtime even though they were offered time off in return for such cooperation They refused to work because, as one of their bulletins put it, they did not want to help "take the Reactionary Legislature off the spot." They obviously felt that a breakdown would reflect adversely upon the judgment of the Legislature.

Browbeat Cooley.

A meeting was arranged by them with the Administrator, Mr Cooley, after which they were able to announce that he had agreed to abolish compulsory overtime, and that he had guaranteed them that they would not be discriminated against for not engaging in overtime work on the special audit then being made. After this meeting, overtime was to be on a voluntary basis but the union ended even this by issuing a bulletin which said:

"Nevertheless, the union, by a majority vote, failed to see the necessity for overtime in this instance even on a volunteer basis * * * For this reason, the union decided that, for the protection

of those members, it was necessary to take a uniform stand. * * * Union members therefore will not volunteer to work overtime in the current review."

As a result of this refusal to cooperate by the so-called union, the work thrown on the other members of the staff was very heavy. In spite of this, the special audit was completed. The people who completed it will receive no credit for their loyalty in their evaluation ratings since Mr. Cooley agreed with the so-called union not to discriminate against them as a result of their indefensible attitude.

Working through this so-called union, the Communists endeavored to arouse public protest against the restrictions on relief to aliens contained in the present Relief Act. They also sought public support in fighting the three-year residence clause. Naturally, these Communists want to protect the alien element since the aliens offer some of the best subjects for Communist indoctrination. Then, also, the most valuable Communist accomplice in California, Mr. Harry Bridges, happens to be an alien. They also oppose the three-year residence clause. This clause makes infiltration of Communists, desiring to organize here at the taxpayers' expense, more difficult. These restrictions also reduce the cost of relief and are, therefore, ruinous to the Communist's plan of increasing relief cost; so as to bring about eventual bankruptcy and breakdown.

This so-called union showed no regard for the organized workers of California in its attitude toward the Relief Act. It is obvious, that a continued influx of aliens and paupers from other States, would be certain to create an army of unemployed persons, likely to break down labor standards in California, through intense competition for available jobs Since this influx is desired by the Communists but not by bona fide labor unions, it is obvious that the so-called SRA union was adopting the Communist attitude toward the Relief Act rather than that of a bona fide labor union.

Attack Relief Act.

The SRA Communists also viciously attacked the clean politics provisions of the present Relief Act These provisions were enacted to restrict pernicious political activity and protect relief recipients against intimidation or coercion by those administering relief The provisions, however, did more than that. They became an obstacle to the energetic political activity being carried on by the Communists, who had infiltrated into the various parts of the State in order to set up their propaganda organizations It is interesting to see who the union turned to when it wanted a speaker to discuss the clean politics provisions at one of its meetings Their own bulletin tells the story. It says:

"Herbert Resner, San Francisco labor attorney and Labor's Non-Partisan League spokesman, Monday evening addressed the regular meeting of the SCMWA, discussing the implications of the little Hatch Bill (clean politics provisions) and the relief measures before the Legislature.

He warned of the danger involved in any attempt to curtail the political liberties of State employees and cautioned his listeners to be on guard against restrictions against their civil and political rights. 'Labor's Non-Partisan League aims to carry the fight

against such discriminatory measures to the highest courts,' declared the labor attorney.''

This so-called labor attorney is a notorious accomplice of the Stalinists. He is one of the attorneys that the committee was forced to oust from the hearings in Alameda, where he was directing the defiant demeanor of members of the so-called SRA union, who were summoned before your committee. The stand taken by this Communist-controlled group against the ''clean politics'' provisions of the relief act demonstrates the utter hypocrisy of their public statements condemning politics in relief.

Communist Direct Strategy.

The Communist-devised strategy followed by members of the so-called union who appeared before your committee and refused to testify, placed them in a very definite class by themselves All other SRA employees appeared before the committee without counsel; made no complaints about the questions asked by the committee; and all answered the questions frankly and easily. In some cases the Communists failed to tell those whom they influenced, that refusal to testify constituted a crime under the California Penal Code. In cases where they did so advise their group, they assured them that the committee would never cause any of the recalcitrants to be prosecuted. But the Communists were wrong in this. After enduring the defiance of the Communist-influenced staff members with patience through an entire hearing in Alameda, only to find the same defiance in Visalia, the committee felt compelled to take action Your committee felt called upon to defend the dignity of government against this typical Communist tactic of displaying contempt for that which they would destroy. Charges were brought against one of the SRA Communists in Tulare County. They were based upon his refusal to produce records of the Communist group when ordered to do so by the committee. The committee had evidence that outside money had been obtained to subsidize the activities of the SRA Communists who formed the so-called union in order to screen their activities The financial records of this group might show the extent to which outside subversive groups contributed to its support. For this reason, the records were subpenaed by the committee. The Communist financial secretary of the Tulare local of the Sendo union was convicted on the charges brought against him by a jury in Visalia. His case is now on appeal Other charges are pending in Stockton and more will probably be brought in the near future

The committee feels, that it is necessary, to deal firmly with the Communists and their followers in the SRA, in order to uphold the laws of the State of California and also to force these subversive gangsters to respect the government which they despise Since the prosecution in Visalia, the SRA Communists have apparently decided to revert to the strategy they first employed in testifying before your committee, namely, that which called for the denying of all Communist affiliations, even in the face of incontrovertible evidence.

Gangsters in Workers Alliance.

Proof of same as previously pointed out, this Communist group has not limited its propaganda activities to the SRA offices. It is carrying its poison propaganda to the unemployed in accordance with directions

of the International Gangsters seeking destruction of American Democracy. There is much evidence to show that the Communist staff members cooperate with the Communist-controlled Workers Alliance by encouraging relief applicants to join the alliance. Sometimes this was done openly and sometimes by the dropping of an easily understood hint. The agents of Joe Stalin, Czar of all the Communists, have constructed a propaganda network reaching out to the unfortunate and discontented throughout California, reaching out for the purpose of luring them into Communist organizations where the Communists hope to influence them to follow revolutionary leadership. As an example of the propaganda fed to the unemployed by the Communists, the following quotation from a widely distributed Communist pamphlet is notable. Under the heading, "What Will a Worker's Revolution Achieve?", a glowing picture is painted in these words:

> "With the overthrow of capitalism and the introduction of a new social system, a classless society, there would be tremendous changes and almost unlimited possibilities for advancing the welfare of all. While we can not give details in advance of this development, the approximate results would be as follows: (1) the abolition of poverty, (2) The abolition of the mass murder known as war, (3) Tremendous expansion of production through the removal of the obstruction of profit making, the workers having the opportunity of consuming the bulk of what they produce, (4) The disappearance of panics and unemployment, as in the event of overproduction, the people would simply cut working hours, or take a holiday until consumption overtook production, at least until the surplus was greatly reduced, (5) The elimination of the costs of armies and navies (the burden now paid by the capitalists out of the surplus values exploited from the workers), (6) Enormous reduction in crime through the removal of its main cause, poverty, and consequently a reduction or elimination of police, judges, jailers, and other present expenditure, (7) Reduction in general waste such as competitive advertising and other non-essentials."

These are but a part of the many promises held out by Communist agents to the people whom they hope to recruit into their army of destruction. The fact that these promises would never be kept is unimportant to the international gangsters who make them, since once they have seized power, they can proceed as they have in Russia, to stamp out all of the liberties of the people, and to liquidate anyone who dares to object to their tyranny. Americans are unwise who laugh at such promises, underestimating their effect on those who find themselves in unfortunate circumstances, due either to inability or economic conditions It is foolish to fail to recognize the ability of Communists to attract the discontented, by holding out to them promises which they would never attempt to fulfill even if given the opportunity, by such promises followers are gained. As the Communists themselves say in their 20th Anniversary Booklet:

> "* * * The Communist Party of the United States, although a relative small minority party * * * exerts an influence upon public thought far beyond the confines of its membership."

In this publication they described some of their activity in Los Angeles in the following words:

> "By 1929, the Party had gained a great deal of experience in various forms of mass work. In 1930, in the midst of the crisis, the party, together with the trade union unity league, organized a huge mass meeting of over 40,000 people at the City Hall on the question of adequate aid to the unemployed. The demonstrators carrying slogans demanding 'Work or Wages' were met by more than the usual array of police and although the demonstration was finally broken up, the prestige of the Party was lifted immeasurably in the eyes of the working people of Los Angeles."

This latter statement bears testimony to the ability of the Communists to take advantage of a crisis in order to enflame masses of people, and to induce them to follow Communist leadership, even though in most cases, the followers do not know who they are following.

Trained to Smear.

Communists are trained in the uses of propaganda. They are experts at "smear" campaigns. In attacking an individual, no lie is too vicious if it serves their purpose. Their "smear" campaign against J. Edgar Hoover; their "smear" campaign against Martin Dies; their "smear" campaign against the members of your committee—all of these and others serve to reveal the web of powerful propaganda contacts which they have spun throughout the United States by a series of steps following the identical pattern now being used in the State Relief Administration.

The SRA rules and procedures are contained in a manual which staff members are instructed to follow. This manual, of course, must be interpreted. Evidence adduced before your committee proves that the number of persons declared eligible for relief can be greatly affected by the particular interpretation placed upon the rules set forth in the manual The Communist group in the SRA follow what they call a "liberal" policy. In effect, all this means is that they interpret the manual so as to make an applicant eligible for relief if it is possible to do so Case histories examined by your committee showed lax investigation on the part of those committed to the so-called "liberal" relief policy.

The fact that no rules can be formulated that are not subject to some interpretation, makes it imperative that the administering staff, be composed of persons with an understanding of the relation between the needs of the unemployed, and the ability of the taxpayers to pay the cost of relief. The Communist-influenced group have no appreciation of the burden being borne by the taxpayers of California in order to provide relief to the needy. They completely disregard the fact that many persons paying the cost of relief are, themselves, undergoing almost unbearable privation in order to keep from becoming public charges. The communists condone chiseling. They make no effort to understand that the proper function of relief agency, is to attempt to help people to help themselves, rather than to make them permanently dependent. The effect of the Communist intake policy in execution was well demonstrated in Alameda County where the relief administration was found to be completely dominated by

the Communist element. The State Controller's office reported that over-payments to relief clients and chiseling were more extensive in this county than in any other county in Northern California.

Dovetail Moves.

The Communist activity in the SRA "dovetails in" with the Communist program carried out through the Workers Alliance. These two Communist-dominated organizations represent the main organizing and propaganda machines of the Communists in the phase of their work relating to agitation among the unemployed. The State head of the Workers Alliance, Alexander Noral, who directed the recent Workers Alliance march on the Capitol, admitted to the committee as previously stated that he was a member of the Communist Party. According to Communist definitions, Noral would be classed as a professional revolutionary. It is obvious that Noral and Jeffrey, one directing the Communist Program from outside the SRA and the other from the inside, are a pair of professional revolutionaries executing important assignments for the Communist Party. As would be expected the local Workers Alliance Directors in all three of the counties visited by the committee, where Workers Alliance directors were interrogated, turned out to be Communists. These counties were Alameda, San Joaquin, and Tulare. In all of these counties, Communists directed the so-called "grievance committees" which were used to place pressure on the SRA staff to obtain special consideration for members of the Alliance In some cases, Workers Alliance representatives took relief applicants to the SRA offices and answered all necessary questions for them.

In the SRA offices investigated, Workers Alliance representatives were permitted to assume a certain amount of authority in the arranging of interviews and other SRA work. In Alameda County, Workers Alliance members obtained appointments by telephone through their organization and were interviewed immediately upon arrival at the SRA office at the same time as others who had stood in line all day and were given appointments far in advance. In this particular county, the application form was marked in the upper right-hand corner with a cross mark and the letters W A. so that the social worker would know he was dealing with a Workers Alliance member. One non-Communist SRA employee testified that Workers Alliance members were treated like honored guests when they called at the SRA office. Naturally, such favoritism was advertised by the Workers Alliance in their drive for members. In this the Communists in the staff cooperated with the Communists in the Workers Alliance to help build that organization.

Money was raised in the State SRA office in Los Angeles to help finance the recent Communist march on the Capitol. Members of the staff in the Alameda office joined in this march, leaving their work to do so. Testimony showed that even the sister of Lieutenant Governor Patterson, a member of the Alameda staff, cooperated in arranging the march to Sacramento. The songs rendered by the Communist-led group that marched on the Capitol were the same as those sung by the SRA staff in their demonstrations. Incidentally, demonstrations by staff members were joined by their Workers Alliance comrades.

The evidence shows that the Workers Alliance, in many cases, arranged to have its members out of town and ahead of other persons. In Tulare, the Communist Workers Alliance representative on one occasion actually walked in and closed the SRA office reception windows; announced that no more applications would be accepted that day; and finally had to be persuaded to leave one window open to care for emergency medical cases. Word has been spread among relief recipients all over California that, if you join the Workers Alliance, you will get what you want. Innumerable examples could be cited showing that Communist staff members have cooperated with the Workers Alliance to lend truth to this assertion.

Admitted Pressure Group.

The State head of the Workers Alliance testified that it was a "pressure" group. He admitted that it collected some $88,000 a year from relief clients in the State. This figure was considerably smaller than the one estimated by the head of the Workers Alliance which was closer to $250,000 a year Even accepting the figures of Mr. Noral, $88,000 a year from relief clients in the State, this figure was considerably smaller than the one estimated by the head of the Workers Alliance in Tulare, who thought that the income for the Workers Alliance was closer to $250,000 a year. Even accepting the figures of Mr Noral $88,000 a year, exclusive of outside contributions, is still a sizeable sum with which the Communists can finance a campaign of agitation among the unemployed The Workers Alliance and the SCMWA are both affiliated with the principal Communist-controlled political group in California, Labor's Non-Partisan League. The unity of purpose between the Communists in the Workers Alliance and the Communists in the SRA staff is evidenced by their joining together in a common political arm, Labor's Non-Partisan League. In the Los Angeles County Communist Anniversary book, is the following statement:

> "In 1937, we saw the birth of Labor's Conference for independent political action in which Communists took active part. This was the immediate predecessor of the Labor's Non-Partisan League, founded here in 1938."

The Communist Party guide obtained by your committee also shows clearly the Communist coordination with Labor's Non-Partisan League in this State. In fact, this organization is the spearhead of the Communist activities in the political field. During its early stages, many non-Communists were fooled into joining it, but since the Hitler-Stalin Pact, the changing Communist Party line has caused most of the non-Communists to withdraw any support they may have previously given the organization.

Non-Partisan League.

Labor's Non-Partisan League was one of the leaders in the third term movement until the Communists turned against Roosevelt. When this happened, it hurriedly rescinded its endorsement of the third term, denounced Roosevelt, termed his supporters reactionaries, and placed itself squarely behind the Patterson slate of Democratic Convention delegates Use of Labor's Non-Partisan League for the launching of a third party based upon a coalition of groups recommended

by the Communist Party, is described in another section of this report.

Of the counties investigated by your committee since the Los Angeles hearing, Alameda County was the worse. In this county, even the directors showed such unmistakable sympathies for the Communists as to make it apparent that he was either a Communist himself, or so closely allied with them as to make him indistinguishable from the other Communists. When asked by the committee if he thought it was proper to have Communists working in the State Relief Administration and taking their orders from Communists on the outside, he actually replied: "I could find no fault with it."

This director had no experience in relief administration whatsoever. When he took office, a known Communist, Leonard Fels, was sent in to teach him to perform his duties. He, himself, testified that since the appointment of a relief director in his county was to be political, he felt he was as well qualified to do the job as any other person active in politics in the county.

This director is a good example of the political depths to which the present State administration has stooped in its attempts to use the SRA for politics. To allow this man to administer the SRA office and to countenance the deplorable Communist activity carried on there, constitutes an offense against both the people of Alameda County and the people of the State of California. No more motley crowd of incompetents and Communist hoodlums could be found anywhere than was exposed by your committee in the Alameda SRA office.

Control of SRA Intake.

The Communists always make a special effort to control the "Intake Department" of the SRA office. This is where they can make the most effective contact with the unemployed while carrying out their plan to build up the relief costs with the hope of bankrupting the State and fostering a governmental crisis. In Alameda, Communist control of "Intake" was complete. That Director Gallagher's incompetence was known to the Administration long ago, is evidenced by the fact that he was once actually discharged, but was able at that time to exert enough political pressure to have his discharge countermanded.

In Tulare County, the Director, Harold McGrath, was an experienced social worker, definitely sympathetic to, and an accomplice of, the Communists. He pretended to know nothing whatever about Communism, couldn't say whether it was good or bad, and used a rather poorly feigned ignorance to hide his views from the committee. In the case of McGrath, as in the case of Gallagher, the Administration can not claim that it was unaware of his activities since he, too, was once about to be discharged, but was retained as a result of political pressure, credit for which was taken by the Workers Alliance and the SCMWA. Under McGrath, many Communists were brought into Tulare County from outside. A letter from the personnel files in his office addressed to him by one of the Communist gang, asked him for a position in his county on the grounds that the applicant wanted to work in the vicinity of the farm labor camp. McGrath shows favoritism to the Communist group to such an extent that the non-Communists are made to feel like unwanted outsiders in his office. He has

deliberately caused the changing of ratings of his employees in order to fire non-Communists while retaining incompetent Communist hoodlums. The Intake Supervisor in that county is a personal friend of McGrath's whom he has advanced rapidly to that position, thus following directly the Communist strategy for capturing control of "Intake." The "Intake" Supervisor has proven himself incompetent as a social worker but he has the one qualification demanded for the job by the Tulare SRA director, namely, the approval of the Communist Party.

Stockton Condition Deplorable.

Conditions in Stockton present a shocking picture of Communist infiltration. Director Le Fevre was another one of those who feigned ignorance and was unable to say whether Communism was good or bad. Of course, he subscribed to the "People's World" but he couldn't tell from reading it that it was a Communist organ. His testimony clearly showed his sympathies to the Communists. Under his directorship, the County SRA has been made the object of a veritable Communist "blitzkrieg." A group of young Reds, many of them from New York, have become the dominant force in this office while non-Communist members are being ousted. In this office, too, the non-Communists are made to feel that they have no contact with the Director.

It appears that the successful infiltration into Stockton started with the transfer to Stockton of an SRA worker named Mellincoff. This transfer was apparently engineered by Bill Plunkert. Some of the political activities of the Stockton Communists have been described elsewhere. Their attitude toward your committee was one of extreme defiance. The investigation showed very clearly that these persons were not interested in the State of California, except as an object of Communist activities. The evidence showed that on due occasion, the State Administration tried to transfer a non-Communist employee to Stockton to replace one of the Communist gang. But the Workers Alliance demonstrated against the replacement in front of the Stockton SRA office. Director Le Fevre then refused to assign any duties to the non-Communist and used his political influence to have the transfer cancelled.

Le Fevre is another director who has been retained by the Administration in spite of repeated protests from the people in San Joaquin County. His appointment to office was purely political. He testified that he had no previous social welfare experience. He has been retained because of his political influence, although the Administration has been aware for some time of his friendship with the Communists. In fact, it is inconceivable that the flagrant Communist activity in Stockton could be carried on without knowledge of it on the part of the Administration. The supervisor of intake under Mr. Le Fevre is one of the top leaders in the Communist movement within the California State Relief Administration. In spite of his exposure, he is still carrying on his duties in Stockton. Every American patriot has a right to be incensed to see a State Administration permit known and exposed Communists to continue to carry out their treacherous subversive schemes while being supported out of tax funds.

Charges have been preferred against those witnesses who defied your committee by refusing to answer its questions during the Stockton inquiry. In referring to this, a SCMWA bulletin issued May 10th, demonstrates the same old strategy of the Communists who can always be counted upon to yell "persecution" and to see their lie factories in motion the minute their activities run afoul of the law. The bulletin says:

> "Like a tiger who has tasted blood, the Yorty Committee caused the arrests of 19 Stockton union members on charges of contempt of a legislative committee. They were paraded through the waiting room and promptly whisked away in the 'Black Maria' to the local Bastille, where they were held pending bail. During the 24 hours required to raise bail, eight of the men were held in the infamous 'Tank No. 1', forced to sleep on the floor because of lack of beds and denied the right to receive visitors or receive food and smokes sent in by friends
>
> Within one half-hour of this incident, the State Office of the SRA fired every member cited. The local director, Fred Le Fevre, promptly re-hired them. Needless to say, the heat on him has increased as a result of this courageous action.
>
> * * * The notorious labor-hating police judge, E. E. Breitenbucher, asked the total bail of $9,500 cash or $36,000 property bail.
>
> Due to intense intimidation by the American Legion, it took some time to raise this fabulous sum * * * The city of Stockton is preparing to spend thousands of dollars for individual persecution of each union member by jury trial."

Once again in this bulletin, the old Communist gag of hiding behind union membership is in evidence The fact that the persons who violated the law were members of the Communist-controlled union is used by the Communists to claim that a union is being persecuted. The plain fact of the matter is that a section of the Penal Code is being invoked against all those who violated it without any regard to their membership or nonmembership in any labor union.

The Reds and their accomplices now cry for sympathy although they deliberately, by planned organized action, conspired to commit the crime with which they stand charged One thing is certain, persons opposed to Communism would receive little sympathy from these would-be Commisars if the Communists were in control of the machinery of government. If this were the case, persons who offended the laws would not be tried by a jury as these defendants will be; instead, the violators would be more effectively liquidated, and without any delay. The American Government is more kind to its enemies. The defendants are being given the privilege of remaining free on bail pending trial. They will be tried by a jury of citizens and will have the right to appeal and to have the verdict set aside if there is a miscarriage of justice in their trial All of these privileges are guaranteed them by the government which they have defied, and which some of them desire to destroy.

False Claims.

Certainly, they are in poor grace in yelling "persecution." Their attempt to make union membership an issue in the trials is nothing more than the usual insidious Communist subterfuge. The same bulle-

tin quoted above also carries a heading describing the Zukas trial in Visalia as one being marked by KKK threats, and as being held "in an atmosphere of vigilante intimidation" and threats of overt violence. No greater batch of lies was ever concocted. The fact of the matter is, the trial court used scrupulous care to protect every right of the defendant Zukas Furthermore, although the defendant, Zukas, was known to be a Communist conspirator, this fact was never mentioned during the trial by the prosecution. Of course, every time a Communist violates the law, the same old claim of frame-up and persecution is thrown up as a smokescreen. It is all part of their book of classic tactics.

SECTION III.

In San Francisco, your committee found that after the passage of the present Relief Act, an effort was made to effect a face-saving, clean-up of the county SRA. This clean-up was conducted under the threat of legislative investigation. There is no other apparent reason why it was not undertaken long before. During the clean-up, non-Communist employees of the staff worked overtime on a special social audit. Members of the Communist-controlled group refused to work overtime. They refused with the consent of the director, Edwin James Cooley.

Evidence proved that San Francisco County SRA was loaded with an excessive number of employees for long periods of time. During some periods, over 100 unnecessary employees were carried on the pay roll, according to the testimony of Director Cooley. The county director first endeavored to place the blame for this condition on Mr. C. C. Alexander who worked in the San Francisco County office for a short time as personnel supervisor. But when investigation by your committee proved that these claims of Mr. Cooley contained no element of truth, Mr. Cooley then placed the blame on Walter Chambers, State Relief Administrator.

Communists Favored.

The evidence showed that members of the Communist-controlled union held a favored position with the director. This situation may have resulted partially from the fact that this director was in office when the present administration assumed power. Since the Communist-controlled group was openly favored by the Olson Administration, Mr. Cooley may have felt it politically expedient to make friends with them This he did very successfully. At one time, he actually agreed to a tentative personnel plan which provided that the Communist-controlled group would be the "sole bargaining agency" for all of the employees in the San Francisco County SRA office. An example of the intimidation of non-Communists by the Communist-controlled group in the San Francisco County SRA was the trial of one of the non-Communists conducted in that office. Charges were filed by the Communist-controlled union. The trial was set by Mr Cooley who acted as judge The SCMWA acted as prosecutor. The charges included an allegation that the defendant had walked into a picket line to patronize a cafe that turned out to have been closed at the time the offense was supposed to have been committed Other trumped-up charges, similar to this one, formed the basis for the SCMWA com-

plaint. Even though they could not establish the truth of their charges, the SCMWA had to be appeased so Mr. Cooley transferred the defendant to a different department.

Another example of the attitude of Mr. Cooley and his chief lieutenants toward anti-Communist employees is shown by the following letter which is reproduced in full because it sums up in adequate language the conclusions and opinions of many of the employees in Mr. Cooley's office:

SAN FRANCISCO, CALIFORNIA, May 22, 1940.

Mr. Sam Yorty,
New Clayton Hotel,
San Francisco, California.

DEAR SIR: Your SRA hearings seem to be effective everywhere but in San Francisco County. Why isn't something being done about this office? I was one of those who testified at the San Francisco hearing to the effect that I had lost my position because I wouldn't "play ball" with the SCMWA outfit

I had heard that the San Francisco office was understaffed and some clerical help would be called back, so decided to go in and see Mr. Cooley and ask to be reinstated. A friend arranged the interview as Mr. Cooley's office is not very easy to get into. I entered the office expecting some courtesy and a discussion on job possibility and wasn't prepared for what happened. I was in a sweat chamber; I was an accused criminal who had to defend herself; I had dared to accuse Mr. Robert West, a district office manager of discriminating against me because I wasn't a member of the so-called union. Witnesses were brought in against me. Mr. Cooley said I would have to prove my statement. I told him this was a rather difficult thing to do, but I had worked for the organization for three and a half years and had never had any trouble before. I didn't know Mr. West before he was made office manager and he didn't know me; that there was no reason for his disliking me, but he most definitely did and made it "tough" for me every minute he was my superior.

You are acquainted with Mr. Cooley's methods of 'trying' people. Mr. Cooley asked me to return the next day, which I did. Mr. Cooley didn't see me, but Mr. Eudie did. He had written a two-page letter against me, addressed to Mr. Cooley. In this letter he stated he had contacted everyone who had worked with me and had embodied what they said in the letter. When he finished reading it I wasn't much of an employee, although it took them three and a half years to discover this.

I had said that Mr. Wilson, who was head unit clerk and my immediate superior, would testify that he had given me a high evaluation and was shocked when he saw the 86 per cent which Mr. West had given me and stated that he would back me in any fight against it. Mr. Wilson, who is still employed, was called and he denied that he had made such a statement and in his opinion I didn't rate more than 86 per cent. I answered that Mr. Wilson was a member of the CIO and was still working and he didn't dare do anything else because he would lose his job if he did. This made Mr. Eudie angry. I might add that this statement by Mr. Wilson was made in the presence of a witness. This witness is still employed, although not a member of the CIO—and I would hesitate to call her as I do not want to jeopardize her job.

I went into the SRA office looking for a job, but I came out fighting for a principle. I am not a disgruntled employee. I am a trained office worker, past 35 years of age and therefore having some difficulty finding work, but I'd scrub floors before I would return to work for the SRA while it is in the hands of the "fifth column."

I am a Catholic and an American and I like being those things and despise anything that threatens the security I have as such. Fighting the "red" group in the SRA is like fighting an invisible enemy in the dark. We know it's there, but those people organize and arm themselves while we sleep. Truth or principles mean nothing to them. There isn't much I can do alone to fight them because I am not very well armed, but I don't retreat easily and shall do all in my power and sincerely hope you are not giving up the good fight you are making.

Sincerely yours,

Signed: EVA M. KANE.

EVA M. KANE,
3455 Fillmore Street,
San Francisco, California.

Cooley Unconvincing.

Mr. Cooley is an experienced social worker. His answers to questions propounded by your committee gave no indication that he had any sympathy for the Communists, but his actions have not been as convincing. During the recent clean-up, some of the Communists in the San Francisco office were eliminated. The case load was considerably reduced As a result of these dismissals, Communist-inspired demonstrations were carried on outside of the SRA office. Members of the staff, still employed in San Francisco County, joined in these typically Communist demonstrations. The usual Communist songs, mentioned elsewhere in this report, were sung.

Mr. Cooley's answers to questions were, at times, very evasive. He was constantly forced to call upon his lieutenants to help him answer questions such as those relating to his proposed bargaining agreement with the SCMWA. He testified that, at the time of this agreement, he felt the SCMWA was a good union. He said that, in his opinion, it has now changed and has become a mere pressure group.

The committee is not certain whether the Communist infiltration into the San Francisco SRA was encouraged by Mr. Cooley willingly, or simply permitted by him for the purpose of gaining the advantage of their influence with the Olson Administration. Under the threat of legislative investigation, Mr. Cooley did throw some of the Communists out of the San Francisco SRA. If he has a sincere desire to rid his office of them, there are others whom he should discharge. The fact that he has not done this, leaves a doubt in the mind of your committee as to the "good faith" of Mr. Cooley in this connection. Mr. Cooley testified that he had not discussed the answers that were to be given to your committee with any of his lieutenants. The committee has information to the contrary. Your committee is in possession of affidavits, describing a meeting held at Mr. Cooley's house during the San Francisco investigation. The meeting was arranged and attended, according to the affidavits, by a Communist leader of the SRA group This matter will be the subject of further investigation by your committee at a later date.

The exact extent to which Mr. Cooley's actions have been dictated by political pressure is not yet fully determined by your committee.

Members of the Communist-controlled group working in the San Francisco SRA office assumed their usual defiant attitude, by openly displaying their contempt for your committee, and refusing to answer its questions. When informed of this, Mr. Cooley was unwilling to say whether or not, in his opinion they should be discharged because of this conduct.

SECTION IV.

Lay-offs and separations by the SRA have been ostensibly based upon the "evaluation" or efficiency rating of the employees. Such ratings are spoken of as "evaluations." They are made by supervising employees Everyone familiar with present methods knows that they are absolutely worthless, and subject to manipulation at the whim of the evaluator. Your committee found, throughout its investigation, that members of the Communist-controlled group and their friends in the

SRA fixed evaluations so that loyal, efficient employees were laid off while the motley crowd of Communists were kept on the payroll. Good faith was completely lacking in most places, and the rankest kind of discrimination indulged in. Even County Directors, in some instances, admitted that their evaulations were, in reality, meaningless.

In some offices, final scores were completely out of relation to the average of the ratings given on the various points, although such points supposedly provided the basis for the final ratings. One of the points upon which workers were evaluated was "client relationships." Your committee found that, in some cases, a low score was given on this point because of complaints filed by the Workers Alliance against social workers not willing to submit to pressure by this Communist-controlled organization. The whole evaluation system now in use is simply a farce. In the counties investigated by your committee, this fine-sounding evaluation system turned out to be a racket, utilized to the fullest extent, by the Communists wherever they had control—utilized to hide the fact that layoffs were arranged to get the anti-Communists out of the SRA.

SECTION V.

A group of the most undesirable employees was recently discharged in Alameda County. They filed protests and were subsequently reinstated by order of the so-called SRA "Personnel Standards Board." This Board is comparable to the State Personnel Board except that it operates only in the SRA and serves at the pleasure of the Governor who created it by decree without any authority of law. It purports to give all of the SRA employees the protection of civil service rules, although no examinations have ever been taken by them, and the Legislature has never seen fit to place the SRA under civil service. Of course, the existence of such a Board furnished the administration with a convenient excuse for its failure to make a clean-cut clean up of Communism in the SRA. In other words, the Administration has created a Board, behind which it now hides by claiming that Board rules prevent it from firing employees on the ground that they are Communists. It is this kind of political buck-passing that has made the operations of the blundering Olson SRA Administration a ludicrous lullaby of lies and laughs The Administration is still refusing to say publicly that it intends to oust Communists from the State Relief Administration. Wherever forced to oust them, it has avoided the issue by assigning other grounds as a reason for the discharges.

Before the recent split, when the Labor's Non-Partisan League gang was still demanding support of the third term movement, Governor Olson proved plainly that he was afraid to offend them. They were, of course, the first ones to complain to him whenever action against Communists was threatened. Then the switch in foreign policy of the Communists turned them against Roosevelt and caused the Communist-controlled League to change its stand This apparently left the Governor in a bad political hole.

Olson Given Huge Fund.

It is well known that the Governor received a huge campaign contribution from Labor's Non-Partisan League Therefore, he had to

decide whether to go with the League and other Communist groups against Roosevelt, or try to rehabilitate himself somewhat in the Democratic Party, by grabbing Roosevelt's coat tail for one more ride. He chose to support the President. The Lieutenant Governor chose not to. In making his decision, the Governor was forced to get out from under the domination of Labor's Non-Partisan League to some degree. Now, the League and the Communist elements have begun to turn against the Governor in the political field. As a result the Administration has shown signs of increasing firmness in dealing with the SRA Communists, but it still refuses to issue a general order for their discharge.

Where it has made a gesture toward cleaning them out, it has never yet followed on through in a thorough manner.

The failure of the present State Relief Administration to rid the SRA of subversive groups, is undoubtedly due, to a large extent, to restraint from the Governor's Office, brought about by the former alliance of the Olson Administration with Communist-controlled organizations. Regardless of political buck-passing the Olson Administration can not escape responsibility for the fact that Communist termites are working throughout this State in the State Relief Administration. They are being permitted to carry on their underhanded campaigns of destruction. They constitute an army of foreign-directed termites supported out of California tax funds.

An administration not willing to face the facts, and to make a thorough check on the activities of these subversive groups, can not hope to cope with the problem which they create. When the Olson administration took office, the Communists in the State Relief Administration blossomed out in full glory, boastfully proclaiming their influence with the Administration. From then on, the infiltration process assumed rapid proportions. Today, only because of the action of the Legislature, and changing political winds, the infiltration process has slowed down. Future steps taken by the Legislature must include the complete elimination of subversive influences from the State Relief Administration. The present weak and vacillating attitude of the Olson Administration will have to be completely changed before this task can be undertaken by the Executive branch of our government. The picture would be more heartening if the SRA were the only department in which subversive elements had a foothold But this is not the case.

McWilliams Hires Communist.

When the present Director of Immigration and Housing was appointed, his first official act was the employment of a known Communist as his secretary. His department should be watched carefully by the people of the State of California. The alliance of Director Carey McWilliams with Communists is too well known to warrant detailed discussion here. Mr. McWilliams was one of the delegates on the Communist-inspired "Patterson slate" which recently met such overwhelming defeat. Other known Communist accomplices and sympathizers have been appointed by this Administration to positions in various State departments. All in all, it is impossible for your committee to escape the conclusion that Governor Olson is either naively,

or knowingly guilty of holding open the door to the "5th Column" in California. The danger to the State created by the "5th Column" remains the same, whether they are knowingly permitted to carry on their work, or whether they are able to fool and threaten the Governor into refusing to take a decisive stand against them.

SECTION VI.

One of the startling disclosures of your committee's investigation was the fact that a large percentage of the Communists working in the State Relief Administration were graduates of the State-supported University of California. That is not so surprising if one realizes that the Communists planned the capture of SRA departments some time ago. In keeping with their plan, recruiting has been effectively done on the campus of the University of California where many of the SRA social workers were trained. The extent of Communist influence with American youth groups is a matter of growing concern to all persons interested in preservation of American Democracy. The Legislature must soon turn its attention to this problem. The University of California should not, without any opposition, be subjected to contamination by the subversive groups which are giving so much attention to agitation among our young people. While the young people, on the whole, have a tendency to break away from subversive groups as time goes on, too many of them are not doing so today. We can not ignore the fact that persons who have joined the disciplined international army of Communist termites, are equally dangerous, whether they be young or old.

Broader Scope Necessary.

The scope of your committee's activities was necessarily limited by the fact that it was created at a special session under a "call" issued by the Governor. Your committee has therefore dealt primarily with only one phase of the Communist program in California. A more thorough investigation is needed for Los Angeles County, referred to heretofore, openly lists the names of over 100 Communist branches in that one county. The chart attached hereto, shows the plan of the Communist Party in Northern California during the year 1935 at which time it was obtained by an undercover operator. It is an exact copy of one which was then kept in the State office of the Communist Party in California Those who are inclined to underestimate the influence and strength of the Communist Party would do well to study the chart. The committee respectfully depicts an SRA union affiliated with the Communist International through the "Workers International Relief" organization of the Communist Party. Under the heading "Sympathetic Organizations" the SRA union is again listed. Circles have been placed on the chart to draw attention to this fact

This chart in itself is conclusive evidence of the stark reality of the "Fifth Column" in California. Americans have already delayed too long in facing the problem which these Fifth Columns have created. We must not continue to make the mistake of being apathetic and tolerant toward their treasonable activities. If we do, our inexcusable apathy and misguided tolerance, will eventually be discovered among

the tools used to destroy our government, our Constitution, and our freedom.

The committee respectfully calls attention to the fact that the administration, with its power to place employees in the various State offices is in a much better position to obtain information from the inside, than is your committee or any other outside organization. In spite of this fact the administration has apparently made but slight attempts to check on the "Fifth Column" in State Government. It has never once, to this day, voluntarily exposed or stopped Communist activities in the State although the administration is well aware of the prevalence of subversive groups, and is in a position to obtain information concerning them. What gestures have been made toward the discharge of persons engaged in subversive activity, have all been made since the legislative investigations commenced. What might have happened to State Government in California if the Legislature had not intervened to stop the march of the "Fifth Column," is something not very pleasant to contemplate.

Liberties Threatened.

American liberties and freedom were won at the sacrifice of the lives of many of our forefathers. Subversive elements working in the United States today would destroy the liberties and freedom guaranteed by our Constitution. They would place us under the iron heel of dictatorship along with the other millions of human beings now suffering from oppression. To fight against this is the present duty of every American.

We must not permit ourselves to be fooled by the Communist Party, into thinking that it is anything else than a part of a lying, scheming, pernicious army of international gangsters, determined to destroy and desecrate human dignity and civilization. The American people have already been fed with so much propaganda, ridiculing and "smearing" those who have endeavored to expose the "Fifth Columns," that it is difficult for anyone to describe the unbelieveable extent to which subversive activities have been carried on in this country without being accused by the uninformed of being either an alarmist, or guilty of exaggeration. But real, shocking facts of the situation must be brought home to the people of the United States. Only an aroused and patriotic America can in the last analysis, end the march of the "Fifth Column" through this nation. The fight against the "Fifth Column" must be carried on with firm and unswerving determination.

Your committee recommends:

1. That a thorough investigation of all subversive activities in California be undertaken as soon as possible.
2. That laws be enacted both by the United States and by the State to force the "Fifth Column" propagandists to march out in the open where their promises and proposals can be judged with full knowledge of what is back of them. Laws must also be enacted to strengthen our defense against those columns of the international army of gangsters, which are assigned to duties calling for actual physical sabotage.
3. That constant vigilance must be maintained to detect, expose, and bring an end to, every new phase of subversive activity devised by the marauding international gangsters.

4. That a complete analysis of our educational system be undertaken to determine the cause of its failure to inculcate students with a true appreciation of American Democracy.
5. That laws eliminating politics in the relief administration be strengthened, kept in effect, and vigorously enforced.
6. That laws be enacted to prevent transfers of employees by the State Relief Administration to counties where such employees are not known to the citizens. Local political subdivisions must be given a voice in the employment of relief personnel, in order to enable them to keep constant guard against infiltration by subversive groups under the cloak of official State positions.
7. And that most important of all, a sound constructive program of reemployment be determined upon and executed through the cooperation of Government, business and labor This is a necessary defense measure. Subversive groups feed the fires of discontent created by economic break-down. Their lying propaganda and promises are doubled in effectiveness during periods of economic uncertainty. The combined intelligence and patriotism of all Americans must cause them to support whatever equitable economic adjustments are necessary to put an end to this scourge of unemployment. Doles are not the answer. Doles and demoralization go hand in hand The great morale that has always characterized the American people must be safeguarded. The calamity howlers must be met by a deafening roar of American industrial activity.

* * * * * * *

Assembly Relief Investigating Committee.
(Signed.) SAMUEL WILLIAM YORTY, Chairman.
JACK B. TENNEY.
LEE BASHORE.
CHESTER GANNON.
JAMES PHILLIPS.

Consideration of House Resolution No. 92.

House Resolution No. 92—Relative to the cloak rooms.

Motion to Amend House Resolution No. 92.

On motion of Mr. Robertson, the following amendments to House Resolution No. 92 were adopted:

Amendment No. 1.

Strike out the third paragraph of the measure as printed, and insert in lieu thereof the following:

"WHEREAS, The cost thereof including the installation of a ventilating system, electric outlets, settees, chairs and cigar trays will be $1,575 25; and

WHEREAS, There are no existing facilities for women members and guests of the Assembly and it is desirable that the facilities commonly designated as a "powder room" should be provided; and

WHEREAS, Chapters 796 and 799 of the Statutes of 1937 establish a Unified Construction Fund for construction and improvement of State buildings; now, therefore, be it".

Amendment No. 2.

In the last line of the second and last Resolved clause of the measure as printed, strike out the period, and insert in lieu thereof the following: "; and be it further

Resolved, That the said Chief of the Bureau of Buildings and Grounds is hereby directed to locate and cause to be constructed adjacent to or near the Assembly Chamber a suitable "powder room" for the use of the feminine members of the Assembly and the feminine guests thereof; and that the Department of Finance is hereby requested to allocate for such purpose out of the money appropriated by

Chapters 796 and 799 of the Statutes of 1937 such money as may be necessary therefor."

Consideration of House Resolution No. 92, as Amended.

House Resolution No. 92, as amended, read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Robertson moved a call of the Assembly.

Motion carried. Time, one o'clock and thirty-two minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Scudder, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Introduction and Reference of Bill.

The following bill was introduced:

Assembly Concurrent Resolution No. 29: By Mr. Scudder—Relative to the intention of the Legislature in using the term "Mackinaw cutthroat trout" in section 619.5 of the Fish and Game Code, as added by Chapter 778, Statutes of 1939.

Request for Unanimous Consent.

Mr. Scudder asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 29, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 29.

Assembly Concurrent Resolution No. 29 read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—60

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Gallagher, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Third Reading of Assembly Bills (Resumed).

Assembly Bill No. 141—An act to amend section 1914 of the Harbors and Navigation Code, relating to San Francisco Harbor and the powers and duties of the Board of State Harbor Commissioners for San Francisco Harbor, "declaring the urgency thereof, to take effect immediately."

Bill read third time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Houser,

Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—62.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—62

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Miller, George P., Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Assembly Concurrent Resolution No. 24—Relative to requesting the Governor to proclaim February 12 and 22 holidays on which the public schools shall be closed.

Bill read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Weybret, Williamson, Wollenberg, and Yorty—58.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Lyon, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Third Reading of Senate Bill No. 84.

Senate Bill No. 84—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

Bill read third time

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—62.

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Millington, O'Day, O'Donnell, Pelletier, Poulson Richie, Robertson, Rosenthal, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp,

Thurman, Turner, Voigt, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—62.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Print in Journal.

On motion of Mr. Kuchel, the following communication was ordered printed in the Journal:

Resolution of the Board of Supervisors of the County of Orange, California, Memorializing the Congress of the United States and the Legislature of the State of California to Make Certain Changes in the Social Security Act and the Old Age Security Act to Permit Federal and State Assistance for the Support of Old Age Persons Maintained in County Hospitals.

On motion of Supervisor Riley, duly seconded and carried, the following Resolution was adopted:

WHEREAS, Section 2160 (e) of the Welfare and Institutions Code of the State of California excludes from Old Age Security benefits any persons maintained in a public institution; and

WHEREAS, Section 306 of Title 42 of the United States Code annotated limits Social Service Old Age benefits to money payments to needy aged individuals; and

WHEREAS, This Board of Supervisors is cognizant of the fact that many needy old age persons who are qualified to receive the benefits of the Old Age Security Act are cared for, maintained and hospitalized in county hospitals at county expense; and

WHEREAS, It appears that said persons, if they were not so maintained in county hospitals, would be eligible to receive Old Age Security benefits in which payments the State and Federal governments would participate; and

WHEREAS, In view of the large number of said persons who are maintained in said hospitals at county expense, it is indicated to this Board that it would be only equitable that the State and Federal governments should sustain a portion of the cost of care and support of said aged persons in county hospitals; and

WHEREAS, Heretofore, such requirements were not imposed on the county and the county did not have the sole responsibility of payment for the hospital care for Old Age Recipients; and

WHEREAS, It appears equitable that the State and Federal governments should sustain a proportionate share of the cost of maintaining such Old Age Recipients during said ninety (90) day period and also during the period of necessary hospitalization; now, therefore, be it

Resolved by the Board of Supervisors of the County of Orange, State of California, That the Congress of the United States and the Legislature of the State of California be and they are hereby petitioned to adopt appropriate amendments to the Social Security Act and the Welfare and Institutions Code to provide for Federal and State assistance for the care and maintenance of needy or aged persons in county hospitals; and be it further

Resolved, That the Clerk of this Board be and is hereby authorized and directed to send copies of this Resolution to the Honorable Sheridan Downey, United States Senator; to the Honorable Hiram W. Johnson, United States Senator; to the Honorable Harry R. Sheppard, Representative in Congress; and the Honorable Thomas H. Kuchel and the Honorable Clyde A. Watson, Members of the Assembly.

Passed and adopted by the Board of Supervisors of the County of Orange, State of California, this fourteenth day of May, 1940, by the following vote, to-wit:

AYES—Supervisors Harry D. Riley, N. E. West, Steele Finley, Willis H. Warner and Willard Smith.

NOES—None.

ABSENT—None.

STATE OF CALIFORNIA, } ss.
COUNTY OF ORANGE. }

I, B. J. SMITH, County Clerk and ex-officio Clerk of the Board of Supervisors of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the fourteenth day of May, 1940, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this fourteenth day of May, 1940.

B. J. SMITH, County Clerk,
and ex-officio Clerk of the Board
of Supervisors of Orange County,
California.

[SEAL]

Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

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

Assembly Joint Resolution No. 26.

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

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 24, 1940

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

Assembly Bill No. 125.
Assembly Bill No. 129.
Assembly Bill No. 131.
Assembly Bill No. 132.
Assembly Bill No. 134.

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

The above reported bills ordered to enrollment.

Assembly Joint Resolution No. 27—Relative to memorializing the President and the Congress of the United States to do all in their power to preserve the neutrality of the United States

Bill read.

Motion to Lay Assembly Joint Resolution No. 27 on the Table.

On motion of Mr. Williamson, Assembly Joint Resolution No 27 was laid on the table by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M, Burson, Call, Carlson, Clarke, Collins, Corwin, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gannon, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Meehan, Miller, George P, Millington, Phillips, Sawallisch, Scudder, Stream, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—43

NOES—Atkinson, Burns, Michael J, Cassidy, Cronin, Dills, Evans, Gallagher, Gilmore, Heisinger, Kilpatrick, Massion, Miller, Eleanor; O'Day, Pelletier, Richie, Salsman, and Sheridan—17

Consideration of House Resolution No. 97.

House Resolution No. 97—Relative to appropriation of money to Assembly Relief Investigating Committee

Motion to Amend House Resolution No. 97.

On motion of Mr. Yorty, the following amendment to House Resolution No. 97 was adopted:

Amendment No. 1.

In line 1 of the resolution as it is printed on page 595 of the Assembly Daily Journal, strike out "thereafter", and insert in lieu thereof the following "thereof"

Consideration of House Resolution No. 97, as Amended.

House Resolution No. 97, as Amended.

Resolved, That the sum of $2,500 or so much thereof as may be necessary, in addition to any other fund heretofore made available, is hereby made available from the Contingent Fund to the Assembly for the expenses of the Assembly Relief Investigating Committee, its subcommittees and its members, and for any charges, expenses or claims that the committee may incur under House Resolution No 9 or under House Resolution No 29, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the treasury.

House Resolution No. 97 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M, Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Kellems, Kepple, Knight, Kuchel, Maloney, Miller, Eleanor; Millington, Phillips, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Tenney, Thorp, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—44

NOES—Bennett, Cassidy, Collins, Dills, Heisinger, Kilpatrick, Massion, Meehan, Miller, George P, O'Donnell, Richie, and Rosenthal—12.

Further Proceedings Under Call of the Assembly Dispensed With on House Resolution No. 92.

At one o'clock and thirty-seven minutes p.m., on motion of Mr. Robertson, further proceedings under the call of the Assembly were dispensed with on House Resolution No. 92.

The roll of absentees was called, and House Resolution No. 92 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Doyle, Fulcher, Gallagher, Gannon, Gilmore, Johnson, Kellems, Kepple, Kilpatrick, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, Pelletier, Phillips, Robertson, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Turner, Voigt, Walker, Wollenberg, Yorty, and Mr. Speaker—51.

NOES—Bashore, Dilworth, Hawkins, Heisinger, Houser, Knight, O'Donnell, Richie, Thorp, Thurman, Waters, Watson, and Williamson—13

House Resolution No. 92, as Amended.

WHEREAS, In the process of the enactment of legislation for this sovereign State it becomes necessary for the members of this house and certain guests on the floor thereof to utilize the Assembly cloak room for various purposes; and

WHEREAS, Said cloak room lacks all semblance of convenience, comfort and aesthetic appeal, and is badly in need of refurnishing, repainting, replastering, remodeling, carpeting and installation of window shades and curtains; and

WHEREAS, The cost thereof including the installation of a ventilating system, electric outlets, settees, chairs and cigar trays will be $1,575.25; and

WHEREAS, There are no existing facilities for women members and guests of the Assembly and it is desirable that the facilities commonly designated as a "powder room" should be provided; and

WHEREAS, Chapters 796 and 799 of the Statutes of 1937 establish a Unified Construction Fund for construction and improvement of State buildings; now, therefore be it

Resolved, That the sum of $1,575.25, or as much thereof as may be necessary, be and the same is hereby appropriated out of the Contingent Fund of the Assembly to Frank M. Killam, Chief of the Bureau of Buildings and Grounds, to be expended by him in refurnishing, repainting, replastering, remodeling, carpeting and furnishing window shades and curtains for the Assembly cloak room in the State Capitol, Sacramento, California; and be it further

Resolved, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly, in favor of Frank M. Killam in said sum, or as much thereof as may be necessary, to carry out the provisions of this resolution; and be it further

Resolved, That the said Chief of the Bureau of Buildings and Grounds is hereby directed to locate and cause to be constructed adjacent to or near the Assembly Chamber a suitable "powder room" for the use of the feminine members of the Assembly and the feminine guests thereof; and that the Department of Finance is hereby requested to allocate for such purpose out of the money appropriated by Chapters 796 and 799 of the Statutes of 1937 such money as may be necessary therefor

Recess.

At one o'clock and forty minutes p.m., on motion of Mr. Maloney, the Assembly was declared at recess until the hour of one o'clock and forty-five minutes p.m., for the purpose of presenting Bob Alexander with an engrossed resolution on his fiftieth anniversary as an employee of the State of California

Reassembled.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion to Print Report in the Journal.

Mr. Bennett moved to have the minority report of Assembly Investigating Committee on Interference with the Legislature printed in the Journal, and that 2,500 extra copies be printed as a separate document

Substitute Motion.

Mr. Williamson moved as a substitute motion that the majority report, the minority report and an agenda by Mr. Millington in reply to the minority report be printed as one complete document in the Journal and that 2,500 extra copies be printed as a separate document.

Substitute motion carried by the following vote:

AYES—Bashore, Burson, Call, Clarke, Corwin, Crowley, Daley, Desmond, Dilworth, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kuchel, Leonard, Miller Eleanor; Millington, Phillips, Poulson, Robertson, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—37

NOES—Allen, Andreas, Atkinson, Bennett, Collins, Del Mutolo, Dills, Donnelly, Gilmore, Kilpatrick, King, Lore, Massion, Richie, and Rosenthal—15

Report of Assembly Investigating Committee on Interference With the Legislature.

To the Honorable Speaker and Members of the Assembly.

Your Assembly Investigating Committee on Interference with the Legislature, appointed under the terms of Assembly Resolution No 46 and Assembly Resolution No. 49, submits herewith its report of its investigations.

This committee entered into its investigation aware of many rumors and reports that certain members of the Legislature, during the 1939 regular session, were being subjected to furtive watching, covert candid camera shots, and secret recordations of their conversations by listening devices and dictagraph plants. Repeated rumor had it that the victims of this surreptitious and gestapo prying were legislative members opposed to portions of the administration's policies and programs

The rumors were rendered capable of belief by administration announcement of a "purge list" composed of members of the Assembly obnoxious to the administration because of their independence in voting for or against pending legislation in a matter contrary to administration desires. In some instances pre-election campaigns were instituted against these members. Included, and particularly marked by the administration, was Gordon H. Garland, member of the Assembly from the Thirty-eighth District, composed of Tulare and Kings Counties It was the announced intention of the administration to see him defeated for reelection.

When the Legislature met in special session in January of this year, Gordon Garland, the administration purgee, was elected Speaker of the Assembly. Coincident with his election the ugly rumors of 1939 were revived and talk again filled Capitol corridors of spying tactics directed against members outside the pale of administration favor These reports gained credibility by the unexplained presence, at State expense, of numerous SRA employees in the hotels of Sacramento continually contacting members of the Legislature and what was apparently a centrally directed harassment and attempted intimidation of Assemblymen and Senators by membership of left wing organizations

These rumors and suspicions crystallized into fact on February 18th when the Speaker of the Assembly, Gordon Garland, discovered in the private rooms used by himself and his wife, a microphone This microphone was attached to wires running to another room in the same hotel where a recording device was installed.

By reason of this disclosure the Assembly adopted, on February 21, 1940, House Resolution No. 46, creating a committee of five members with authority and directions to investigate any and all things connected with attempts to coerce officers and members of the Assembly in the performance of their legislative duties. This resolution was supplemented by House Resolution No 49, adopted on February 22, 1940, increasing the membership of the committee from five to seven members.

At the outset of this report specific attention is called to the fact that of the seven members of the committee a majority, four, were Democrats, the party of the administration

Obstruction of Committee.

This committee by its terms of resolution had the duty to investigate attempts to coerce officers and members of the Assembly in the performance of their legislative duties. Such authority should have enlisted whole-hearted support of every official and employee of the State to enable the committee to complete its duties The wide publicity attending the creation of the committee made it a matter of common knowledge that the resolution had its impetus in violation of privacy of the Speaker and his wife

Such loathsome tactics are so repugnant to the lowest ideal of democracy and so despicable to every standard of common decency, that it was natural to assume and expect that the committee would receive every possible cooperation in its endeavors. Particularly, such cooperation was to be anticipated from the heads and officials of our executive department.

The committee, however, regretfully reports that from the beginning its investigation was hampered by administration disapproval and deliberate withholding from the committee of information possessed by administration officials in office. Such testimony as the committee did obtain was given involuntarily and in many instances under the compulsions of warning that contumacious refusals would be punished.

The recalcitrant attitude of certain State officers can well be understood from the burden of guilt they carried. As to others, it may be explained that, in spite of press statements of the Governor advocating the purpose and trusting for a complete disclosure, there was a prevailing impression reflected in the attitude of witnesses and press statements of the Governor's secretaries, that the Governor was opposed to the investigation. This coincided with his veto of Assembly Bill No. 64 which appropriated the funds necessary for this committee to function. It was necessary to pass this bill over the Governor's veto to allow this committee to meet.

Now that the investigation of the committee is completed your committee reports that in its opinion the reluctance of the administration to assist was the knowledge of guilt and its silence was the silence of shame.

The office of the State Controller and the State Personnel Board are not included in this criticism. The officers and employees of these State agencies readily responded with their usual courtesy and efficiency to all requests made.

Responsible Parties.

The committee had broad powers of investigation. However, because of early efforts to sabotage its work it concluded that its prime duty

was to fix responsibility for the placement of the microphone in the rooms of the Speaker.

The committee determined that if it established guilt for this atrocity the members of the Assembly and the public could form their own opinion as to the many other reputed violations of personal privacy and intimidating tactics.

Likewise, the efforts of this committee were necessarily restricted to ascertaining the facts of this one transaction because of the impediments placed in the way of the committee's investigation. There seemed to be a well conceived plan to discredit the committee's efforts. It is significant to note that the members of the administration who attempted to foul the work of the committee were themselves implicated and the leading conspirators in the plot. These specific details of individual responsibility will be later discussed.

The committee, however, reports that it is satisfied it has established guilt for the dictagraph incident. That the persons implicated directly or indirectly are:

Howard R. Philbrick,
Robert E. Voshell,
Paul H. Rowe,
M. Stanley Mosk,
Charles Henderson,
Governor Culbert L. Olson.

Howard R. Philbrick was, until approximately April 8th, the Director of Motor Vehicles of the State of California.

Robert E. Voshell was an investigator used by Philbrick for a period of two or three years. He was placed upon the State pay roll of the State Relief Administration on Philbrick's recommendation and suggestion.

Paul H Rowe is the operator of an organization known as the Sound Laboratories of California. He was trained in Germany in the use of sound equipment and has operated for Philbrick over a period of years.

M. Stanley Mosk is the Governor's executive secretary and made the Governor's funds available to Rowe and Voshell on Philbrick's orders and directions.

Charles Henderson was an aide of the Governor with the title of lieutenant colonel, on the pay roll of the National Guard at a munificent salary of $491 a month with such duties as the Governor should assign.

The Governor of the State of California, Culbert L. Olson, also must share a burden of responsibility for tolerating his direct appointees, secretaries and aides, or persons being subsidized from funds appropriated for the support of his office to engage in such activities. If the Governor is ignorant of the activities of these employees, it constitutes extreme negligence upon his part to suffer them to use State moneys appropriated to him without knowledge for what purpose it is being used and to permit his appointees such extreme latitude in their pursuits.

The essential facts from which the committee draws these conclusions and inferences from the sworn testimony, follow

Facts Relative to Dictagraph Placement.

The essential facts relative to the placing of the dictagraph in Speaker Garland's room may be summarized briefly from the sworn testimony before the committee, as follows:

During the months of January and February, 1940, Speaker Gordon H. Garland, member of the Assembly from the Thirty-eighth District, while in attendance at the session of the Legislature, had rooms at the Senator Hotel, which rooms, on the fourth floor, were used by himself and his wife as their private living quarters.

On Sunday, February 18th, he observed a light streaming through a hole in his bedroom door. Further examination disclosed a microphone cleverly hidden between the drapes and curtains of his room. Officers of the Sacramento police department were summoned and on investigation found the microphone attached to wires which ran outside the building to a room on the eighth floor occupied since February 2d by one Robert E. Voshell. In this room the police found, locked in the closet, a recording device which they removed on February 21st.

Robert E Voshell has been intermittently associated in detective work since 1938 with Howard R. Philbrick.

Ever since this administration has been in office, including the time prior to September 12, 1939, when appointed Director of Motor Vehicles, Philbrick has been engaged in various investigations apparently financed by Governor's office funds. With his appointment as Director of Motor Vehicles his influence enabled him to have Voshell placed on the pay roll of the State.

From October 15, 1939, on the orders of Philbrick, Voshell was allowed $250 a month as a purported auditor, Grade 3, in the SRA. Voshell's actual appointment was not made final until late in November Voshell's duties were not in any way connected with the administration of relief, but he was engaged under Philbrick's directions and supervision, for the purpose of discrediting the report of Senator Phillips of subversive influence in the State Relief Administration.

Another person who from time to time over a period of the last two years has done special service for Philbrick, is one Paul H. Rowe Rowe trained in Germany in the use of sound equipment, and is Philbrick's expert on sound devices

During the period November, 1939, to the end of January, 1940, both Rowe and Voshell testified that Rowe was working for Voshell. From February 1st on, Voshell was working for Rowe.

On February 2d, Voshell secured a room at the Senator Hotel He registered alone. Later one of the clerks registered for his wife who occupied the room with him. His wife was a trained stenographer.

On February 2d Rowe had another employee of his, one Jack Morris, install the microphone in Speaker Garland's room and connect the microphone with wires to the room on the eighth floor occupied by Voshell and his wife. In Voshell's room there was placed a recording device which was set up in the closet and the closet lock plugged by means of a special locking device

In addition to this recording device Voshell admitted he had a listening device connected with the microphone in Speaker Garland's room. There was also another or a third device in this room which recorded conversations. This particular recording device was one which had

been ordered in the month of October by Charles Henderson, acting for the Governor's office.

Henderson had made arrangements for the delivery to him of this recording device, microphones, and 116 aluminum discs by placing the order with George F Cake, agent of the Federal Laboratories, Incorporated. He also at various times had placed orders for quantities of microphone cables of different colors, the purpose of the variety of colors in the microphone cable being to render detection difficult.

Henderson, on February 14th, contacted Cake and complained to him that the machine was not performing entirely satisfactorily. This conversation was in the Governor's office and Cake was advised that he could not inspect the machine at that time because it was in use and not in the Governor's office The conversation in the Governor's office between Cake and Henderson was in the afternoon. Later on the same day Cake and Henderson contacted each other in the Senator Hotel and on Henderson's direction Cake went to Voshell's room, took out the recording device, brought it down the stairs from the 8th to the 5th floor, examined it, and advised that the machine had not functioned properly because an improper microphone was being used. At Henderson's further instructions Cake carried the machine to the Governor's office.

Voshell denied that he had ever used the machine purchased for the Governor's office in recording conversations in Garland's room. He did admit, however, that over a listening device he had listened to conversations in Garland's room from February 2d to February 18th.

However, during the entire period at his listening post, he discovered not one iota of evidence

Early in the morning of February 21st, Voshell discovered that the police had removed the recording device from his closet. After discovery of the fact that the machine had been removed Voshell precipitately checked out of the hotel at 4 o'clock in the morning and after notifying Philbrick that he was "hot" and borrowing money from him fled to the State of Washington. From there he did not return until he was requested to do so by Philbrick and Rowe.

Of further vital importance to this investigation is the fact of how Rowe and Voshell were paid. Voshell, between the period October 15, 1939, and January 30, 1940, took from the relief funds, on a salary of $250 a month, the sum of approximately $887.10, in addition to $187.23 from the same funds for traveling expenses. In addition he was given a check by M. Stanley Mosk, secretary of the Governor, in the sum of approximately $236 which check was drawn on the Governor's secret or special fund; and he was also paid or loaned other money by both Rowe and Philbrick.

Rowe, for the period November, 1939, to the end of January, 1940, according to his testimony, worked for Voshell. Voshell, from February 1st on, during the Garland espionage, worked for Rowe. Rowe, for his services between November and the end of January, was paid approximately $1,500 from the Governor's secret or special fund. He asserted he had not yet billed for his February services but was looking to Philbrick for payment for himself and Voshell; that the basis of his pay was to be for expenses plus "results."

Checks from the secret fund, signed by M. Stanley Mosk, were issued on Philbrick's instructions. Mosk stated that he never drew a check for an individual, but a check was always drawn payable to a company.

The foregoing constitutes a brief resume of the facts developed before this committee. A narrative statement of the entire testimony received will be appended to this report as an exhibit. The specific relation of each individual named will be next developed.

Howard R. Philbrick.

Howard R. Philbrick is not unknown to espionage work in this State. With him it has been a business. For some years prior to September 12, 1939, he was a member of the detective firm of Atherton & Associates, of San Francisco. He has drawn thousands upon thousands of dollars from State funds for the purpose of investigations of a political nature, and in conducting such investigations he exhibited a ruthless disregard of the rights of privacy or character of individuals. In 1938 Governor Merriam conceived the idea of having an unlimited fund at his disposal for investigation by supplementing the annual $2,500 fund which had always been appropriated to the Governor. This was done by additions from the Emergency Fund to which there is normally appropriated approximately $1,000,000. By drawing on the Emergency Fund for replenishment of the secret fund, an entirely new device, Governor Merriam was able to employ Philbrick for the purpose of making an investigation during the political campaign of 1938.

This investigation covered every corner of the State.

With the close of the Sacramento County Grand Jury and the making of its final report, Philbrick remained unsatisfied with the official work of the jury and presented his own report to Governor Merriam. This report Governor Merriam refused to make public. The report, however, was publicized by Governor Olson.

This report, consisting of a maze of hearsays, suppositions, and implications, seeks to discredit many members of the Legislature.

As disclosed by his testimony before this committee for this service $36,000 of State funds were sent to Philbrick. Questioned about reimbursing Rowe for 1940 expenses, his testimony was as follows.

Q. He (Rowe) has already testified those expenses ran between $300 and $400.

A That is not surprising The expenses in the Merriam investigation ran around $36,000.

Q. I am not interested—

A. Well I am.

Q. That's your business Mr. Williamson says you got most of it.

A. I got all of it.

Q. A pretty fair racket.

A. It's good if you can get it.

Q. They didn't pay for results on that one, did they?

A Yes. That's—

Williamson· You must owe the State money.

A. That's your opinion

Having thus learned the method of extracting money from the State of California without being on the State's payroll, Philbrick aligned himself with Governor Olson and continued to make private investiga-

tions during the year 1939 for which he apparently was paid from the Governor's fund in the same manner that he had been paid during the Merriam administration.

This witness attempted from the start to sabotage the investigation of this committee. A subpena was served on him Instead of appearing he sent a letter to the committee which, coming from an official occupying the high and responsible position that he did, is unique for its conceit, its trading upon his past association with the Federal Bureau of Investigation, and his calloused, sneering indifference for the violation of the right of privacy of Mr. and Mrs. Garland. The letter follows:

STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES,
OFFICE OF THE DIRECTOR, TWELFTH AND N STREETS.
SACRAMENTO, CALIFORNIA, March 4, 1940

Honorable Harrison W. Call, Member of the Legislature,
State Capitol, Sacramento, California

DEAR MR. CALL. The legality of the Call Investigating Committee has been challenged and until this question is determined, I can not be expected to testify before the committee

However, because of the careless way in which my name has been used in this situation, I feel that I am entitled to place before the committee and the public a statement of my position.

Since my appointment as Director of Motor Vehicles, I have devoted my energies to reorganizing the Department on an economical basis What Mr Garland chooses to say in the privacy of his hotel rooms does not interest me

Since September 12, economies amounting to $600,000 for the present fiscal year have been accomplished in the Motor Vehicle Department. In the next fiscal year these economies will amount to approximately one million dollars and for the first time in years the department will be on a self-supporting balanced budget basis The establishment of proper business methods to accomplish such economies and a balanced budget is the problem which has interested me.

It is true that before I became Director of Motor Vehicles I had been an agent for the Department of Justice and a private investigator. And, it is equally true that the Department of Justice, Bureau of Investigation, the San Francisco Police graft investigators and other agencies concerned with law violations use this dictagraph equipment to obtain evidence of criminal activities. Consequently I suppose that it is natural, because of my previous work, to connect my name with any incident involving a dictagraph, regardless of the fact that the job I was appointed to do and have been doing is that of running the Motor Vehicle Department.

Purely as a personal observation, based on my previous experience investigating criminal activities, may I say that no one with Federal Bureau of Investigation or other adequate training would install a dictagraph with wires leading nowhere. This, I understand from press reports, is the fact in the case of Mr. Garland's harrowing experience The entire Garland dictagraph incident has hippodrome aspects reminiscent of his recent pulling of an unconnected telephone from the Assembly Speaker's Rostrum for the benefit of newspaper cameramen

The name of Mr. Voshell has been connected with the dictagraph that wasn't connected, and I would like to make clear my relationship with Mr Voshell. I was asked to coordinate certain investigative activities within the SRA. This work, in so far as I was connected with it, was completed prior to February 1, 1940. Mr. Voshell was one of the investigators for the SRA and, consequently, he turned to me for advice As stated above, my connection with that work terminated on February 1, and I, therefore, have had no interest in Mr. Voshell's activities since that date Mr. Voshell, himself, would be the logical person to interrogate regarding his subsequent moves In his absence, the next investigative step would be to trace the ownership of the equipment and to have that person interrogated.

My energies are being fully exercised in the performance of duties as Director of Motor Vehicles

Very truly yours,

(Signed) HOWARD R PHILBRICK, Director

HRP:NV

At the time this letter was sent, Philbrick knew that Voshell had occupied room 825 at the Senator Hotel; Philbrick knew that Voshell

was working under his supervision and direction; Philbrick knew that the Federal Bureau of Investigation would not countenance wiretapping; Philbrick knew he was misstating when he said that he had no interest in the work of Mr. Voshell since February 1st.

The character of the investigation supervised by Philbrick is in accord only with an ideal of a dictator form of government The Speaker of the Assembly, the victim, had committed no fault unless difference on principle with the Governor's office and steadfast holding to his own convictions be an offense. For these failures he was spied upon and the machinery of a highly organized espionage system was placed in use against him—not for anything he had done—but to "get something on him"

Philbrick was the spearhead of this investigation. Apparently it was he who had the authority to make commitments from the Governor's secret fund with Mosk, the Governor's executive secretary, having no function to perform except merely sign the checks. While he disclaims knowledge of Voshell's and Rowe's precise acts in installing the dictagraph and listening in on conversations, it was to him that they were to report. Also, from the record it seems clear that they were pursuing a course used in previous investigations.

It was Philbrick who was to assume responsibility for the work and he did so In the official performance of the duties confided to him by statute he had the opportunity to make and was making an enviable record. It is unfortunate that the opportunity for an excellent career of public service should have been marred and blemished by participation in any affair of the character in which he engaged.

Because of the intelligence he demonstrated in his conduct of the Department of Motor Vehicles the question arises: "What made him participate in the underhanded tactics of the type used?" To the committee two conjectures are open—either he has developed an uncontrolled passion for prying into others' affairs or at the time of his appointment he was specifically ordered to continue the private work he had originated.

Charles F. Henderson.

Upon Charles F. Henderson, a young man of thirty-two, there has been conferred all the glamor, insignia and excitement of official public life.

In 1935, section 141 of the Military and Veterans' Code was enacted which allowed the Governor to appoint five aides-de-camp to have the rank of lieutenant-colonel. The power of this appointment was never used until Henderson was appointed in 1939 In such position he testified he had a salary and allowance from the funds appropriated for the defense of the State based on a thirty-one day month amounting to $481 monthly plus traveling expenses His duties were defined by him as doing anything he may be directed to do by the Governor

Apparently he devoted no time whatsoever to the National Guard business of the State, and the salary paid him from National Guard moneys was a sinecure His position, title and inclination made him assume all the insignia and benefits of high position, in the way of uniforms with Federal insignia, highway patrol cars with red lights and sirens chauffeured by members of the California Highway Patrol,

and, until the Federal Government prohibited the use of National Guard airplanes (except for the purpose of National Guard or Federal business), he was able to commandeer for the purposes of completing his errands, the official airplane of the National Guard.

Before this committee he was an unwilling, hesitant, hostile and reluctant witness, and in the minds of the committee guilty of fabrication in his testimony. He testified before the committee only after Governor Olson, according to press releases, directed him to appear before the committee immediately and testify to any and all facts within his knowledge as to who placed a dictagraph in Mr. Garland's room

It is to be observed that this witness purposefully and carefully observed the limitations as to the matters to which he was to testify and although the committee had broad powers of investigation he carefully limited his testimony "as to who placed a dictagraph in Mr. Garland's room."

From him, however, the committee was able to establish that ever since his entry into State employ he has been meddling with dictagraph machines and has been engaged in surreptitious pursuits.

This witness refused to answer questions touching upon his investigation activities as is revealed by the following statements from his testimony:

> Q. Did you ever take any part whatsoever in any investigation since you assumed the position you now hold?
>
> A. Not relating to any matters which this committee may be investigating, outside of a few things.
>
> Q. Your answer, then, is that you participated in such investigations?
>
> A. No. My answer is that I have not participated in anything having anything to do with the subject this committee is investigating.
>
> Q. * * * Would you permit this committee to pass upon whether or not that was by telling us any fact connected with that investigation?
>
> A. No. I don't answer any such questions

Concerning the use of this machine at places other than the Senator Hotel, he was asked whether or not he had ever had any recordings made. He stated that he had never heard any records from the machine of conversations in Garland's room, answering:

> A The only records I know anything about or have heard are records I made myself on this machine.
>
> Q Where were those records made?
>
> A. Various places.
>
> Q. Where for instance?
>
> A. I refuse to testify about them on the same ground that I stated before.

This witness also, while admitting that he had been in the town of Fresno at the time of the Friant Dam celebration in company with the Governor, set up the recording machine in the suite occupied by himself and the Governor, and while stating that no recordings of any kind had been made, refused to answer the purpose for which

the machine had been set up although he admitted that at least one member of the Legislature had visited the room while he was there.

Likewise, he refused to answer as to whether or not the microphone, at the time of this episode, was so concealed that it would not be observed by a person coming into the room.

There is an absolute contradiction between a portion of the testimony of this witness and the testimony of George F. Cake.

Cake was the person with whom Henderson made the arrangements for buying the machine. At the time he was testifying Cake's bill had not yet been paid. Cake testified that in the Senator Hotel Henderson had instructed him to go up to Voshell's room and bring the machine down by the stairs and not in the elevator. Henderson denied that he had given such instruction. Also, Cake advised that after examining the machine he had informed Henderson that the reason the machine wasn't operating properly was because an improper microphone was being used. Relative to this testimony Henderson's testimony was, "If that's what he said it is not true."

Cake testified that when he saw Henderson in the Governor's office on February 14th, that Henderson, after making a phone call, had told him he could not examine the machine because it was in use. Henderson denied that he had such conversation.

Cake testified that Henderson, on the twenty-third day of February, had seen him in the lobby of the Senator Hotel. At that time Henderson asked him concerning some special wire which he had ordered for the machine. The conversation turned to whether Cake would be subpenaed. Henderson advised him if he was, to testify that the purchase of the recording machine was a personal purchase by Henderson and was not made for the Governor's office. Cake testified Henderson had requested him to testify matters not in accord with the facts. Henderson denied that he had any conversation whatsoever relative to any testimony Cake might give before the committee

The committee places no trust in Henderson's testimony, passing upon his credibility as opposed to that of Cake's, the committee unhesitatingly accepts Cake's testimony and rejects Henderson's.

The committee is advised Henderson has left the service of the State of California. By reason of his untruthful statements, his attempted suborning of Cake, and parasitic extraction of taxpayers' funds, the committee expresses the hope that his absence from the State service is to be complete and permanent

M. Stanley Mosk.

M. Stanley Mosk is executive secretary to Governor Olson Among other duties in the Governor's office he signs all checks on the Governor's support fund and also the special fund. On these funds he has carte blanche and in making withdrawals from the secret fund it is his explanation that he does so upon the direction of some department head without knowing the purposes of the investigation

Although he had written checks for the Sound Laboratories and through him they were delivered to either Rowe or Voshell, he denied having any knowledge whatsoever as to any of the incidents of the investigation

This witness' part in the actual placing of the dictagraph in the room of the Speaker would be excused by the committee with the statement that he was extremely negligent in the handling of State funds appropriated for State purposes; and paying out those funds without knowing the precise and exact purposes for which the funds are being used. It seems that any person having such authority should have positive knowledge of employment of the fund unless a deliberate scheme has been evolved whereby the writer of the check is to know nothing, except that he signed his signature

The committee, however, calls the attention of the membership to the attempts of this witness to discredit the committee's work He was first subpenaed to testify before this committee on March 4th. Instead of appearing, like Philbrick he sent a letter to the committee, on the letterhead of the Governor's office, stating in substance he considered the committee illegal and until the committee's legality was established by a court of competent jurisdiction he would fail to appear.

Following this refusal, on March 6th he released to the State press a statement alleging that the dictagraph affair was a frame-up of the Governor's political enemies He alleged that the planting of the dictagraph and the spying activities were known to anti-administration individuals a number of days before their discovery His statement was so worded as to be susceptible to the construction that John Phillips, member of the Senate from Riverside County, was a party to the dictagraph plot in an attempt to discredit the administration

Mosk attempted to implant in the public mind an idea that Voshell was not an agent of the administration but was directly allied with Senator Phillips Linking Voshell's and Senator Phillips' names in his statement, he said "It indicates a chain of suspicious circumstances all having a decidedly anti-administration flavor" Such a statement did not lie well in the mouth of the individual who had less than two months before passed a $236 check from the Governor's secret fund, payable to Sound Laboratories, to Voshell for Voshell

This witness finally consented to appear, announcing his willingness to testify by sending a telegram addressed to the chairman of the committee reading as follows

> Honorable Harrison Call,
> Eaton Drive, Redwood City, California
> I have heretofore questioned the legality of your committee The press reports the Attorney General has rendered an opinion finding your group legal While I retain my misgivings as to your right to pursue this partisan political inquiry at State expense and feel confident the courts would declare your activities null and void, it has been called to my attention that appeal to courts might take several months or longer than the duration of your investigation I am unwilling to permit that ordinary delay to lead to an inference of concealment of facts or knowledge of any improper activities Therefore I volunteer to appear before you and your six colleagues in Sacramento Tuesday or at any other time or place you may designate and to testify as to all matters relevant to your inquiry
>
> M STANLEY MOSK,
> Executive Secretary

When he did appear relative to the implication of Senator Phillips he testified as follows·

> Mr Millington· At the very time you put that statement out that cast a stigma on Senator Phillips' name all you had to do was to get Howard Philbrick and you could have found the whole truth of this thing, couldn't you?

A. I didn't have the truth of the situation.

Relative to his allegations in the telegram that the committee's work was a partisan political inquiry, he stated that the complexion of the committee led him to that conviction, testifying as follows:

Q. Have you got any evidence?

A. No, the complexion of the committee, I think——

Q. That's all. Other than that you had no such evidence?

A. No, that is true.

The committee is of the view that this witness testified truthfully. It observes, however, that a Governor's secretary is guilty of gross negligence if the duty of supervising funds is entrusted to him and he pays them out without knowledge of their use. The committee also observes that not excessive zeal or blind loyalty can excuse the rash indiscretion of publicly accusing an innocent person, as in the case of Senator Phillips, of subversive actions.

Robert E. Voshell.

Voshell's function as a listening post and his employment with the State have already been made clear. It is significant to observe that his work in the State Relief Administration was designed to offset the results of the investigation being conducted by Senator Phillips into abuses in the SRA. He was selected by Philbrick, apparently for the purpose of white-washing the administration of State relief and rendering nugatory Senator Phillips' work. It was an investigation of the administration, by the administration, and paid for by the administration.

From all his testimony it appears that this witness' employment by the SRA was in the nature of a stop-gap employment to keep him available for the purpose of investigating members of the Legislature as soon as the special session would convene. On this point he testified:

A. At the time that I went to work it was understood that my work was to cease at the time that the special session started, because then we expected all of these investigations to be aired and the recommendations adopted.

Q. Well, then it was your understanding as I——

A. If the Legislature had convened on January 9th instead of January 29th my work would have stopped then.

Q. If it had continued on up to April, May or June would you have gone right on?

A. I would have still gone right on.

This witness likewise was reluctant to testify and followed Henderson's lead by refusing to divulge matters relating to the investigations he had made except relative to the specific incident relating to Speaker Garland. The testimony as to his investigations for the period October 15th to February 1st is as follows:

Q. Where were your investigations carried on?

A. Wherever the nature of the investigation took me.

Q. Well, where did it take you?

A. Largely in Sacramento, San Francisco, and Los Angeles. There was some investigation in Fresno, some in San Mateo County.

Q And what was the nature of that investigation?

A. I came down here to testify and I am willing to establish my own background. I will answer any questions you like. But I don't like to take up everyone's time and I don't like to fill the record with extraneous matters.

Q. Well, I think we will determine if that is within your province. * * * Now, I will ask you, did you make any investigation in the city of San Francisco?

A. I don't believe I am at liberty to tell this committee what I developed during my investigation.

Q. Well, I am not asking what you developed at all. Did you make an investigation?

A. Yes, sir, I did.

Q. Did you use sound equipment in making it?

A. I don't believe I will answer that question. That is not within the scope of this committee's investigating.

Q. Has anyone advised you that it was not within the scope?

A. I heard Colonel Henderson testify.

In spite of the fact that this witness was paid by the State Relief Administration his own testimony was that he rendered no service for the State Relief Administration.

Relative to the investigations he made of the SRA he said:

Q. Did you request Mr. Chambers * * *?

A. Mr. Chambers knew nothing of that investigation. * * * And the director of SRA did not know that the investigation * * * was being made.

Asked with reference to his use of the recording device found locked in his closet at the Senator Hotel which had been removed by the police, he refused to answer any questions concerning it. He testified that he had not used this listening device during the time it was installed in his room at the Senator Hotel.

He was then asked:

Q. Was it ever used by you when it was in your possession?

A. I am unable to answer that question.

Q. Why are you unable to answer it?

A. It doesn't bear on anything having to do with this investigation.

Q. Well, then you refuse to answer the question, is that right? Am I to understand that?

A. Yes.

From all evidence given by this witness the committee concludes that he was a hired tool in the investigation, willing to perform services he did for the support it brought him.

The committee is of the opinion, however, that his employment with the SRA was so irregular that it may well constitute, both as to the time of his employment and the actual moneys paid to him, an illegal payment of State funds. In this respect it is recommended that the Attorney General conduct a further investigation.

Paul H. Rowe.

This witness appearing before the committee seemed to take pride in his reputation as an expert on sound equipment machines. He was, however, extremely embarrassed by photographs taken of him and

stated to the committee he saw no reason why he should be revealed to everybody and his brother.

He operates a concern in Los Angeles known as Sound Laboratories. It was on his specific direction that an employee of Rowe by the name of Jack Morris installed the microphone in Speaker Garland's hotel room. It was his recording machine that was found in the closet in Voshell's room.

He stated that he had been hired by Philbrick to continue the lobby investigation that had been commenced by Philbrick during the administration of Governor Merriam His particular qualification for sleuthing and gestapo activity is his specialized training in sound work secured in Germany. Through him the committee established that working with Philbrick he had installed many dictagraphs in the State. He refused to testify relative to the amount he had been paid from the Governor's secret fund for investigation. (M. Stanley Mosk, the Governor's executive secretary, later supplied this information.)

As to his payment for his services on the Garland investigation he testified as follows:

Q. Oh, you have received no pay whatever for it?
A That's right.
Q. You are referring to the recently conducted one?
A. That's right.
Q. But you expect to get that pay, don't you?
A. Yes.
Q. From whom?
A. I expect to get it through Howard Philbrick, I don't know who will eventually pay it.
Q. He's the man who hired you?
A. He is the one who directly is the one who hired me, yes.
Q. You expect, but you don't know whether it will come through him, or the State of California or from what funds?
A. I have no idea. I have never even given it a thought.
Q Did you determine upon an amount of compensation?
A. Not as yet.

* * * * * * *

Q. Before the SRA investigation you were paid out of the—some fund of the Governor's office?
A. Out of the secret service fund.

As to the amount he was to be paid he testified:

Q. Do you on investigations charge by the day, on the investigation as a contract job, or by the work, or just how do you usually charge?
A. Well on a matter of this type it would be by the results.

This evidence as to manner and amount of payment seems in itself to be a method fostering corruption. Hired tools, whose definite objective attempts to secure information for sale, would be afflicted with the temptation to create it. A natural suspicion attaches to both Rowe and Voshell by reason of the testimony of their rapid changes between themselves as employee and employer. Apparently this method of operation was devised to attempt to clear Voshell of any responsibility for taking State funds from the SRA while doing other work. The fact that Rowe was continuously paid from the Governor's secret

fund, whether investigating SRA or legislators, and that Rowe paid Voshell money rather than Voshell paying Rowe money, and the reluctance of both to testify as to their actual investigations of SRA, leads the committee to the conclusion that in actual fact there was no relationship of employee or employer between them; that both were working under the same supervision and looked to the Governor's fund for eventual payment

As to the whole matter of payment from these Governor's funds the question has never been determined as to whether or not such payments can be legally made. It is recommended that this matter be investigated by the office of the Attorney General on the basis of the testimony had before this committee and a determination made as to whether or not State funds can be used as these funds were.

Conclusion.

This committee concludes its report by stating that the Governor in the public press denied any knowledge of this entire affair.

His denial stands.

His statements condemning the reprehensible activity of his appointees are agreed to by all the people of California. It is to be observed, however, that permitting investigations unless called for under extraordinary circumstances will always have the inevitable conclusion that this one had unless they lead to worse things, such as character assassination or blackmail.

The committee trusts that in the future the Governor's funds will be reserved for the peculiar purpose for which they have been appropriated—that is, essentially State use for which specific statutory authorization exists; that the secret fund be confined to the purpose for which it has been enacted—that is, situations of great or unusual emergency.

From its investigation the committee recommends:

First—That further and additional restrictions be placed upon the secret service fund of the Governor's office or it should be eliminated from the budget entirely.

Second—That the Attorney General investigate and render his opinion upon the use of the secret service fund for purely investigating purpose, including investigations of members of the Legislature, particularly in an instance where there is no probable reason to believe that the member has been guilty of any offense.

Third—That the Attorney General of the State investigate the payment to Robert E. Voshell of money from the funds appropriated for the State Relief Administration, and determine whether or not money was paid to him on false vouchers, and if so to proceed with proper action.

Fourth—That the Fifty-fourth Session of the Legislature enact appropriate legislation abolishing the use of dictagraphs and sound equipment for the purpose of secretly recording conversations except

when approved by a court of competent jurisdiction on application of the Attorney General.

Respectfully submitted.

HARRISON W. CALL, Chairman.
SETH MILLINGTON.
CHESTER F. GANNON.
RAY WILLIAMSON.
C. DON FIELD.
HUGH M. BURNS.

Report of Minority Members of the Assembly Investigating Committee on Interference with the Legislature.

The minority members certainly do not condone the invasion of the privacy of any member of the Assembly and we join the majority members of the committee in condemning the activities of the private investigators responsible for this incident. We had therefore hoped that there would be no need of two reports and that all members of the committee could unite upon a factual presentation to the honorable members of the Assembly.

However, candor requires recognition that politics played a major role throughout the entire incident. While the original planting of the dictagraph in the hotel suite of Speaker Garland must be attributed to over-zealous work of detectives investigating corrupt lobbying, the eagerness with which this investigation was pursued, the publicity attendant thereto, and the vindictiveness of the majority report must be considered partisan anti-administration politics.

The charge that politics have figured prominently in this investigation is not made loosely. The majority report itself refers to "many rumors and reports that certain members of the Legislature" were on so-called "purge lists" and that "re-election campaigns were instituted against these members," among them being Speaker Gordon H. Garland and other anti-administration personalities. These references to "ugly rumors" of a political character, which have no place in a legislative committee report, the transcript of testimony itself, and the zeal with which the majority members of this committee have wandered outside of the four corners of the transcript and have resorted to surmises and conjectures to establish apparently preconceived conclusions are all politically significant.

In the second place, it is significant that at no time were all of the members of this committee consulted on the procedure or objectives to be adopted, the witnesses to be called, the strategy proposed in questioning witnesses A small clique within the committee pursued the matter gathered whatever evidence it saw fit to present, subpenaed all witnesses, made press releases, planned the complete agenda, and merely presented the committee membership with a *fait accompli*.

The majority report contains a section entitled "Obstruction of Committee" We know of no such obstruction and can under no circumstances consider the misgivings of prospective witnesses concerning the legality of the committee to be "obstruction." In fact, at least one member of the committee itself had doubts of its power to investigate an invasion of the personal privacy of a member of the Legislature, in the belief that such an investigation was one for law enforcement authorities and that a public body can not properly be concerned with

private or personal privacy. Although at least two witnesses indicated their doubts of the legality of the committee, it must be pointed out that after the Attorney General and the Legislative Counsel determined the validity of this committee's powers, the witnesses volunteered to appear and testify.

An analysis of the transcript of testimony indicates that Mr Howard Philbrick, then Director of the Department of Motor Vehicles, employed a firm known as the Sound Laboratory, and owned by a Mr. Paul Rowe of Los Angeles, to continue the corrupt lobbying investigation formerly known as the Philbrick Investigation and which culminated in the "Philbrick Report." Mr. Rowe in turn employed a Mr. Robert Voshell, who supervised the planting of the dictagraph in the living room of Speaker Garland's suite in the Senator Hotel, frequented by lobbyists

While Mr. Philbrick disclaimed any knowledge of the planting of a dictagraph in Mr. Garland's suite, he freely admitted that he had employed Mr. Rowe.

However, full credence must be given to the testimony of Mr. Philbrick that he did not know of the planting of this dictagraph, since he is thoroughly corroborated by the positive testimony under oath by Mr. Rowe and Mr Voshell, and since not one statement of evidence was introduced by any witness to indicate any knowledge of it given to or received by Mr. Philbrick.

It was apparent on the day when the investigation was first authorized by legislative resolution that the goal of the small clique guiding the proceedings of the committee was to "get" Howard Philbrick. That the motive amounted almost to persecution is nowhere more clearly indicated than in House Resolution No. 104, introduced on May 23, 1940, by Mr. Call, chairman of this committee Although Mr Philbrick is now employed in private industry and has no connection whatsoever with State service, Mr Call has introduced this resolution designed to investigate his present employment. When an individual is subjected to legislative investigation while engaged in business activities in no manner concerning this Legislature, we may look upon such investigation and investigators with suspicion of "gestapo prying," to use the very words of the majority members of this committee.

Aspersions are cast upon Colonel Charles F. Henderson, then military aide on the Governor's staff, because he purchased a recording machine from the Federal Laboratories through a Mr. George Cake, which, as he explained, was used for the purpose of recording the Governor's extemporaneous speeches. The evidence conclusively shows that the machine purchased by Colonel Henderson was not the dictagraph used by Mr Voshell and seized by the police department of the city of Sacramento in Mr Voshell's room Colonel Henderson voluntarily produced his sound recorder in the Assembly hearing room in Los Angeles and it was contrasted with the Voshell machine introduced into evidence by police officers. Colonel Henderson testified that he had no knowledge of a dictagraph being placed in Mr. Garland's suite until so informed by Mr. Garland's public statement.

There is no justification for insinuations to the contrary in the fact that Colonel Henderson justifiably declined to testify concerning matters unrelated to this incident and beyond the scope of the committee's

inquiry, which was necessarily limited to this dictagraph episode. The committee had no legal or moral right to condemn or criticize any witness for properly refusing to testify to matters outside the scope of this investigation.

M. Stanley Mosk, Executive Secretary to the Governor, was called relative to a check cashed by Voshell in the Senator Hotel, Sacramento, on January 3, 1940. Since on January 3d the Legislature was not in session and did not meet until January 29th, and there is no evidence that Mr. Garland was in Sacramento at that time, full credence must be given to his uncontroverted testimony that the check given to Mr Rowe's company was for extraneous services rendered in SRA investigations in the months of October, November and December of 1939, and had no connection whatsoever with the dictagraph incident. The majority report concedes it "is of the view that this witness testified truthfully."

The majority committee members seek to raise an issue in their asserted belief that secret service funds were used in this matter. Yet in their own quotation from the testimony of Mr. Paul Rowe, they cite his testimony:

Q. "Oh, you have received no pay whatever for it?"

A. "That's right."

The testimony of Secretary Mosk establishes that the fund was at the disposal of all department heads in the Executive Department, and that expenditures therefrom were made by him upon the request of department heads Simple analysis corroborates this, for it would be ridiculous to assume that the Legislature appropriated $15,000 to the Governor's office for the purpose of investigating the Governor's office; obviously the fund was created and the moneys appropriated for investigations to be conducted by and in the various executive departments, through individual department heads.

It must be realized that there is a force of twenty-five employees on the staff of the Governor, each with his individual responsibilities, duties and power to exercise reasonable discretion There are also twenty-two department heads, each with his individual responsibilities and with even a wider latitude of discretion. To believe that each employee or even one of the members of his staff and each department head continually report their minute individual activities, extracurricular political endeavors, and their efforts to promote public welfare, is to ignore reality. It is not difficult under our complicated governmental structure to believe that each acts upon his own initiative in countless routine and discretionary operations every day in the week.

The majority members of the committee infer that the Governor and his staff maintained a recalcitrant attitude toward this investigation and infer that the Governor's veto of Assembly Bill 64, which appropriated necessary funds, was the result of this attitude. This is obviously misrepresentation, for Assembly Bill 64 was vetoed by the Governor for entirely different reasons and his veto was signed prior to the introduction of the resolution creating this committee.

We adopt in our report the conclusion of the majority members that "this committee concludes its report by stating that the Governor in the public press denied any knowledge of this entire affair. His denial stands." No other conclusion would be possible by even the

most partisan anti-administration individual after reading the complete transcript of testimony taken.

We must refuse to join in the conclusions of the majority members of the committee, particularly in regard to its call for additional restrictions to be placed upon the secret service fund of the Governor's office Nowhere in the transcript of testimony is there one line of evidence to indicate that any of the parties responsible for the dictagraph incident were paid out of the secret service funds. We can not, therefore, permit the hysteria created and politically fostered to be the basis for any far reaching legislative enactments. We have no quarrel, however, with the fourth conclusion, providing that such legislation will not hamper law enforcement authorities in their normal duties.

We feel that some good came from this investigation, and have every reason to doubt that there shall be any similar incident in the future wherein it could be interpreted as "interference with the Legislature" or not. On the other hand, our effect on lobbying interference with the Legislature, a scope scrupulously avoided by this committee, will doubtless be negligible.

Respectfully submitted.

F. RAY BENNETT.

Reply to Minority Report.

In view of the shocking inaccurate statements made in the Minority Report, incidentally signed by only one member out of seven, the majority submit this supplementary report. Politics played no part in this investigation. The committee of seven was as evenly divided as could be done without cutting a member in half. There were four Democrats and three Republicans, and everyone with the single exception of the dissenter signed the majority report

The statement that rumors of purges had no part in the report, is a conclusion that is hardly justified after the Governor's repeated public statements that he will "purge every member of the Legislature who differs with him" As to the "objection of the committee," every effort was made by high officials of the administration to prevent the learning of the truth. Philbrick, Mosk and Henderson, who ultimately confessed, refused to testify until after Voshell had exposed them The reference to the living room of Speaker Garland being frequented by lobbyists is a contemptible misstatement on the record, for Voshell, the man who spent two weeks snooping on the private conversations of the Speaker and his wife admitted that they drew a blank. The statement that the goal of a small clique was to get Howard Philbrick is a deliberate misstatement In connection with this investigation no one had the slightest idea of the person or persons who were responsible for this outrage So far as "getting Mr Philbrick," he confessed his full responsibility So far as Charles F. Henderson's statements are concerned, Mr George Cake, a thoroughly distinterested person, would indicate Henderson's connection with this was thoroughly reprehensible. The statement that the Governor's veto of the bill to provide funds for this investigation was done prior to the introduction of the resolution creating this investigation, is a deliberate misstatement That is proven untrue by the clock The resolution was introduced at 11 o'clock in the morning, the Governor vetoed the bill at 4 o'clock in the afternoon.

We submit this correction of the misstatements briefly and in temperate language, being restricted from the use of the appropriate language by legislative courtesies, which the minority certainly has forfeited.

Mr. Bennett, also makes reference to a resolution introduced by the chairman concerning Philbrick's recent new appointment, and states that the introduction of the resolution was proven "persecution" of Philbrick, because it requested an investigation of Philbrick's appointment. This statement is equally false as most of the minority report. The record will show that the resolution referred to did not request an investigation; did not even criticise Philbrick's appointment, nor the motion picture industry for employing him. It merely condemned publicity incident to the appointment to the effect that the appointment was made because of meritorious services to the State.

H. W. CALL, Chairman.
SETH MILLINGTON.
RAY WILLIAMSON.
CHESTER F. GANNON.

Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

Assembly Bill No. 145: By Messrs. Cronin, Call, Gilmore and Gallagher—An act to provide revenue for the State Government by the taxation and licensing of greyhound racing, as herein defined, and of persons connected therewith; providing for the administration and enforcement of this act; making an appropriation of the funds collected hereunder; to take effect immediately.

Introduction and Reference of Bill.

The following bill was reported back from the Legislative Counsel Bureau and read first time:

Assembly Bill No. 145: By Messrs. Cronin, Call, Gilmore and Gallagher—An act to provide revenue for the State Government by the taxation and licensing of greyhound racing, as herein defined, and of persons connected therewith; providing for the administration and enforcement of this act; making an appropriation of the funds collected hereunder; to take effect immediately.

Referred to Committee on Revenue and Taxation.

Recess.

At one o'clock and fifty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess subject to the call of the Speaker.

Reassembled.

At three o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

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

Senate Concurrent Resolution No. 21—Relative to the appointment of a joint committee to investigate the appointment and commissioning of officers of the California National Guard.

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

Request for Unanimous Consent.

Mr. Lyon asked for unanimous consent to consider Senate Concurrent Resolution No. 21, at this time, without reference to committee or calendar.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Lyon moved that the Rules be temporarily suspended for the purpose of considering Senate Concurrent Resolution No 21 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Daley, Desmond, Dilworth, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—45.

NOES—Atkinson, Bennett, Burns, Hugh M., Collins, Donnelly, Doyle, Evans, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Richie, and Rosenthal—14.

Consideration of Senate Concurrent Resolution No. 21.

Senate Concurrent Resolution No. 21 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—46.

NOES—Atkinson, Bennett, Burns, Hugh M., Collins, Dills, Donnelly, Doyle, Evans, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Richie, and Rosenthal—15.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Messages (Resumed).

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

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

Assembly Bill No. 143.

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

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

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

Assembly Concurrent Resolution No. 26.
Assembly Concurrent Resolution No. 27.
Assembly Concurrent Resolution No. 28.
Assembly Concurrent Resolution No. 29.

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

The above reported bills ordered to enrollment.

Introduction and Reference of Bill.

The following bill was introduced.

Assembly Concurrent Resolution No. 30: By Messrs. Crowley and Bashore—Relative to the construction of a dam in Rector Canyon.

Without reference to committee

Request for Unanimous Consent.

Mr. Bashore asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 30, at this time, without reference to print, committee or calendar, and that the same be considered engrossed

Consideration of Assembly Concurrent Resolution No. 30.

Assembly Concurrent Resolution No 30 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burson, Call, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Gannon,

Green, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Massion, Miller, Eleanor, Millington, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—51.

NOES—Donnelly, Gilmore, Heisinger, Johnson, and Williamson—5.

Title read and approved Bill ordered to print and transmitted to the Senate.

Notice of Reconsideration of Amendments to Assembly Joint Resolution No. 24 Lapsed.

On a point of order by Mr. Heisinger the Speaker ruled that the notice of reconsideration of the amendments to Assembly Joint Resolution No. 24 lapsed.

Mr. Atkinson appealed from the decision of the chair.

Motion to Lay on the Table.

On motion of Mr. Kuchel the motion by Mr. Atkinson to appeal from the decision of the chair was laid on the table by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burson, Call, Clarke, Corwin, Crowley, Desmond, Dilworth, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Millington, Phillips, Robertson, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—42

NOES—Atkinson, Bennett, Cassidy, Collins, Dills, Donnelly, Doyle, Houser, King, Lore, Massion, Poulson, Richie, and Rosenthal—14

Assembly Joint Resolution No 24 ordered to reprint and reengrossment.

Senate Message (Resumed).

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

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

Senate Concurrent Resolution No. 20—Relative to the organization of citizens' guard rifle clubs to aid in the national defense.

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

Request for Unanimous Consent.

Mr. Weybret asked for unanimous consent to consider Senate Concurrent Resolution No. 20, at this time, without reference to committee or calendar.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Weybret moved that the Rules be temporarily suspended for the purpose of considering Senate Concurrent Resolution No. 20 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Bashore, Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lyon, Massion, Miller, Eleanor; Millington, Phillips, Robertson, Salsman, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—45.

NOES—Atkinson, Bennett, Cassidy, Kilpatrick, Lore, Richie, and Rosenthal—7.

Consideration of Senate Concurrent Resolution No. 20.

Senate Concurrent Resolution No. 20 read, and adopted by the following vote:

AYES—Allen, Bashore, Bennett, Burson, Call, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lyon, Massion, Miller, Eleanor; Millington, Robertson, Salsman, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—46.

NOES—Dills, Kilpatrick, Lore, and Richie—4

Title read and approved. Bill ordered transmitted to the Senate.

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940

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

House Resolution No. 106.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman

Consideration of House Resolution No. 106.

House Resolution No. 106.

Resolved, That the sum of $1,500, or so much thereof as may be necessary, in addition to any other fund heretofore made available, is hereby made available from the Contingent Fund to the Assembly for the expenses of the Revenue and Taxation Interim Fact-Finding Committee, its subcommittees and its members, and for any charges, expenses or claims that the committee may incur under House Resolution No. 67, first extraordinary session, such funds to be disbursed after certification by the chairman of the committee upon warrants drawn by the Controller upon the treasury.

House Resolution No. 106 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Turner moved a call of the Assembly.

Request for Roll Call.

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion carried by the following vote:

AYES—Allen, Bashore, Burson, Call, Desmond, Dilworth, Fulcher, Gannon, Johnson, Kellems, Knight, Leonard, Miller, Eleanor; Millington, Scudder, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—26.

NOES—Andreas, Atkinson, Bennett, Collins, Dills, Donnelly, Doyle, Gilmore, Heisinger, Houser, Massion, Richie, Robertson, Rosenthal, and Tenney—15.

Call of the Assembly.

Time, three o'clock and thirty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Motion to Strike Assembly Concurrent Resolution No. 20 from the Calendar.

On motion of Mr. Scudder, Assembly Concurrent Resolution No. 20 was recalled from engrossment and stricken from the calendar.

Motion to Print Communications in Journal.

On motion of Mr. Poulson, the following communications were ordered printed in the Journal.

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,
SACRAMENTO, May 23, 1940.

To the Assembly of the State of California,
Sacramento, California.

GENTLEMEN: We have reviewed the report submitted on May 7, 1940, by Price-Waterhouse & Company to the Joint Senate-Assembly Legislative Fact-Finding Committee and printed on pages 499 to 521 of the Assembly Journal of May 16, 1940, (first extraordinary session) and submit herein our observations relative thereto:

The comments contained on page 499, especially those concerned with the necessity for making assumptions because of existing accounting methods, are casual and lack a fundamental appreciation of the magnitude of operations. They represent a veiled attempt to relate recording procedures generally adapted to the needs of a corner grocery to those of an establishment which has been disbursing over one hundred thousand dollars daily under specific legal and fiscal regulations.

The differences between the position as at February 15, 1940, reported by the Department of Finance to the Assembly and that established by Price-Waterhouse & Company were explained by accountants of the Department of Finance at an executive meeting of the joint committees of the Legislative Fact-Finding Committee. For purpose of record we desire to reiterate our contentions by a restatement of the reconciling factors which appear on page 502 of the Journal.

Item I. Reversion of unliquidated encumbrances $1,179,423.

It will be well to bear in mind that the estimates which represent this aggregate were in existence and in evidence at close of business February 15. The Legislature had not as yet enacted any provisions with respect to reduced appropriations and limitations of activity. Without any expression of legislative intent, the encumbrances were valid and in line with a continuation of the existing program and prognostication of the relief load. The reversions made by the Relief Administration subsequent to February 15, 1940, were the direct result of curtailed operations enjoined upon it by law.

The note referring to an error of $264,817 and "explained" on page five of the report presents a conclusion which is basically incorrect and *due to a reprehensible failure of Price-Waterhouse & Company auditors to establish the actual facts.* The amount of $1,077,849 reported by the Department of Finance as unliquidated encumbrances for salaries and wages was entirely correct. The distribution of the amount between February and preceding periods was entered on information hastily secured by teletype. The designation actually appearing on the report prepared by the Department of Finance was "Wages and salaries to February 29, inclusive." Since the amount was correct in total as stated, it was not considered essential to rectify the explanatory designation after the resolution had been printed in the Journal. The Price-Waterhouse auditors obtained from some source a detail of one of the component items and, without verifying the aggregate, arrived at an unwarranted conclusion.

Item II. Exclusion of encumbrances relating to other periods $720,102

This deals obviously with numerous outstanding estimates covered in some instances by purchase orders for items not yet delivered to warehouses. Provisions for payment had to be reserved without opportunity to utilize the corresponding funds for relief. It must be understood in this connection that Price-Waterhouse accountants also had erroneously excluded from consideration the second half of February with regard to payroll and contractual obligations which had to be reserved even if the Relief Administration had closed its doors on February 15.

Item III. Exclusion of "back log" of emergency relief orders $170,000

The reasoning for such exclusion as developed on pages 503 and 504 is faulty and again demonstrates a misunderstanding of actualities. The referrals represent inchoate obligations which can not readily be converted into recordable figures. Obviously, no posting could be made of amounts until the values of professional services were later ascertained. Since the medical program was heavily curtailed upon the effective date of the new legislation, the fact that only $10,000 of such referrals were reported outstanding as of March 31, 1940, has absolutely no bearing on the situation as at February 15.

Item IV. Material and supplies on hand $596,000

In a development of the cash position it would seem that an inventory of supplies on hand has no place whatsoever. Inventories do not fluctuate to any great extent and government accounting, generally, removes such inventories from cash consideration, on the assumption that they are practically the same at the beginning and at the end of a fiscal period.

The considerations which govern our discussion of the Price-Waterhouse statement with respect to the position as at February 15, apply with even greater force to the statement of position as of March 31, reflected on page 503 of the report. Your attention is invited to the reconciliation appearing herewith.

Reconciliation of SRA Records to Price-Waterhouse Audit Report for Available Balance at March 31, 1940.

Appropriation available to March 31, 1940			$42,100,000 00
Chap. 668 Stats. 1939	$35,000,000 00		
Chap. 5 Stats. 1940	1,600,000 00		
Chap. 12 Stats. 1940	5,500,000 00		
Expenditures as of March 31, 1940			40,261,643 45
Actual of record		$38,361,189 83	
Abatements filed in April applicable to preceding month		90,546 38	
Net expenditures		$38,270,643 45	
Unliquidated encumbrances		1,991,000 00	
Salaries and wages	$658,000 00		
Service and expense	249,000 00		
Materials and supplies	690,000 00		
Emergency orders outstanding	165,000 00		
Property and equipment	67,000 00		
Reserve for retirement reduction	162,000 00		
Cash balance available March 31, 1940			$1,838,356 55
Corresponding balance Price-Waterhouse Report			2,856,000 00
Difference to be reconciled in thousands			$1,018,000 00
Materials and supplies on hand disregarded by SRA		$527,000 00	
Property and Equipment disregarded by PW		67,000 00	
Retirement deduction reservation disregarded by PW		162,000 00	
Service and expense underestimated by PW		4,000 00	
Purchases not delivered disregarded by PW		348,000 00	
Total		$1,108,000 00	
Less abatements applicable to March disregarded by PW		90,000 00	

Please note in particular that Price-Waterhouse accountants excluded from consideration any reservation for retirement deductions which on ruling of the Attorney General is a rather "live" commitment and entirely overlooked the asset represented by abatements filed in April but applicable in March. These two items aggregating in excess of a quarter of a million dollars, are cited, not in disparagement of the effort exerted by the Price-Waterhouse accountants. We are pointing out, however, that the magnitude of the task is such that many pertinent factors escape the attention of the best of technicians who can not be expected to be as conversant with the situation as accountants of the Department of Finance who are charged with the duty of keeping in continuous touch with State activities.

In this connection it appears pertinent to express some comment on that portion of the report of the Joint Legislative Fact-Finding Committee which appears in the Assembly Journal of May 14, 1940, under Item J since it touches on the sincerity in meeting provisions of Chapter 12, Statutes of 1940.

The tabulation appearing hereunder shows that the reductions made by the administration which as of March 31, 1940, resulted in a cash balance of $1,838,000 were made possible only because of the budget cuts.

Statement of Comparison Between Original Budget and Revised Budget as at March 31, 1940.

	Original budget	*Actual and estimated*	*Increase or decrease (–)*
State	$626,600 00	$493 965 03	$–132,634 97
Local	2,486,500 00	1,945,899 30	–540,600 70
Total administration	$3,113,100 00	$2,439,864 33	$–673,235 67
Cash relief	$14,000,000 00	$10,518,629 47	$–3,481,370 53
Medical bureaus	118,000 00	74,771 73	–43,228 27
Camps	905,400 00	511,300 58	–394,099 42
Total general relief	$15,023,400 00	$11,104,701 78	$–3,918,698 22
Surplus Commodity	$479 800 00	$205.365 76	$–274,434 24
Administration		$375 00	$375 00
Total special programs	$747,621 00	$469,629 31	$–277,991 69
Administration		$375 00	$375 00
Advances to cooperatives	$421,700 00	118,100 81	–303,599 19
SRA work projects	133,100 00	34,992 82	–98,107 18
Total work program	$554,800 00	$153,468 63	$–401,331 37
Additions and betterments	$257,115 00	$4,095 65	$–253,019 35
Contributions to employees' retirement system		$57,719 92	$57,719 92
Total	$19,696,036 00	$14,229,479 62	$–5,466,556 38

As evidenced by the foregoing, the amount of $5,466,556.38 represents the aggregate reduction in State Relief Administration expenditures from those originally contemplated Items contributing to the reduction are segregated as follows:

Unanticipated reduction in case load	$2,146,000	39 26%
Budget cuts	1,335,000	24 42%
Property and equipment	253,000	4 63%
SRA work programs	98,000	1 79%
Advances to cooperatives	304,000	5 56%
Contributions to WPA	4,000	07%
Surplus commodity distribution	274,000	5.01%
Medical Program	43,000	.79%
Single men's camps	394,000	7 21%
Administration	673,000	12.31%
Less increase in provision for retirement deduction	(58,000)	(1 05%)
Total	$5,466,000	100 00%

It will be noted that the budget cuts amounted to less than a quarter of the reductions effected. Furthermore, were it not for the unanticipated reduction in load, the State Relief Administration would have operated as of March 31, 1940, with a deficit exceeding $300,000, even after institution of all economies established under legislative pressure Before the trend of the relief load could be observed, the budget cuts authorized under section 3a of Chapter 12, Statutes of 1940, appeared then as the only available means to meet the situation and would have so appeared to any intelligent executive not endowed with the gift of prophecy

Very truly yours,

JOHN R RICHARDS,
Director of Finance
May 24, 1940

Hon. John R. Richards, Director, Department of Finance,
State Capitol, Sacramento, California.

DEAR MR. RICHARDS: As chairman of the Sub-Auditing Committee of the Joint-Senate-Assembly Legislative Fact-Finding Committee, I think it necessary to make a few brief comments upon your letter of May 23, addressed to the Assembly and the Senate.

In my opinion, the letter is a smoke-screen attempting to challenge the statement of Price-Waterhouse & Company on the basis that you refer to them as good accountants who know nothing about State financing and infer that they would be better equipped to audit the corner grocery than they would to audit the State Relief Administration. I am surprised that you, in plain English, accuse them of not knowing what they were doing.

There is no necessity for me to defend Price-Waterhouse but I will state that they are definitely recognized as one of the leading accounting firms of the Nation and also recognized internationally They audit businesses so much larger than that which your Department of Finance audits that I again state that I am sur-

prised to note that someone like yourself would suggest such a type of argument in defending your position.

If you will refer to the report which our committee issued, you will note that this is by no means the only misstatement made by the Department of Finance under the signature of the Director of Budgets and Accounts.

I wish to again make this statement as to your accounting procedure. The Department of Finance in establishing its system of accounting for SRA has endeavored to pattern the operating procedure after that of the accounting procedure instead of using the accounting procedure to record that of the operations. In other words, they are making the tail wag the dog.

Very truly yours,

NP:BP NORRIS POULSON.

Motion to Print Communication in the Journal.

By order of the Speaker, the following communication was ordered printed in the Journal:

SAN DIEGO, CALIFORNIA, May 20, 1940

Honorable Gordon H. Garland, Speaker,
California State Assembly,
The Capitol, Sacramento, California

DEAR MR. SPEAKER: The Indian delegates whom you so cordially received last Friday, May 17th, and so signally honored, have directed that I send you, and through you, to the members of the Assembly, this letter as evidence of our sincere appreciation for the wholesome manner in which we were received on the floor of the Assembly.

We wish to assure you that the Indian citizens of this great State fully appreciate the full measure of tolerance and cooperation and sympathy evidenced by your unanimous action in approving Assembly Resolution No. 15, sponsored by the Indian delegates representing the great majority of the more than 23,000 Indians of the State. Might we suggest briefly our belief, our stand, our policy: Indian people of California ask no advantage or special consideration over other citizens; we only ask the same measure of justice accorded under law to all other persons.

Respectfully,

FEDERATED COUNCIL OF CALIFORNIA INDIANS,
By CLIFFORD H. SINGLEY, Chairman.

Committee from the Senate.

A committee from the Senate consisting of Senators Garrison, DeLap and Nielsen informed the Assembly that they were now ready to recess the fifty-third (extraordinary) session of the Legislature.

Motion to Correct Journals.

On motion of Mr. Lyon, the following Journals were approved as corrected by the minute clerk:

(Extraordinary session.)

Assembly Daily Journals of Monday, May 13, 1940; Tuesday, May 14, 1940; Wednesday, May 15, 1940; Thursday, May 16, 1940; Friday, May 17, 1940; Monday, May 20, 1940; Tuesday, May 21, 1940; Wednesday, May 22, 1940, and Thursday, May 23, 1940.

Resolution.

By Messrs. Voigt and Lyon:

House Resolution No. 110.

Resolved, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the fifty-third (first extraordinary) session, in employing necessary assistance in completing the Journal records of the Assembly for the fifty-third (first extraordinary) session, be and the same is hereby ratified and approved, and the State Controller is hereby authorized and directed to draw his warrant in favor of the following named person for the items and amount set opposite his name, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

Albert Day, Journal Clerk.....4 days at $7 per day
(February 26, 27, 28, 29, 1940)

Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 110, at this time, without reference to committee.

House Resolution No 110 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Crowley, Daley, Dills, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Masston, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—53.

NOES—None

Recess.

At three o'clock and thirty-one minutes p.m., by order of the Speaker, the Assembly was declared at recess for five minutes for the purpose of presenting Mrs. Juanita Dependener, chief stenographer, a token of appreciation from the stenographers of the Assembly.

Reassembled.

At three o'clock and thirty-seven minutes p m , the Assembly reconvened, Speaker Garland in the chair.

Resolutions.

By Messrs. Gannon, Garland, Walker, Kellems, Scudder, Kepple, Carlson, Call, Millington, Phillips, Allen, Bashore, Burson, Clarke, Poulson, Sheridan, Tenney, Johnson, Desmond and Yorty:

House Resolution No. 111.

WHEREAS, In these troubled times of war abroad and serious economic and social disturbances at home we must seriously consider the adequacy of our national defense; and

WHEREAS, The intelligence units of the National Guard, our second line of defense, are responsible for ascertaining the activities of our enemies, foreign and domestic, and

WHEREAS, Experience and background in intelligence activities is fundamentally important in such specialized military units as these; and

WHEREAS, It is reported that certain individuals, to wit: David Foutz, Melvyn I. Douglas, and Kenneth I. Fulton, have recently been commissioned as officers in the intelligence unit of the California National Guard, now, therefore, be it

Resolved by the Assembly of the State of California, That the said appointments demonstrate a lack of regard for the fundamental qualifications for intelligence officers; and be it further

Resolved, That the Governor of the State of California is hereby urged and requested to revoke the commissions of David Foutz, Melvyn I. Douglas, and Kenneth I Fulton, and in the future, in making appointments to the intelligence unit to select therefor persons of demonstrated ability and experience in intelligence work and whose names have not been connected with the activities of radical groups

Request for Unanimous Consent.

Mr Gannon asked for unanimous consent to consider House Resolution No 111, at this time, without reference to committee.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Gannon moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 111 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Clarke, Corwin, Daley, Desmond, Dilworth, Doyle, Fulcher, Gannon, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—37.

NOES—Atkinson, Bennett, Collins, Del Mutolo, Dills, Donnelly, Gilmore, Heisinger, Kilpatrick, King, Lore, Massion, and Rosenthal—13.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Gannon, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

Consideration of House Resolution No. 111.

House Resolution No. 111 read, and adopted by the following vote:

AYES—Allen, Burson, Call, Clarke, Collins, Corwin, Daley, Desmond, Dilworth, Fulcher, Gannon, Johnson, Leonard, Miller, Eleanor; Millington, Phillips, Poulson, Scudder, Stream, Tenney, Thorp, Thurman, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—27.

NOES—Atkinson, Bashore, Bennett, Burns, Michael J., Dills, Donnelly, Doyle, Gilmore, Green, Heisinger, Houser, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Massion, Richie, Robertson, Rosenthal, Waters, Watson, and Wollenberg—24.

Hon. Charles M. Weber in the Chair.

At three o'clock and thirty-nine minutes p.m., Hon. Charles M. Weber, member of the Assembly from the Eleventh District, in the chair.

By Messrs. Johnson, Pelletier, Field, Call, Burns, Hugh M., Sawallisch, Watson, Tenney, King, Andreas, Kepple, Del Mutolo, Doyle, Houser, Clarke, Yorty, and Williamson.

House Resolution No. 112.

WHEREAS, It is necessary, in order to serve the needs of the members of the Assembly in relation to their duties as such, that an office located in the State Capitol at Sacramento be maintained, in order that correspondence and other legislative matters be expedited; and

WHEREAS, Certain legislative printing and other various publications become available without loss of time during the interim which an Assembly Interim Secretary should handle on behalf of and for the members of the Assembly, thus expediting the receipt of such materials and information by the members and their constituents throughout the State; and

WHEREAS, Such service has been performed for the Assembly in the past by Cristel Hastings, who is thoroughly familiar with the duties and procedure which devolve upon the office and duties of Assembly Interim Secretary; now, therefore, be it

Resolved by the Assembly of the State of California, That Cristel Hastings is hereby authorized and appointed to serve as Assembly Interim Secretary during the period or periods in which the Legislature is not in session, and to perform such duties as the Speaker or the Chief Clerk may direct; and, be it further

Resolved, That the salary of the Assembly Interim Secretary shall be fixed at a sum not to exceed one hundred fifty dollars per month, which salary shall be paid out of the unexpended balance of the fund provided for the payment of salaries of officers and attaches of the Assembly, and the State Controller is hereby authorized and directed to draw his warrants for such expenditures and the State Controller is hereby authorized and directed to pay the same

Request for Unanimous Consent.

Mr Johnson asked for, and was granted, unanimous consent to consider House Resolution No. 112, at this time, without reference to committee.

House Resolution No 112 read, and adopted by the following vote.

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Call, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Massion, Miller, Eleanor; Millington, Poulson, Richie, Rosenthal, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—50.

NOES—None.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr Johnson, Assembly Rule No 33 was temporarily suspended to allow the placing of more than one call of the Assembly, by unanimous consent.

By Mr. Johnson:

House Resolution No. 113.

WHEREAS, In this present special session of the Legislature the proclamation of the Governor calling the same has been so worded with respect to the subject herein mentioned that the Legislature is limited in action to "rescind" the action of the Legislature heretofore taken in adopting Senate Constitutional Amendment No. 9, Resolution Chapter 119 of the Statutes of 1939, which action of the Legislature proposed to submit to the people of this State the question as to whether or not orders, decisions or determination of any administrative officer, board or commission might be reviewed in court; and

WHEREAS, By reason of such limitation this Assembly at this session is unable to present any legislation which might seek to give to any person the right to a review in court with respect to any order, decision or determination of any administrative officer, board or commission; and

WHEREAS, It is the sentiment of this Assembly that no person should be deprived of his property, rights or privileges, without recourse to law and his day in court; and

WHEREAS, That due process of law which is guaranteed to every citizen by the Federal Constitution provides that no person shall be denied the right to notice and an opportunity to be heard before he may be deprived of life, liberty, or property; and

WHEREAS, It is the intention of this Assembly that all statutes passed by it shall be liberally construed by the courts and by all agencies of the State so as to afford to every citizen reasonable notice and a full opportunity to be heard; now, therefore, be it

Resolved, That this Assembly hereby declares it to be its belief that every person should have recourse to law and his day in court through a review in court of any and all orders, decisions or determinations of any administrative officer board or commission which attempts to deprive any person of any property, right or privilege; and, be it further

Resolved, That all boards, commissions, bureaus, and other agencies of the State government be instructed to draft their own formal rules and regulations, as well as their informal instructions to enforcement officers, so as to afford all reasonable notice and the fullest opportunity to be heard, to every citizen

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to consider House Resolution No. 113, at this time, without reference to committee.

Demand for Previous Question.

Messrs. Gannon, Weber, Watson, Houser and Corwin demanded the previous question.

Demand for previous question sustained.

House Resolution No 113 read, and adopted.

Report of Standing Committee (Resumed).

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Joint Resolution No. 24.**

And reports the same correctly re-engrossed.

CASSIDY, Chairman.

Consideration of Assembly Joint Resolution No. 24.

Assembly Joint Resolution No. 24—Relative to legislation by the Federal Government for a uniform system of old age pensions throughout the United States.

Assembly Joint Resolution No 24 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Crowley, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Kuchel, Lore, Massion, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker —51.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Motion to Print Communication in Journal.

On motion of Mr Poulson, the following communication was ordered printed in the Journal.

CALIFORNIA STATE RELIEF ADMINISTRATION,
ROOM 126, STATE CAPITOL BUILDING,
SACRAMENTO, CALIFORNIA, May 23, 1940.

Mr. Norris Poulson, Chairman, Subcommittee on Auditing,
Assembly Chambers, State Capitol Building, Sacramento, California.

DEAR MR. POULSON: There appears a statement in the Senate Journal of May 16, 1940, page 454 to the effect that your Audit Committee examined documents for

purchases of typewriters made in the last two years by the State Relief Administration, and by such audit you "were able definitely to ascertain the numbers of the twenty-two typewriters purchased in the last two years which are not included in the inventory given by the State Relief Administration."

You will recall that you furnished me with the serial numbers of the typewriters mentioned, and I wish to report to you that a further examination on the part of your Audit Committee would have revealed that each of the twenty-two typewriters was correctly accounted for on the books of the State Relief Administration as per the enclosed schedule.

A summary of this schedule shows the following.

(1) Eight of the typewriters were actually shown on inventories or supplemental inventories or letters of explanation attached to inventories submitted to your committee as of March 31, 1940. Several of these typewriters were incorrectly reported as to serial number, but were later corrected and copy of correction letters were sent to your committee.

(2) Four of the typewriters had been returned to the vendors as defective and were replaced by new equipment of different serial numbers. This can be confirmed by correspondence with the vendors involved.

(3) Three of the typewriters have been reported as stolen. In such cases we have filed police reports in the location from which they were stolen and survey reports with the State Department of Finance.

(4) Two of the typewriters were destroyed by fire which razed the Imperial County State Relief Administration office in the latter part of last year. Survey reports have been filed with the State Department of Finance on both of these items.

(5) Five of the typewriters were contributions in lieu of cash to WPA sponsored projects.

I shall be glad to furnish your committee copies of all documents pertaining to and supporting the above statements should you so request.

Yours truly,

E. A. SERAFINO,
Chief Accounting Officer.

eas/es

STATE OF CALIFORNIA, OFFICE OF THE CONTROLLER,
SACRAMENTO, May 24, 1940.

Assemblyman Norris Poulson,
State Capitol, Sacramento, California.

DEAR MR. POULSON: Conforming to your request relative to reconciling the explanation forwarded to you by Mr. E. A. Serafino, Chief Accounting Officer of the State Relief Administration concerning the typewriter inventory report, which disclosed that 22 typewriters purchased by the SRA during the period from January 1, 1938, to March 31, 1940, as missing, we are using the report as submitted to clarify our deductions as follows:

Each item of typewriters as listed will be referred to as numbered from 1 to 22, inclusive

(1) Underwood No. 3987574—Erroneously reported on SRA inventory as No. 3857574.

(2) Remington No. 424923—This machine was found to be listed on the inventory as claimed.

(3) Remington No. 432068—Erroneously reported on SRA inventory as No 432065.

(4) Woodstock No 535055—A copy of letter which was sent to the Lassen County SRA office is attached to the inventory. This letter was sent by Mr. Serafino inquiring about this discrepancy in serial numbers with the request that the discrepancy be confirmed. This copy of the letter is a request and no actual confirmation was attached or received by the Controller's office. Therefore such a letter can not be considered as sufficient authority to change the officially certified copy of inventory as submitted.

(5) Woodstock No. 535087—No letter received as confirmation to change the serial number of this machine.

(6) Woodstock No. 535109—Inquiry letter attached but no confirmation received. Same reason for not changing official records as outlined in No. 4

(7) Woodstock No. 535146—No confirmation received to officially change the number of this machine on the official inventory.

(8) Woodstock No 536461—No supplementary inventory received relative to this machine.

(9) Royal No. 2328709—Controller's records were compiled from paid invoices and claims, therefore any machine which was exchanged for another machine after purchase was effected would not be a record of the Controller's office. Machine No. 2321757 which was exchanged for the original purchase does appear on the SRA inventory as submitted.

(10) Royal No. 2329033—This machine was exchanged for No. 2322529 and appears on the SRA inventory as submitted. The reason for reporting this machine as missing is the same as in No. 9.
(11) Royal No. 2342674—This machine was exchanged for No. 2361254 and appears on the SRA inventory as submitted. The reason for reporting this machine as missing is the same as No. 9.
(12) Remington No. 432085—This machine was exchanged for No. 432520 and appears on the SRA inventory as submitted. The reason for reporting this machine as missing is the same as No. 9.
(13)—(14)—(15) Mr. Serafino reports that these machines were actually stolen and police reports have been filed accordingly, which accounts for them being reported as missing
(16)—(17) Mr. Serafino reports that these machines were destroyed by fire in Imperial County, which accounts for them being reported as missing
(18)—(19)—(20)—(21)—(22) Mr. Serafino reports that these machines were charged to "Materials for WPA" which accounts for them being reported as missing.

Respectfully submitted.

HARRY B. RILEY, State Controller.
By CLARENCE H. SMITH, Deputy State Controller

CHS/mh.

May 24, 1940.

Mr. E. A. Serafino, Chief Accounting Officer,
State Relief Administration, Sacramento, California.

DEAR MR. SERAFINO: I acknowledge receipt of your letter of May 23, and in turn will present the answer to your letter by a statement from the Controller's office.

Your personal ability has never been questioned but the system under which you are operating is certainly the basis of criticism. I further realize that this system is prescribed by the Department of Finance

You will note that you furnished the inventories which had the incorrect serial numbers listed.

Also note that you do not challenge the statement of approximately 3,000 typewriters on hand, or one typewriter for every two employees, including truck drivers.

Yours truly,

NORRIS POULSON.

NP:RL.

Resolutions.

By Mr. Yorty:

House Resolution No. 114.

Resolved, That the Speaker appoint a Committee of Three to wait upon His Excellency, Governor Culbert L. Olson, of the State of California, and inform him that the Assembly has concluded its labors, is ready to recess, and awaits his further pleasure.

Request for Unanimous Consent.

Mr. Yorty asked for, and was granted, unanimous consent to consider House Resolution No. 114, at this time, without reference to committee.

House Resolution No. 114 read, and adopted.

Appointment of Committee.

The Speaker appointed Messrs. Wollenberg, Yorty and Rosenthal as a special committee to inform the Governor that the Assembly was now ready to recess the fifty-third (extraordinary) session.

House Resolution No. 115.

By Mr. Kellems:

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate, and inform it that the Assembly has concluded its labors, is ready to recess, and ask if it has any further message to deliver to this body.

Request for Unanimous Consent.

Mr. Kellems asked for, and was granted, unanimous consent to consider House Resolution No. 115, at this time, without reference to committee.

House Resolution No. 115 read, and adopted.

Appointment of Committee.

The Speaker appointed Messrs. Kellems, Pelletier and Thorp as a special committee to inform the Senate that the Assembly was now ready to recess the fifty-third (extraordinary) session.

Further Proceedings Under Call of the Assembly Dispensed With on House Resolution No. 106.

At three o'clock and forty-nine minutes p.m., on motion of Mr. Turner, further proceedings under the call of the Assembly were dispensed with on House Resolution No. 106.

The roll of absentees was called, and House Resolution No. 106 refused adoption by the following vote:

AYES—Allen, Sawallisch, Thorp, and Turner—4.

NOES—Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Collins, Corwin, Daley, Desmond, Dills, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Lore, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Stream, Thurman, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—47.

Motion to Print Reports of Assembly Fact-Finding Committee on Employment.

On motion of Mrs. Daley, all of the reports filed by the Fact-Finding Committee on Employment were ordered printed in documentary form as one document and that 5,000 copies be printed and that ten copies be mailed to each member of the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

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

Assembly Bill No. 47.
Assembly Bill No. 125.
Assembly Bill No. 128.
Assembly Bill No. 129.
Assembly Bill No. 132.
Assembly Bill No. 133.
Assembly Bill No. 134.
Assembly Bill No. 143.
Assembly Concurrent Resolution No. 6.
Assembly Concurrent Resolution No. 26.
Assembly Concurrent Resolution No. 27.
Assembly Concurrent Resolution No. 28.
Assembly Concurrent Resolution No. 29.
Assembly Joint Resolution No. 26.

And reports the same correctly enrolled, and presented to the Governor on this twenty-fourth day of May, 1940, at three o'clock p.m.

CASSIDY, Chairman.

Approval of Journal.

On motion of Mr Desmond, the Journal of Friday, May 24, 1940, was approved as corrected by the Minute Clerk.

Recess.

At four o'clock p m. on Friday, May 24, 1940, in accordance with the provisions of Senate Concurrent Resolution No. 16, the Honorable Gordon H. Garland, Speaker of the Assembly, declared the Fifty-third (extraordinary) Session of the Assembly of the State of California in recess until twelve o'clock noon, Monday, December 2, 1940, unless sooner reconvened in accordance with the provisions of Senate Concurrent Resolution No. 16.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY
TWO HUNDRED THIRTY-SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Saturday, September 21, 1940

At eleven o'clock a.m., pursuant to the provisions of Senate Concurrent Resolution No 16, adopted May 22, 1940, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—71.

Quorum present

Prayer.

Prayer was offered by Rev Raymond Lull Bailey, Chaplain of the Assembly.

Leave of Absence for the Extraordinary Session.

On motion of Mr. Field, Mr. Redwine was granted a leave of absence for the fifty-third (extraordinary) session.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Kellems, on motion of Mr Lyon
Mr Kuchel, on motion of Mr Call
Mr. Gilbert, on motion of Mr. Hawkins.
Mr. Thorp, on motion of Mr. Clarke
Mr. Dilworth, on motion of Mr. Clarke

House Resolution No. 116.

By Mr. Desmond:

Resolved, That the Speaker appoint a Special Committee of Three to notify the Senate that the Assembly has reconvened pursuant to Senate Concurrent Resolution No 16, and is ready to proceed with the business of the State with all officers heretofore elected present, to-wit:

Hon. Gordon H. Garland.....*Speaker*
Hon. Gardiner Johnson.....*Speaker Pro Tempore*
Jack Carl Greenburg.....*Chief Clerk*
David V Oliver.....*Minute Clerk*
Rev. Raymond L Bailey.....*Chaplain*
Wilkie Ogg.....*Sergeant-at-Arms*

House Resolution No. 116 read and adopted.

Appointment of Special Committee.

In accordance with House Resolution No 116, the Speaker announced the appointment of Messrs Doyle, Phillips and Corwin as such Special Committee.

House Resolution No. 117.

By Mr. Andreas:

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

House Resolution No. 117 read, and adopted.

Appointment of Special Committee.

In accordance with House Resolution No. 117, the Speaker appointed Messrs. Andreas, Williamson, Cronin, Burns, Hugh M., and Mrs. Daley as such Special Committee

Pledge of Allegiance to the Flag.

On motion of Mr. Doyle, the members of the Assembly pledged allegiance to the flag.

Committee from the Senate.

Senators Breed, Mayo and McBride appeared before the bar of the Assembly, and announced that the Senate was now proceeding under the fifty-third extraordinary session.

Motion for Temporary Suspension of Rule No. 102.

Mr. Bashore moved that Rule No 102 be suspended temporarily for the purpose of allowing assemblymen elect to be permitted on the floor of the Assembly at this time.

Motion for temporary suspension of Rule No. 102 carried.

Communication from the Chief Clerk.

ASSEMBLY CHAMBER, CALIFORNIA LEGISLATURE,
September 18, 1940

Hon. Gordon H. Garland, Speaker of the Assembly, California Legislature, State Capitol, Sacramento, California

DEAR MR. GARLAND: I am attaching hereto an affidavit of mailing relative to giving notice of the reconvening of the first extraordinary session of the fifty-third session of the Legislature, pursuant to Senate Concurrent Resolution No 16.

Yours very truly,

JACK CARL GREENBURG,
Chief Clerk

JCG.CH
encl.

AFFIDAVIT OF MAILING

State of California, } ss.
County of Sacramento, }

Jack Carl Greenburg, Chief Clerk of the Assembly of the California Legislature, being first duly sworn, deposes and says that the attached notice of the reconvening

of the first extraordinary session of the Fifty-third Legislature and the Senate and Assembly thereof, signed by the President pro tem of the Senate and the Speaker of the Assembly, was delivered to him on the sixth day of September, 1940, and that pursuant to the provisions of Senate Concurrent Resolution No. 16, Resolution Chapter 53 of the first extraordinary session of the Fifty-third Legislature, he forthwith enclosed true and correct copies of the said notice in envelopes separately addressed to each member of the Assembly at the home address of each such member as shown on the records on file in his office, sealed the same, and on the seventh day of September, 1940, deposited the same so addressed and with the postage thereon fully prepaid in the United States post office in the City of Los Angeles, County of Los Angeles, State of California

JACK CARL GREENBURG.
Chief Clerk of the Assembly.

Subscribed and sworn to before me this eleventh day of September, 1940.
EDWARD KLEINER.
Notary Public

Announcement.

The Speaker made the following announcement:

On February 2, 1940, I appointed Messrs. Yorty, Tenney, Bashore, Millington and Call to act as a special committee in accordance with House Resolution No. 9. On February 25, 1940, I appointed Messrs. Gannon and Phillips to that committee to fill the vacancies created by the resignation from that committee of Messrs. Call and Millington. No appointments have been subsequently made to that committee.

Presentation of Bill for Introduction.

The following bill was presented for introduction, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 146: By Mr. Doyle—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Introduction and Reference of Bills.

The following bill was reported back from the Legislative Counsel Bureau, read the first time, and ordered placed upon the calendar without reference to committee:

Assembly Bill No. 146: By Mr. Doyle—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Introduction and Reference of Bills (Resumed).

The following bill was introduced, and read the first time:

Assembly Concurrent Resolution No. 31: By Mr. Phillips—Relative to the investigation of work relief projects for the State Relief Administration.

Request for Unanimous Consent.

Mr. Phillips asked for unanimous consent to consider Assembly Concurrent Resolution No. 31, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Mr. Atkinson withheld his consent.

Motion for Temporary Suspension of Rules.

Mr. Phillips moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 31 at this time.

Demand for Previous Question.

Messrs. Andreas, Green, Poulson, Field and Waters demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Phillips for a temporary suspension of the Rules.

Rules suspended by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Crowley, Daley, Del Mutolo, Desmond,

Dills, Doyle, Fulcher, Gannon, Gilmore, Hawkins, Johnson, Kepple, Kilpatrick, Knight, Leonard, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, and Mr. Speaker—50.

NOES—Burns, Michael J., Collins, Cronin, Donnelly, Field, Gallagher, Heisinger, Lore, Maloney, Massion, Pelletier, and Wollenberg—12.

Consideration of Assembly Concurrent Resolution No. 31.

Assembly Concurrent Resolution No. 31 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Crowley, Daley, Del Mutolo, Desmond, Dills, Doyle, Fulcher, Gannon, Gilmore, Hawkins, Houser, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lore, Massion, Meehan, Miller, Eleanor; Millington, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—50

NOES—Burns, Michael J., Cassidy, Collins, Cronin, Donnelly, Field, Gallagher, Heisinger, Maloney, Pelletier, and Scudder—11.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Concurrent Resolution No. 31.

Relative to the investigation of work relief projects for the State Relief Administration.

WHEREAS, The Governor of the State of California in his proclamation convening this First Extraordinary Session of the Fifty-third Legislature has specified for the consideration of the Legislature an additional appropriation for the relief of hardship and destitution due to and caused by unemployment; and

WHEREAS, The State of California in its endeavor to secure for all persons a reasonable subsistence compatible with decency and health, has expended more than $179,000,000 for unemployment relief since 1933 until this session convened; and

WHEREAS, Under these appropriations the Relief Commission and the Relief Administrator have carried on work relief projects in an endeavor to sustain the habits and morale of those adversely affected by our economic system; and

WHEREAS, Relief labor has been used throughout the State on numerous public maintenance projects, under the sponsorship of State and local governmental agencies and subdivisions; and

WHEREAS, The labor of those persons receiving assistance from the Work Projects Administration has been used in public construction work in this State, under the sponsorship of State and local government; and

WHEREAS, The Legislature has heretofore appropriated $2,400,000 for the construction of the Southern California Prison at Chino, California; and

WHEREAS, There appears to be a potential field for the utilization of relief labor in the construction of this prison and other public buildings and works in this State; and

WHEREAS, The value of such work to the participants and to the public has been questioned due to rumors of inefficiency and lack of coordination among the workers and of negligent disregard of the public's interest by public officials of agencies sponsoring these projects; and

WHEREAS, It is imperative that all pertinent facts bearing upon these problems be found, assembled and analyzed, to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of a comprehensive and effective plan for the utilization of relief labor and in the consideration and enactment of legislation calculated to inaugurate such a plan and put it into immediate operation; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the Legislature through a Joint Fact-Finding Committee of the Senate and Assembly charged with the study of every phase of this subject during this session of the Legislature and any recesses thereof, reporting to the Legislature as soon as may be; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a Joint Fact-Finding Committee of nine members, to consist of five members of the Assembly to be appointed by the Speaker of the Assembly, and four members of the Senate to be appointed by the President pro tempore of the Senate, is hereby created, which committee is authorized and directed to gather, assemble, study and analyze all facts relating to any phase of present and potential employment of relief labor in the construction and maintenance of public property, with a view to formulating such a plan, and preparing and submitting such legislative measures, as will enable the State to bring about and assure a program whereby the preservation of the health and dignity of persons receiving unemployment

relief may be preserved in a manner not incompatible with the public welfare, at a minimum cost to the State, to which end the committee shall have and exercise the duty and power:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the capabilities of the management and administration of the Southern California Prison at Chino, California, to employ relief labor under conditions beneficial to relief workers and not injurious to the public welfare, and the operation and efficiency of laws and regulations relating to the employment of labor on the project;

(7) To meet at any and all times during this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(8) To summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To report its findings and recommendations to the Senate and Assembly and to the people from time to time and at any time; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths and all of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and of the Assembly and each of them or other officers designated by either of them, are hereby directed to serve any and all subpenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee, and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of $8 per day; and be it further

Resolved, That the sum of $5,000 or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

Senate Message.

SENATE CHAMBER, SACRAMENTO, September 21, 1940.

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

Senate Concurrent Resolution No. 23—Relative to securing a survey of the potential industrial development of the West

J. A BEEK, Secretary of the Senate.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 23, at this time, without reference to print, committee or calendar.

Consideration of Senate Concurrent Resolution No. 23.

Senate Concurrent Resolution No. 23 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 23.

Relative to securing a survey of the potential industrial development of the West.

WHEREAS, The Legislature has heretofore created a Joint Fact-Finding Committee on Employment, to gather, assemble, study and analyze all facts relating to any and every phase of employment, with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to bring about and assure the gainful employment in private enterprise of all its able bodied citizens; and

WHEREAS, The Legislature is advised that a survey of the basic factual data and information upon which a constructive industrial development in the eleven Western States can be based, has been made by the Industrial West, Inc.; and

WHEREAS, The cost of the survey to the Industrial West, Inc., has been in excess of $150,000; and

WHEREAS, The material showing the result of this survey will be of great value to this Legislature and its Joint Fact-Finding Committee on Employment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That an Industiral Committee of three members is hereby created, to consist of Paul Smith, General Manager of the San Francisco Chronicle, H. C. Maginn of the Calaveras Cement Company, and George W Malone, Consulting Engineer-Manager of the Industrial West, Inc., which shall review and collate the material referred to in this resolution, if made available by the Industrial West, Inc., and recommend to the Joint Fact-Finding Committee on Employment the advisability of securing the material for the use of such Joint Fact-Finding Committee.

House Resolution No. 118.

By the Committee on Attaches:

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

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to

draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same.

Commencing September 21, 1940.	*Per Day*
Rev. Raymond Lull Bailey, Chaplain	$4 00
Jack Carl Greenburg, Chief Clerk	10 00
C. W. Booth, Assistant Chief Clerk	9 00
David V. Oliver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Frank Reed, History Clerk	7 00
Albert Day, Journal Clerk	7 00
Lillian Larkin, Stenographer	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
Robert M. Guy, Assistant Sergeant-at-Arms	5 00
Wilkie Ogg, Jr., Assistant Sergeant-at-Arms	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
Edward Harrison, Assistant Sergeant-at-Arms	5 00
William Davies, Assistant Sergeant-at-Arms	5 00
William Murphy, Chief Page	3 00
Robert Voigt, Assistant Sergeant-at-Arms	5 00
Gracia May Carpenter, Stenographer	5 00
Carmelita Lozano, Stenographer	5 00
Fay Cronkite, Stenographer	5 00
Clare Foot, Stenographer	5 00
Harold McKenzie, Page	2 50
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50
Jack Shafer, Page	2 50
Juanita Dependener, Chief Stenographer	6 00
Marion Hendricks, Engrossment and Enrollment Clerk	7 00
Nina Roustadt, Secretary to the Speaker	6 00
Elizabeth Eyre, Stenographer	5 00
Alyse Nardella, Stenographer	5 00
Mrs. Harriet Newsom, Assistant Postmistress	4 00
Beulah Van Wart, Assistant Clerk	7 00

Resolved, further, That the compensation of the above named attaches shall be on a six-day per week basis, except the following: Chief Clerk, Assistant Chief Clerk, Minute Clerk and Sergeant-at-Arms, who shall receive compensation on a seven-day per week basis

EARL D. DESMOND.
Vice Chairman, Attache Committee.

House Resolution No. 118 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Houser, Johnson, Kepple, Kilpatrick, King, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—58

NOES—None.

Recess.

At twelve o'clock and thirty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty minutes p.m.

Reassembled.

At two o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Introduction and Reference of Bills.

The following bill was introduced, and read the first time.

Assembly Concurrent Resolution No. 32: By Mr. Phillips—Relative to the investigation of work relief projects for the State Relief Administration at Chino, California.

Request for Unanimous Consent.

Mr. Phillips asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 32, at this time, without

reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 32.

Assembly Concurrent Resolution No. 32—Relative to the investigation of work relief projects for the State Relief Administration at Chino, California.

Assembly Concurrent Resolution No. 32 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Phillips moved a call of the Assembly.

Motion carried. Time, two o'clock and fifty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Bill No. 146, at this time, and that the same be considered engrossed.

Consideration of Assembly Bill No. 146.

Second Reading of Assembly Bill No. 146.

Assembly Bill No. 146—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc, to take effect immediately.

Assembly Bill No. 146 read second time.

Case of Urgency Resolution.

By Mr. Phillips:

Resolved, That Assembly Bill No. 146 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, Pelletier, Phillips, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Yorty, and Mr Speaker—57

NOES—None

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No 146, at this time.

Third Reading of Assembly Bill No. 146.

Assembly Bill No. 146—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—Atkinson, Bashore, and Kilpatrick—3

Title read and approved. Bill ordered transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With on Assembly Concurrent Resolution No. 32.

At three o'clock and twenty minutes p.m., on motion of Mr. Phillips, further proceedings under the call of the Assembly were dispensed with on Assembly Concurrent Resolution No. 32.

The roll of absentees was called, and Assembly Concurrent Resolution No. 32 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—61

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Assembly Concurrent Resolution No. 32.

Relative to the investigation of work relief projects for the State Relief Administration at Chino, California

WHEREAS, The Governor of the State of California in his proclamation convening this First Extraordinary Session of the Fifty-third Legislature has specified for the consideration of the Legislature an additional appropriation for the relief of hardship and destitution due to and caused by unemployment, and

WHEREAS, The State of California in its endeavor to secure for all persons a reasonable subsistence compatible with decency and health, has expended more than $179,000,000 for unemployment relief since 1933 until this session convened; and

WHEREAS, Under these appropriations the Relief Commission and the Relief Administrator have carried on work relief projects in an endeavor to sustain the habits and morale of those adversely affected by our economic system; and

WHEREAS, Relief labor has been used throughout the State on numerous public maintenance projects, under the sponsorship of State and local governmental agencies and subdivisions; and

WHEREAS, The Legislature has heretofore appropriated $2,400,000 for the construction of the Southern California Prison at Chino, California, and

WHEREAS, There appears to be a potential field for the utilization of relief labor in the construction of this prison; and

WHEREAS, The value of such work to the participants and to the public has been questioned due to rumors of inefficiency and lack of coordination among the workers and of negligent disregard of the public's interest by public officials of agencies sponsoring these projects; and

WHEREAS, It is imperative that all pertinent facts bearing upon these problems be found, assembled and analyzed, to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of a comprehensive and effective plan for the utilization of relief labor and in the consideration and enactment of legislation calculated to inaugurate such a plan and put it into immediate operation; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the Legislature through a Joint Fact-Finding Committee of the Senate and Assembly charged with the study of every phase of this subject during this session of the Legislature and any recesses thereof, reporting to the Legislature as soon as may be; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a Joint Fact-Finding Committee of nine members, to consist of five members of the Assembly to be appointed by the Speaker of the Assembly, and four members of the Senate to be appointed by the President pro tempore of the Senate, is hereby created, which committee is authorized and directed to gather, assemble, study and analyze all facts relating to any phase of present and potential employment of relief labor in the construction of the Southern California Prison at Chino, California, and the maintenance of public property in and about Chino, California, with a view to formulating a plan for the employment of relief labor at the Southern California Prison and preparing and submitting such legislative measures, as will enable the State to proceed with the construction of that prison with maximum efficiency, and to administer unemployment relief at a minimum cost, to which end the committee shall have and exercise the duty and power:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at and in the vicinity of Chino and at Los Angeles, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including the capabilities of the management and administration of the Southern California Prison at Chino, California, to employ relief labor under conditions beneficial to relief workers and not injurious to the public welfare, and the operation and efficiency of laws and regulations relating to the employment of labor on the project;

(7) To meet at any and all times during this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(8) To summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To report its findings and recommendations to the Senate and Assembly and to the people from time to time and at any time; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and of the Assembly and each of them or other officers designated by either of them, are hereby directed to serve any and all subpenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of $8 per day; and be it further

Resolved, That the sum of $5,000 or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That neither the adoption of this resolution nor anything herein contained is in derogation of Senate Concurrent Resolution No. 10, Assembly Concurrent Resolution No. 26, or Assembly House Resolutions No. 9 or 29, of this session, which resolutions continue effective and operative with the same full force and effect they would have had not this resolution been adopted.

Request to Return Assembly Concurrent Resolution No. 31 from the Senate to the Assembly.

On motion of Mr. Phillips a request was sent to the Senate to return Assembly Concurrent Resolution No. 31 to the Assembly, by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—None.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Allen, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Carl C. Rasmussen, member City Council, Seventh District, Los Angeles.

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Henry Terry of Los Angeles.

On request of Mr Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Gracia May Carpenter of San Diego.

On request of Mr. Waters, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Joe Crail, State President Young Republicans of California, Willard Huyck, Executive Secretary, and Joe Lieb, Jr., Chairman, University Division, Young Republicans of California.

On request of Mr Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Joe Gargano, and J. Reggiardo, all of Los Angeles

On request of Mr. Leonard, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Mary Orr and Mrs. Lillian King of Hollister, Mrs. George Shaw of Palo Alto, Mr. and Mrs Howard Coulter of San Jose, Mrs A. H. Middlehurst of Stockton, Mrs. A. Gee of Long Beach, Mrs. J. M. Leonard and Miss Barbara Leonard of Hollister.

On request of Mr. Corwin, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Waldo Willhoft of Colton.

On request of Mr. Burson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Gladys Harrington of Palo Alto, and Mrs. Harrison Call of San Mateo.

On request of Mr. Bennett, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Captain Russell R. Hand, of Montebello, State Chairman of the Townsend Party.

On request of Mr. Andreas, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Archie Byron Harnibrook of San Bernardino.

On request of Mr. Atkinson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Mabel Agee and Mrs. Mary Rene of Long Beach.

Adjournment.

At five o'clock and ten minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Sunday, September 22, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY
TWO HUNDRED THIRTY-EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Sunday, September 22, 1940.

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

Hon Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Love, Lyon, Maloney, Masson, Mechan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72.

Quorum present.

Prayer.

Prayer was offered by Miss Eleanor Miller, Assemblywoman from the Forty-seventh District.

Reading of the Journal Dispensed With.

On motion of Mr. Gannon, the further reading of the Journal of Saturday, September 21, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr Kellems, on motion of Mr. Lyon

Mr. Gilbert, on motion of Mr. Hawkins.

Mr. Thorp, on motion of Mr. Scudder.

Mr. Dilworth, on motion of Mr Clarke.

Prayer Ordered Printed in the Journal.

On motion of Mr. Lyon, the following prayer, offered by Miss Eleanor Miller, was ordered printed in the Journal:

Creator and Father of all Nations of the earth, on this, Thy day we come with praise and thanksgiving for Thy mercies; seeking Thy Wisdom and Thy unerring

Guidance in the tasks of the hour; asking that Truth and Mercy may temper our deliberations, and praying that this State and Nation may never suffer because of our disloyalty or indifference.

May Thy Will be done on earth as it is in Heaven—we ask in the Master's Name —Amen.

Senate Message.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day, pursuant to your request, is returning:

Assembly Concurrent Resolution No. 31—Relative to the investigation of work relief projects for the State Relief Administration.

J. A BEEK, Secretary of Senate.

Motion to Expunge Record and Rescind Action on Assembly Concurrent Resolution No. 31.

On motion of Mr. Turner, the record was expunged, and the action rescinded whereby, on September 21, 1940, Assembly Concurrent Resolution No. 31 was adopted. Record expunged by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Pelletier, Poulson, Richie, Robertson, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

Assembly Concurrent Resolution No 31 ordered withdrawn and stricken from the calendar.

Resolutions.

House Resolution No. 119.

By Mr. Lyon:

Resolved, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the Fifty-third (First Extraordinary) Session, in employing necessary assistance in completing the records of the Assembly for the Fifty-third (First Extraordinary) Session, be and the same is hereby ratified and approved, and the State Controller is hereby authorized and directed to draw his warrants in favor of the following named persons for the items and amounts set opposite their names, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

Lee Day, Journal Clerk, 5 days at $7 per day.
(September 12, 14, 18, 19, 20, 1940.)
David V. Oliver, Minute Clerk, 3 days at $9 per day.
(September 14, 19, 20, 1940.)
Marion Hendricks, 3 days at $7 per day.
(September 11, 12, 20, 1940.)
Juanita Dependener, 5 days at $6 per day.
(September 12, 17, 18, 19, 20, 1940.)
Wilkie Ogg, Sergeant-at-Arms, 8 days at $8 per day.
(September 12, 14, 15, 16, 17, 18, 19, 20, 1940.)
Frank Reed, History Clerk, 2 days at $7 per day.
(September 12, 20, 1940.)
Beulah Van Wart, 3 days at $7 per day.
(September 12, 19, 20, 1940.)
Elizabeth Eyre, 1 day at $5 per day.
(September 20, 1940.)
Lillian Larkin, Stenographer, 2 days at $5 per day.
(September 12, 20, 1940.)

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 119, at this time, without reference to committee.

House Resolution No. 119 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion,

Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Poulson, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr Speaker—60.

NOES—None.

House Resolution No. 120.

By Mr. Lyon:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of eight hundred fifty dollars ($850) in favor of Jack Carl Greenburg, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses, and other incidental expenses in connection with completing the work of the Fifty-third (First Extraordinary) Session of the Assembly of the State of California. Vouchers and receipts of all expenditures to be furnished to the Controller.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 120, at this time, without reference to committee.

House Resolution No. 120 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Dills, Donnelly, Doyle, Field, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Poulson, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

NOES—None.

House Resolution No. 121.

By Messrs Tenney and Meehan:

WHEREAS, The Democratic State Central Committee has recognized the worth and ability of our beloved fellow-member, Cecil R. King, in electing him to the high office of Vice Chairman of its organization; and

WHEREAS, For more than seven years Cecil R. King has played a major role in the affairs and deliberations of this body; and

WHEREAS, His charm, geniality, sincerity and equanimity have won him the admiration, respect and affection of all his associates; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby congratulates Cecil R. King upon his election to the office of Vice Chairman of the Democratic State Central Committee, and hopes in all sincerity that his administration will be one of accomplishment and success.

Request for Unanimous Consent.

Mr. Meehan asked for, and was granted, unanimous consent to consider House Resolution No. 121, at this time, without reference to committee.

House Resolution No. 121 read, and unanimously adopted.

House Resolution No. 122.

By Messrs. Meehan, Cassidy, Crowley and Del Mutolo:

Relative to the election of the Honorable George P. Miller as Secretary of the Democratic State Central Committee

WHEREAS, The members of this Assembly have been informed that one of their esteemed and respected colleagues, the Honorable George P. Miller, was on the twentieth day of September, 1940, chosen by the State Central Committee of the Democratic Party to be its Secretary; and

WHEREAS, The selection of a secretary by the said committee is made with the fullest deliberation and with the deepest awareness of the responsibility imposed upon such an officer; and

WHEREAS, The secretary of the said committee is entrusted with highly essential and important duties in aiding the leadership of his party in this State; and

WHEREAS, The said committee in its selection of the Honorable George P. Miller has shown its recognition of his unquestioned integrity, abiding loyalty, and administrative ability, qualities which have for long been known to the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this Assembly extend its sincere congratulations to the Honorable George P. Miller and to his party for its wise selection and to wish him every success in his duties.

Resolved, That the Chief Clerk of the Assembly is hereby directed to present a suitably engrossed copy of this resolution to George P. Miller.

Request for Unanimous Consent.

Mr. Meehan asked for, and was granted, unanimous consent to consider House Resolution No 122, at this time, without reference to committee

House Resolution No 122 read, and unanimously adopted.

House Resolution No. 123.

By Mr. Thurman:

WHEREAS, The Fish and Game Commission is by law vested with the duty of preserving a valuable and important part of the vast natural resources of this State; and

WHEREAS, The Legislature placed at the disposal of that commission the sum of $3,493,276 during the current biennium for support, exhibits, improvements, research, and acquisition of property that it might fulfill its proper function; and

WHEREAS, It has been publicly charged that the members of the commission have put the equipment maintained by the State under their jurisdiction to improper use, and for private and not public benefit; and

WHEREAS, It has been further charged that the recent dismissal of the executive officer of the commission was due to his complaint concerning such improper activities; and

WHEREAS, If such charges are true, the revenues of the State are being expended needlessly, diminishing the amount available for the proper function of the commission; and

WHEREAS, The Governor in convening this extraordinary session of the Fifty-third Legislature specified for its consideration legislation providing additional revenues for the State Government; and

WHEREAS, The amount of additional revenue needed is no more than that sum necessary for the proper administration of governmental functions, which may be less than the amounts currently expended if the charges herein referred to are true; and

WHEREAS, The facts may best be determined by a thorough and impartial investigation of all the facts; now, therefore, be it

Resolved, That a committee to be known as the Committee on Expenditure of Fish and Game Funds, is hereby created, which committee is hereby authorized and directed to make a complete investigation, analysis and appraisal of all the facts relating to the expenditure of public moneys by the Fish and Game Commission with particular reference to the effect of the practices of that agency on efficiency and economy in the administration of other departments of the State Government, so that the committee may present to the Legislature a plan whereby the Legislature may impose conditions upon the expenditure of such additional revenues as it may provide by legislation, and thus assure that the minimum burden necessary will be imposed upon the people of this State; and be it further

Resolved, That the committee shall consist of five members of the Assembly appointed by the Speaker. Vacancies in the membership of the committee occurring at any time shall be filled by the Speaker; and be it further

Resolved, That the committee is hereby authorized to create subcommittees of one or more members and to delegate to such subcommittees all of the powers, purposes, responsibilities, duties and jurisdiction conferred upon such committee, and that such subcommittees are hereby expressly authorized to administer oaths and to issue subpenas requiring the attendance of witnesses and the production of books, papers and documents, and to do all other acts and things that may be done by the committee as a whole, or that may be delegated to it by the full committee; and be it further

Resolved, That the committee may adopt, and from time to time amend, such rules as may appear necessary and proper to exercise the powers hereby granted and to perform the duties imposed It may select a chairman and a secretary from its membership; and be it further

Resolved, That the committee may employ, prescribe the duties and fix the compensation of such professional assistants, clerical and other employees as it finds necessary for the conduct of its work and it may contract with such other agencies, public or private, as it deems necessary for the rendition of such services, studies and reports to it as will best assist it to effectuate the purposes for which it was created; and be it further

Resolved, That the committee is authorized to hold public hearings at Sacramento and at any place in California at which hearings the people are to have an opportunity to present their views to the committee; and be it further

Resolved, That the committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

Resolved, That no witness summoned to appear before the committee shall be entitled to receive either witness fees or mileage in advance, but any such witness who appears before the said committee at the time and place designated in the subpena and testifies shall be entitled to receive witness fees and mileage in accordance with the provisions of Standing Rule No. 97 of the Assembly; and be it further

Resolved, That the committee, each of its members and any representative of the committee thereunto authorized by the committee or by its chairman is authorized and empowered to administer oaths. All of the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That every department, commission, board, agency, officer, and employee of the State government and of the political subdivisions, the counties, the cities and the districts shall furnish the committee, upon request, such information, records and documents as the committee deems proper for the effectuation of the purposes for which it was created; and be it further

Resolved, That the committee is further authorized and empowered to make a complete investigation and study of every phase of the subject hereinabove mentioned and any and all matters incidental thereto and to do any and all things necessary or convenient to enable it fully and completely to exercise its powers and perform its duties; and be it further

Resolved, That the Sergeant-at-Arms of the Assembly and the Deputies Sergeant-at-Arms of the Assembly are hereby directed to serve any and all subpenas, orders and other process that may be issued by the committee, when directed so to do by the chairman or upon a vote of the majority of the membership of the committee; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of 5½ cents per mile each way, incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee or in lieu of such expenses for accommodations and meals, an allowance of eight dollars per day; and be it further

Resolved, That the sum of one thousand dollars ($1,000.00) or so much thereof as may be necessary is hereby made available from the contingent fund of the Assembly for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the Treasurer; and be it further

Resolved, That nothing in this resolution shall affect the validity, powers or duties of any committee created by House Resolution No. 67.

Request for Unanimous Consent.

Mr. Thurman asked for unanimous consent to consider House Resolution No. 123, at this time, without reference to committee.

Mr. Lore withheld his consent.

Motion for Temporary Suspension of the Rules.

Mr. Thurman moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 123 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Houser, Kilpatrick, Kuchel, Leonard, Lyon, Maloney, Masson, Miller, Eleanor; Millington, O'Day, Poulson, Robertson, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—46

NOES—Atkinson, Bashore, Carlson, Cassidy, Collins, Heisinger, Johnson, Kepple, Knight, Lore, Meehan, Miller, George P., O'Donnell, Pelletier, and Richie—15

Consideration of House Resolution No. 123.

House Resolution No. 123—Relative to creation of Committee on Expenditure of Fish and Game Funds.

House Resolution No. 123 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Millington, O'Day, Poulson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—54

NOES—Atkinson, Collins, Lore, Pelletier, and Richie—5.

House Resolution No. 124.

By Messrs. Bashore, Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Dilworth, Field, Garland, Green, Houser, Johnson, Kellems, Kepple, Knight, Leonard, Lyon, Maloney, Phillips, Poulson, Redwine, Salsman, Scudder, Sheridan, Stream, Thorp, Thurman, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Miss Miller:

Relative to the election of the Honorable Thomas H. Kuchel as Chairman of the Republican State Central Committee.

WHEREAS, There was held at the City of Sacramento on the twentieth day of September, 1940, the meeting of the State Central Committee of the Republican Party; and

WHEREAS, It is the grave and responsible duty of the said committee to guide the destinies and progress of the Republican Party in this State; and

WHEREAS, The leadership of the said committee demands as a consequence a man of the highest intellectual attainments and one who is possessed of the greatest attributes of character and instilled with the most exacting moral ideals; and

WHEREAS, With full cognizance of the strict demands placed upon their leader and with full knowledge of his ability to meet these requirements, the said committee at its meeting selected the Honorable Thomas H. Kuchel, member of this Assembly, to be its new Chairman; and

WHEREAS, The Honorable Thomas H. Kuchel is not only a loyal son of his party but is first of all a staunch supporter of American Democracy and American ideals; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of the Assembly hereby extend their heartiest congratulations to the Honorable Thomas H. Kuchel upon his noteworthy attainment and wish him every success in his leadership of the Republican State Central Committee.

Resolved, That the Chief Clerk of the Assembly is hereby directed to present a suitably engrossed copy of this resolution to Thomas H. Kuchel.

Request for Unanimous Consent.

Mr. Watson asked for, and was granted, unanimous consent to consider House Resolution No. 124, at this time, without reference to committee.

House Resolution No. 124 read, and unanimously adopted.

Recess.

At ten o'clock and thirty minutes a.m., on motion of Mr. Maloney, the Speaker declared the Assembly at recess for five minutes to hear from Assemblyman Thomas H. Kuchel, newly elected Chairman of the Republican State Central Committee, and appointed Messrs. Maloney, Thurman and King to escort Mr. Kuchel to the rostrum.

Reassembled.

At ten o'clock and thirty-five minutes a.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Presentation of Bills for Introduction.

The following bills were presented for introduction, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 147: By Mrs. Daley and Mr. Burns, Michael J.—An act making an additional appropriation for support of the Division of Parks, Depart-

ment of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System, and providing that this act shall take effect immediately.

Assembly Bill No. 148: By Mr. Desmond—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Motion to Print Argument in Journal.

On motion of Mr. Call, the following argument by Mr. Schneiderman, in opposition to Assembly Bill No. 1, Fifty-third (Fourth Extraordinary) Session, outlawing the Communist Party in California, was ordered printed in the Journal:

Argument by Mr. Schneiderman.

* * * * * *

The Congress of this United States has not found us guilty of these charges and neither has the Legislature of any State of the Union. If I had the time I would present you with legal opinions, however, I have to speak extemporaneously. The Attorney General of the State of Texas is an old fashioned American who believes that the Constitution means what it says and denied that the Communist Party be ruled off the ballot. The State of Kentucky likewise ruled that the Communist Party has the right to express their opinions other than the prevailing political groups. At this session you will vote to wipe out the party for defense. It is neither defense by a legislative body which denies these rights to a political minority, and the kind of a legislative body that exists under Fascist dictatorships.

I would like to quote to you from the Constitution of our party, the official document upon which our program is based, in order to indicate that the wording of this bill does not apply to our party, and that, if this bill is passed and is applied, it will be unjustly so.

From the Preamble of the Communist Party * * * is a working class political party carrying forward today the traditions of Jefferson, Jackson, Lincoln and the Declaration of Independence. It is similar to the United States Constitution against its reactionary enemies who would destroy all popular liberties. It is devoted to the immediate interests of all toilers, and the preparation for the working class to unite and lead the American people to extend these Democratic principles * * *.

From Article 6, Rights and Duties of Members of the Communist Party of the United States: "Support the democratic achievements of the American people. It opposes with all its power any circle, group, clique or party which acts to subvert or undermine or overthrow American Democracy, where the American people have maintained power to control their own destiny. The Communist Party, standing unqualified, will fight with all its strength against any and every effort, whether it comes from abroad or within, to impose upon our people the arbitrary view of any party, clique." * * *

A few years ago it was not fashionable to say anything against Hitler and Fascism. * * * At that time we were fighting Fascism both here and abroad. Today it is fashionable for everybody to attempt to subvert American Democracy under the guise of national defense, of a national emergency, against the threat of foreign invasion, and it is precisely these people who are pointing the finger at us that we are the danger to the country

I am proud to say that our party has for many years been carrying on the fight against Fascist element within the country and from abroad. The only party in Germany today that is fighting Hitler and Fascism is the Communist Party of Germany, and the same is true of every country where Fascist dictatorship has established itself

Article 8. The supreme authority of the Communist Party is the National Convention. In other words, there is no other body inside or outside that has the authority to dictate to our party its policies, regardless of what you may say or what you may believe from press propaganda.

Article 11. The Communist Party is affiliated with the Communist Internationale Resolutions and decisions of international congresses shall be considered and acted upon by the supreme authority, the Communist Party of the U. S. A.

Now one final quote I can't find it so I will quote it from memory. Our Constitution provides that any advocate of methods of terrorism or violence is subject to immediate expulsion from our party. Only a few months ago we expelled Mr. Humphreys of Oakland because he advocated carrying on tactics of force and violence We believe only provocateurs injected into the party by alien elements can be responsible for such tactics.

I see that I have only a few minutes left. I think that you gentlemen should consider well what you are voting on tonight, because when you vote to outlaw the Communist Party with as little political, legal or constitutional basis as you have in this bill, you are voting to scrap the Bill of Rights and to ignore the

State and Federal Constitutions I do not believe this bill can stand up in the courts or the United States Supreme Court, and I base this on my legal opinions.

I would like to call to your attention—to those of you who think, perhaps sincerely, that you are striking a blow for Democracy when you are taking this action. Let me remind you of Hitler whose first job was to suppress the Communist Party, and then the Socialist Party, the Catholic Party, the trade unions and the people as well The favorite technique of Fascism is to strike first at the Communists and strike then at the other factions.

I would like to say that there are members in this Assembly, and high officials in this State, who met with leaders in the Communist Party only two years ago at election time to discuss with us the question of supporting them for election. They did not think we were subversive or un-American then. And I would like to *name none other than the Governor of this State.*

(Speaker: No demonstrations.)

They wanted the support of workers who took our advice in trade unions or other organizations. We haven't changed our colors, but it looks like the Governor and certain other former Liberals have changed. I do not think that they represent the people of the State or of their districts. Some of them have been defeated and repudiated. One of them, the gentleman who made the motion to introduce me here tonight, may recall that when he started a campaign against Communists his own union voted him out of office.

You can not outlaw an idea by passing a motion if it has validity and support among the people. You are not voting to outlaw the ideals of Communism, but the American constitutional rights for political minorities.

Many people who are not Communists will nevertheless support our right to have our say and to have candidates on the ballot and to speak our piece under the laws of this land. Once that Constitution is violated you are on the road to Fascism which all your talk will not prevent.

We Communists are 100 per cent for the defense of this country. We will fight against any Fascist or foreign invasion. The people of France were betrayed not by the Communists but by——

(Point of order taken. Suggestion to give speaker five minutes longer. Seconded, and unanimous consent.)

May I remind you that the leaders of France also used patriotic slogans and spoke about defense of France, but they betrayed the people because they suppressed and outlawed Communists and trade unions.

If we are to go down that road, let us not forget that we can not fight for Democracy by suppressing Communists.

We are fighting for certain social and labor legislation and for the rights of the unemployed. We are *not fighting for Socialism* We *do not think* Socialism can be established in America until a majority of the people vote for it. We don't intend to do more in the meantime but to carry on our educational work We are a large group of people active in trade unions and the political life of the country When you aim to suppress us, you aim at those who are fighting for the unemployed and the under-privileged. The time will come when those of you who vote the way you plan to do will have to reckon with the people.

Let me quote from Victor Hugo: "There is something mightier than an army, and that is an idea whose time has come."

Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time·

Assembly Bill No. 147: By Mrs. Daley and Mr. Burns, Michael J.—An act making an additional appropriation for support of the Division of Parks, Department of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System and providing that this act shall take effect immediately

Referred to Committee on Rules.

Assembly Bill No. 148: By Mr. Desmond—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately

Referred to Committee on Rules

Recess.

At ten o'clock and fifty-eight minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of three o'clock p m

Reassembled.

At three o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Resolution.

House Resolution No. 125.

By Messrs. Andreas, Knight, Bashore, Walker, Houser, Watson, Burson and Kepple:

WHEREAS, The production of grapefruit constitutes an important industry in the State of California; and

WHEREAS, Under the protection of the interstate commerce clause of the Federal Constitution, grapefruit is shipped into this State from other States in which it has been produced on low priced land with cheap labor, with the result that the grapefruit industry of this State is demoralized and the standard of living of many Californians is undermined; and

WHEREAS, Some measure of protection may be afforded to the grapefruit industry under the State Health and Plant Quarantine Laws; and

WHEREAS, The shipment of ungraded grapefruit in bulk by means of trucks and other conveyances is likely to be detrimental to public health and to cause danger of plant pest infestation in this State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly goes on record as opposing any practice or condition detrimental to the grapefruit industry, the public health, or the safety of agriculture; and be it further

Resolved, That the Department of Agriculture and all other law enforcement agencies are hereby requested to enforce vigorously all laws and regulations which would tend to eliminate or restrict the evils referred to in this resolution.

Request for Unanimous Consent.

Mr. Andreas asked for, and was granted, unanimous consent to consider House Resolution No. 125, at this time, without reference to committee.

House Resolution No. 125 read, and adopted.

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

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

Assembly Bill No. 147.

Assembly Bill No. 148.

Respectfully reports the same back with the recommendation: Do pass.

DESMOND, Chairman.

Assembly Rule No. 82 Temporarily Suspended by Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to have Assembly Rule No. 82 temporarily suspended to allow consideration of Assembly Bill No. 147, at this time, without reference to committee or calendar and that the bill be considered engrossed.

Consideration of Assembly Bill No. 147.

Assembly Bill No. 147—An act making an additional appropriation for support of the Division of Parks, Department of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System, and providing that this act shall take effect immediately.

Case of Urgency Resolution.

By Mrs. Daley:

Resolved, That Assembly Bill No. 147 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan,

Miller, Eleanor; Miller, George P., Millington, Pelletier, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Thurman, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Mr. Speaker—55.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 147, at this time.

Second Reading of Assembly Bill No. 147.

Assembly Bill No. 147—An act making an additional appropriation for support of the Division of Parks, Department of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System, and providing that this act shall take effect immediately.

Bill read second time.

Third Reading of Assembly Bill No. 147.

Assembly Bill No. 147—An act making an additional appropriation for support of the Division of Parks, Department of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—Evans—1.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Bill No. 148, at this time, without reference to committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Bill No. 148.

Assembly Bill No. 148—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Case of Urgency Resolution.

By Mr. Desmond:

Resolved, That Assembly Bill No. 148 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—61.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 148, at this time.

Second Reading of Assembly Bill No. 148.

Assembly Bill No. 148—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read second time.

Third Reading of Assembly Bill No. 148.

Assembly Bill No. 148—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker —61.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Resolution.

House Resolution No. 126.

By Messrs. Call, Field, Maloney and Thurman:

WHEREAS, Three days ago the people of California and of the Nation were horrified and shocked at the news of the terrible and heartrending tragedy that had been visited upon the de Tristan family of San Mateo County in the kidnapping of their three year old son Marc, and every heart in the Nation sympathized with the father and mother whose child had been so ruthlessly taken from their midst; and

WHEREAS, News has just come of the courageous capture of the kidnapper and the recovery of the boy unharmed by Mr. Cecil Wetzel; and

WHEREAS, All the people of this State and of the Nation are overjoyed at receiving such news and rejoice with the de Tristan family in the recovery of their baby without harm having been done him; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of the Assembly of the State of California do hereby extend their commendation to Mr. Cecil Wetzel for his fearless and courageous action in discovering and overpowering the scoundrel who perpetrated this offense and extend our congratulations and felicitations to the de Tristan family upon the safe return of their lovely child; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to transmit to the family of Marc de Tristan and to Cecil Wetzel each an engrossed copy of this resolution.

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to consider House Resolution No. 126, at this time, without reference to committee.

House Resolution No. 126 read, and unanimously adopted.

Recess.

At three o'clock and forty-five minutes p.m., on motion of Mr. Lyon, the Assembly was declared at recess until the hour of five o'clock and fifteen minutes p.m.

Reassembled.

At five o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Motion to Print Report of the Joint Fact-finding Committee on Employment in the Journal.

On motion of Mrs. Daley, the following Report of the Joint Fact-Finding Committee on Employment was ordered printed in the Journal:

Report of Chairman of Subcommittee on Employment Service.

Adopted by Legislative Advisory Committee on Defense and Employment.

Mobilization for Employment.

In the Report of the Joint Legislative Fact-Finding Committee on Employment, it was pointed out that "The major factor in solving California's relief problem must be a *'Mobilization for Employment'*." And that "in this the State, which hitherto has done little or nothing, must become an aggressive leader. Business

must be made to understand the choice between cooperation and taxation; between mobilization to meet an emergency as serious as war, and moral and financial bankruptcy." It then comments on the plan developed in Pennsylvania and continues "The committee recommends that the Legislature keep constantly in touch with the Pennsylvania mobilization."

It is the purpose, therefore, of this report (1) to give an account of the Pennsylvania Plan; (2) to report on the unemployment problem in California; and (3) to recommend a plan of mobilization for employment to be carried out in the State.

The Pennsylvania Plan.

History—When the Pennsylvania Plan was introduced, relief costs in that State had risen from $7,500,000 for the year 1931-1932 to $132,000,000 for the year 1938-1939 By mid-September of 1939, more than 273,129 cases were on relief (828,195 persons were included in this number)

At this point the Joint State Government Commission, a *non-partisan* board of State Legislators, agreed that the relief burden must be reduced and that EMPLOYMENT was the soundest method

This Legislative Commission and the Governor (Arthur H James), and members of the Governor's Cabinet agreed the responsibility of any reemployment effort should rest upon those best fitted to know about the subject, to wit: The businessmen of the State. They, therefore, proceeded to take the following steps:

A subcommittee of the State Legislature called on Mr. Walter D. Fuller, President of the Curtis Publishing Company, and urged him to organize and head a reemployment movement This was agreed to on the three following conditions:

1—That the "grass roots" methods be applied and the solution found in the local knowledge and responsibility of unemployment, relief and taxation.

2—That business be encouraged and stimulated in every proper way so as to create jobs in private business in contrast to temporary expedients such as "give-a-job" pleas or high-pressure ballyhoo

3—That no one be misled into expecting a miracle, but that the campaign be an honest and hopeful effort to do as much good as possible, in view of the business recession and other handicaps

The following is a copy of letter dated September 12, 1940, from Mr. Walter D. Fuller, explaining the exact organization of the Mobilization Plan:

"This is in reply to your recent letter relative to the Pennsylvania Job Mobilization Movement.

"This particular activity was not created by act of the Legislature, nor did we have *any appropriation to meet the cost* It was *started by a so-called* 'Joint Legislative Committee of the House and Senate,' who asked me to form a committee to see what could be done about reemployment. The Governor joined with the Joint Legislative Committee in this connection.

"A very large organization was then built up and it became quickly evident that we must have money About $12,000 was raised among businessmen by a Finance Committee which I established This paid the salaries of the director and of certain of his most active assistants, that is, a publicity man, radio specialist, statistician, etc It also covered my traveling expenses and a few other items of this nature.

"We secured a loan of employees from the Department of Public Assistance and a further loan from the Labor Department, which controls the employment offices of the State. These people were loaned to us and the Department of Public Assistance paid the bills for printed matter, office equipment, postage, etc. Altogether, about $44,000 of the State's money was spent, this money being part of the appropriations of these two departments, and in addition we spent the $12,000 which we raised. Since the matter was handled in this fashion, there were no legislative enactments of any kind.

"Thank you very much for the kind things you say about the Pennsylvania effort. It was really remarkably successful—far more so than any of us thought possible when we began"

Result of Pennsylvania Plan—Five months' work resulted in at least 100,000 new jobs in private industry. "That the effect on the relief situation of this movement, which benefited all types of unemployed, was great is indicated by the fact that at the end of the first four months of 1940 there were 51,508 fewer cases, or 154,240 fewer persons on the State's general assistance rolls than for the same period of 1939, and the monthly cost was $1,483,325 lower. The net reduction in relief expenditure during these four months in 1940 compared with the same period a year ago amounted to $5,722,331."

It was found that although there were more than a million unemployed in the State, 12,000 job opportunities could not be filled as no qualified workers were available through the State Employment Service. Studies indicated a definite shortage of skilled workers in Pennsylvania in approximately 300 occupational classifications. Vocational training was stimulated—a little-known plan in use in Williamsport was brought to light and followed in other districts.

The Pennsylvania Committee found that the State was in great need of "a more complete placement service in the local or county offices of the Department of Public Assistance to supplement the work of the State Employment Service" They recommended, too, that such employees be given "a merit rating on the basis of placements made." "And that stress should be placed on securing employment for the relief recipient rather than focussing major attention on the purely administrative detail of disbursing assistance funds."

They also stressed vocational training, and because of the over-supply of teachers in that State, suggested that from three to six of the teachers' colleges be turned into junior vocational colleges

They recommended that the Department of Labor should inaugurate a field service to facilitate and expand the Pennsylvania Apprenticeship Council and to encourage the reopening of apprenticeship training opportunities in industry.

They asked for a complete retraining study of employables on relief and a study of so-called "unemployables" to determine who among them might be rehabilitated for employment.

They advocated a State Employment Council composed of Secretaries of Labor, Commerce, Public Assistance and Public Instruction which Council would have under it local councils made up of private citizens and representatives of public departments to serve as a clearing house for all matters relating to employment and relief.

The California Problem.

A plan such as that put into effect in Pennsylvania could be somewhat modified to meet present needs in California where the problems are in some respects simpler and in others far more complex than they were in Pennsylvania last November.

Due to the increased employment and industrial expansion going on at this time, the program as it relates to industry would be far easier here today as actual jobs would not have to be created as they were in Pennsylvania. The program would, therefore, consist of an educational campaign among employers to employ persons on relief in this State wherever possible. This could be done by an explanation of the tax and social problems which will be created if, under this vast defense program which will require such heavy taxation, the relief costs are not reduced to a minimum, and if thousands of our citizens remain idle. It appears that industry in this State has been allergic to persons on relief—probably with good reasons when the slack eligibility rules allowed people to be supported with no effort made to get them to work and when relief costs always rose, no matter what industry did.

A program also would have to be instituted within the SRA, vigorously to place relief recipients in private employment, through the California State Employment Service and through other means. At present the SRA has little or no reemployment program, and while it is true that relief recipients are registered with the Employment Service, it is generally believed that they are not frequently offered the available jobs since the applicants who are more eager to get work are deemed better suited to employment. Out-of-state people, therefore, not yet eligible to relief, often get jobs instead of State residents.

There is no need in this report to prove that the relief problem in California is one which is in dire need of a solution. The very excellent and comprehensive report of the Legislative Fact-Finding Committee shows that the Legislature is keenly aware of the evils in the present system, many of which the Legislature has already taken steps to correct. It appears, however, that a program of this kind is greatly needed to shift the emphasis from relief to work and to introduce into the program a new philosophy of work and self-reliance.

The principal problem is one of how the securing of private employment can best be accomplished and in this regard I submit the following recommendations:

(1) That the Joint Legislative Committee appoint an outstanding California industrialist to head a mobilization for employment campaign and, with his approval, a group of competent men and women representing various activities such as organized labor, education, business, etc., to serve with him;

(2) That the SRA and the State Department of Employment be asked to cooperate in this plan and wherever necessary to assign certain workers to carry it out;

(3) That local committees be formed to develop the program to suit the local communities under supervision of the State group;

(4) That such State committee report its findings to this committee in December so that changes in the Employment Service and the SRA can be recommended to the Legislature in 1941

Statement by Mr. O'Donnell.

SEPTEMBER 22, 1940

The following statement by Mr O'Donnell was received, read, and ordered printed in the Journal:

To Jack Carl Greenburg, Chief Clerk of the Assembly:

The message hereto attached was delivered to me on June 4, 1940, the date on which it was written

JOHN H. O'DONNELL,
Member of the Assembly, Third District

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1940.

To the Members of the Assembly of the State of California.

GREETINGS. I am returning herewith, without my signature, Assembly Bill No. 132, entitled: "An act to amend the title and to add sections 1e, 1f, 1g and 1h to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessments," approved June 6, 1913, Statutes of 1913, Chapter 247, as amended by Statutes of 1940, Chapter 35, approved February 29, 1940, relating to districts, political corporations, public corporations and unincorporated territory or any combination thereof, authorized by law to construct such public improvements; relating to the acquiring of legislative jurisdiction therefor; providing that such proceedings shall be subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931; and providing that this act shall take effect immediately."

My objections to this bill are as follows: This bill unduly restricts the use of the Municipal Improvement Act of 1913 by requiring that before adopting a resolution of intention thereunder all proceedings must be had, all reports prepared, all hearings conducted, and all limitations complied with under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, even though a district just created may have just completed proceedings under the District Investigation Act of 1933 for the same project In its application of the 1931 Act the bill denies the property owners the right to waive such investigation proceedings under section 13 of the 1931 Act and denies the legislative body conducting the proceeding the right to waive the assessment limitation provision under section 10 of the 1931 Act. It also denies such legislative bodies the right to assess not to exceed 10 per cent in excess of the investigation study, as authorized by the 1931 Act, without the consent of the legislative bodies having jurisdiction over the property where the improvements are located.

It appears that one reason for the introduction of this bill was the fear that county sanitation districts might finance the construction of sewers by the levying of special assessments upon property owners within such a sanitation district, without limit.

If it is desirable to impose limitations of the Special Assessment, Investigation, Limitation and Majority Protest Act of 1931 upon sanitation districts, it would appear that this could best be done by an amendment of the 1931 Act to bring sanitation districts within its scope.

I feel that this bill should have more studied consideration at the next session of the Legislature before it becomes law.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California

Senate Message.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

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

Assembly Concurrent Resolution No. 32.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered to enrollment.

Resolution.

House Resolution No. 127.

By the Committee on Attaches:

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the payroll of the Assembly to take effect on completion of work September 22, 1940:

Rev. Raymond Lull Bailey
Jack Carl Greenburg
C. W. Booth
David V. Oliver
Wilkie Ogg
Frank Reed
Albert Day
Lillian Larkin
Michael Connolly
Robert M. Guy
Wilkie Ogg, Jr.
Ed Nathan
Edward Harrison
William Davies
William Murphy
Robert Voigt
Gracie Mae Carpenter
Carmelita Lozano
Fay Cronkite
Clare Foot
Harold McKenzie
Louis Desmond
Domingo Correa
Jack Shafer
Juanita Dependener
Marion Hendricks
Nina Ronstadt
Elizabeth Eyre
Alyse Nardella
Mrs. Harriet Newsom
Beulah Van Wart

VOIGT, Chairman, Committee on Attaches.

House Resolution No. 127 read, and adopted.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

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

Assembly Bill No. 146.
Assembly Bill No. 147.
Assembly Bill No. 148.

J. A. BEEK, Secretary of Senate.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

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

Senate Concurrent Resolution No. 22—Relative to an additional appropriation to the Joint Fact-Finding Committee on Employment and its Advisory Committee.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 22, at this time, without reference to committee or calendar, and that the same be considered engrossed.

Consideration of Senate Concurrent Resolution No. 22.

Senate Concurrent Resolution No. 22—Relative to an additional appropriation to the Joint Fact-Finding Committee on Employment and its Advisory Committee.

Senate Concurrent Resolution No. 22 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Field moved a call of the Assembly.

Motion carried. Time, five o'clock and thirty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Presentation of Bills for Introduction.

The following bill was presented for introduction, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 149: By Mrs. Daley—An act to add section 3.9 to the Unemployment Relief Appropriation Act of 1940, relating to the money available and the uses to which it may be put under the Federal Stamp Plan.

Senate Message.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

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

Senate Concurrent Resolution No. 24—Relative to Legislative Bill Room equipment.

J. A. BEEK, Secretary of Senate.

Temporary Suspension of Assembly Rule No. 33.

On motion of Mr. Waters, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly.

Request for Unanimous Consent.

Mr. Waters asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 24, at this time, without reference to committee or calendar, and that the same be considered engrossed.

Consideration of Senate Concurrent Resolution No. 24.

Senate Concurrent Resolution No. 24—Relative to Legislative Bill Room equipment.

Senate Concurrent Resolution No. 24 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Waters moved a call of the Assembly.

Motion carried. Time, five o'clock and fifty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

Proceedings Under Call of the Assembly by Unanimous Consent.

Further Proceedings Under Call of the Assembly Dispensed With on Senate Concurrent Resolution No. 22.

At five o'clock and fifty-five minutes p.m., on motion of Mr. Field, further proceedings under the Call of the Assembly were dispensed with on Senate Concurrent Resolution No. 22.

The roll of absentees was called, and Senate Concurrent Resolution No. 22 adopted by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Doyle, Field, Fulcher, Gannon, Green, Houser, Johnson, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Millington, Poulson, Salsman, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—41.

NOES—Atkinson, Bashore, Burns, Michael J., Cassidy, Collins, Donnelly, Evans, Gallagher, Gilmore, Hawkins, Heisinger, King, Lore, Massion, Meehan, O'Day, O'Donnell, Pelletier, and Richie—19.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 22.

Relative to an additional appropriation to the Joint Fact-Finding Committee on Employment and its advisory committee.

Resolved by the Senate of the State of California, the Assembly thereof concurring, That *in addition to other moneys heretofore made available* the sum of ten thousand dollars or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the Joint Fact-Finding Committee on Employment and its Advisory Committee incurred under Resolutions Chapters 30 and 49 of this session of the Legislature, to be paid equally from the contingent funds of the Senate and of the Assembly, and disbursed, after certification by the chairman of the Joint Fact-Finding Committee on Employment, upon warrants drawn by the State Controller upon the State Treasurer.

Committee from the Senate.

A committee from the Senate, consisting of Senators Quinn, Mayo and Breed, informed the Assembly that they were now ready to recess the Fifty-third (Extraordinary) Session of the Legislature.

Introduction and Reference of Bills.

The following bill was reported back from the Legislative Counsel Bureau, and read the first time:

Assembly Bill No. 149: By Mrs. Daley—An act to add section 3.9 to the Unemployment Relief Appropriation Act of 1940, relating to the money available and the uses to which it may be put under the Federal Stamp Plan.

Referred to Committee on Rules.

Further Proceedings Under Call of the Assembly Dispensed With on Senate Concurrent Resolution No. 24.

At six o'clock p.m., on motion of Mr. Waters, further proceedings under the Call of the Assembly were dispensed with on Senate Concurrent Resolution No. 24.

The roll of absentees was called, and Senate Concurrent Resolution No. 24 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Colwin, Cronin, Daley, Desmond, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, King, Kuchel, Leonard, Lore, Maloney, Millington, O'Day, Pelletier, Poulson, Robertson, Salsman, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Bashore, Carlson, Collins, Donnelly, Fulcher, Heisinger, Kilpatrick, Knight, Massion, Meehan, O'Donnell, Richie, and Watson—13

Title read and approved. Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 24.

Relative to Legislative Bill Room equipment

WHEREAS, Certain additional equipment is required for the Legislative Bill Room; and

WHEREAS, Such equipment should properly be paid for out of the contingent fund of the two houses of the Legislature rather than from the legislative printing fund; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of $2,000 be and the same is hereby appropriated, one-half to be payable from the contingent fund of the Senate and one-half from the contingent fund of the Assembly for the purpose of acquiring for the Legislative Bill Room such additional equipment, and be it further

Resolved That the Controller be and he is hereby directed to draw his warrants in favor of such firms or individuals supplying the equipment above provided for as are certified to him by the Secretary of the Senate and the Chief Clerk of the Assembly and the Treasurer is directed to pay the same, but in no event shall the total amount expended exceed the sum of $2,000

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940

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

Assembly Bill No. 149.

Respectfully reports the same back with the recommendation: Do pass.

DESMOND, Chairman

The above reported bill ordered on second reading calendar.

Senate Message.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

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

Senate Concurrent Resolution No. 25—Relative to a recess of the Senate and the Assembly of the State of California.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 25, at this time, without reference to committee or calendar, and that the same be considered engrossed.

Consideration of Senate Concurrent Resolution No. 25.

Senate Concurrent Resolution No. 25—Relative to a recess of the Senate and the Assembly of the State of California

Senate Concurrent Resolution No. 25 read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—Collins—1.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 25.

Relative to a recess of the Senate and Assembly of the State of California

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-ninth day of January, 1940, pursuant to a proclamation of the Governor of the State of California, as provided by section 9 of Article V of the Constitution of the State of California; and

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940, and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate and the Assembly of the State of California shall adjourn at 9.30 o'clock p m, on the twenty-second day of September, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at twelve o'clock noon on said second day of December, 1940, unless sooner reconvened as hereinafter provided; and be it further

Resolved, That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated

Resolutions.

House Resolution No. 128.

By Mr. Field:

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent.

Mr. Field asked for, and was granted, unanimous consent to consider House Resolution No. 128, at this time, without reference to committee

House Resolution No. 128 read and adopted.

Appointment of Committee.

The Speaker appointed Messrs. Field, Heisinger and Robertson as a Special Committee to inform the Senate that the Assembly was now ready to recess the Fifty-third (Extraordinary) Session.

House Resolution No. 129.

By Mr. Meehan:

Resolved, That the Speaker appoint a Committee of Three to wait upon His Excellency, Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

Request for Unanimous Consent.

Mr. Meehan asked for, and was granted, unanimous consent to consider House Resolution No. 129, at this time, without reference to committee.

House Resolution No. 129 read and adopted.

Appointment of Committee.

The Speaker appointed Messrs. Meehan, Thurman and Yorty as a Special Committee to inform the Governor that the Assembly was now ready to recess the Fifty-third (Extraordinary) Session.

Guests Extended Privilege of Assembly Floor.

On request of the San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Raymond Williamson, Jr., son of Assemblyman Ray Williamson, Mrs. Ray Williamson, Mr. Williamson, his father, and to Pauline Luby sister of Mrs. Williamson and aunt of Raymond, Jr

On request of Mr. Evans, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Sophie Palmos of Sacramento and Gust Nichandros of Los Angeles.

Reports of Committees.

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.

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

Report Ordered Printed in the Journal.

The Speaker ordered that the following report of the Assembly Relief Investigating Committee be printed in the Journal:

Report of Assembly Relief Investigating Committee.

COPY

MAY, 1940.

Hon. Gordon Garland, Speaker,
State Assembly,
Woodlake, California.

DEAR MR. GARLAND: In reply to your recent request for periodical reports from legislative committees, permit me to advise you that investigation by the Assembly Relief Investigating Committee is continuing although no public hearings are scheduled at this time.

From a study of Communist documents, the committee has been able to uncover more of the plan for "Fifth Column" propaganda operations in California. Information in possession of the committee shows clearly that the plan is being successfully executed by Communists, and their accomplices, appointed by the Olson Administration to positions which have strategic value to the Red "Agitational Propaganda" Department.

The SRA Communists are working among the distressed unemployed. Committee exposures have stopped much of this part of the program but it is still being executed on a smaller scale and in a very guarded manner.

In reaching rural California, the subversive forces in SRA have the support of two other State departments. Carey McWilliams, the State Director of Immigration and Housing, under the guise of camp inspection, is in a position to propagandize farm labor. Harold Sawyer, Secretary to the Farm Debt Adjustment Commission, is in a position to propagandize among distressed, debt burdened farmers while going through the motions of supervising mortgage adjustments.

This is a presently operative plan for stretching the tentacles of poison propaganda to all parts of California It is being carried out while Governor Olson, who is making it possible, pretends to show concern over "Fifth Columns" in this State. If Olson had any sincere desire to protect the welfare of the citizens of California, he would most certainly forget his political ties and clean house of the Subversive Propagandists whose activities he pretends not to see.

The Governor would do well to postpone his "Purge" of legislators who refused to let him establish a "Dictatorship of Reds" in California until he has cleaned up his blundering administration. There is a reason why no legislator is on the "Purge" list who voted against investigating subversive activities in this State.

Sincerely yours,

(Signed) SAM YORTY,
Chairman Assembly Relief Investigating Committee.

COPY

JUNE 13, 1940.

Hon. Gordon Garland.
Speaker of the Assembly,
Woodlake, California.

DEAR MR. SPEAKER: Information recently obtained by your Assembly Relief Investigating Committee makes it advisable that the first interim report recently submitted to you be supplemented at this time. The matter brought to your attention here would seem to indicate a need for immediate action by you, both as Speaker of the Assembly, and as a member of the Board of Regents of the University of California.

During the Stockton SRA investigation eighteen employees defiantly refused to tell the committee whether or not they were members of the Communist Party. Some of these employees are known by the committee to be actively engaged in subversive activities. Their refusal to testify before the committee was made the basis of criminal complaints under which three have been convicted. The others are awaiting trial.

Some of these defendants are graduates of the University of California. An attempt has been and is being made by the university to interfere with the administration of justice in these Stockton cases.

Whether authorized to do so, or not, Professor Max Radin, used official university stationery in addressing communications to attorneys in Stockton. In these communications he tearfully described the plight of the defendants and requested that contact be made with the judge before whom they are being tried for the purpose of inducing the court to impose a "light sentence" upon any of them convicted of the offense charged Mr. Radin also personally contacted attorneys in Stockton in order to further his desire in this matter.

Such use of contacts with attorneys gained through his position at the university is certainly improper conduct on the part of Mr. Radin.

Why is he so concerned over the fate of these Communists who have attempted to undermine the Government of the State of California?

Why does he request special consideration for these particular violators of our State laws?

Mr. Radin's activity in these cases tends to corroborate testimony previously adduced before your committee in which he was named as a "Campus Contact" of the subversive groups To what extent he has, on other occasions, used his influence as a law professor to interfere with the courts on behalf of subversive groups has not yet been fully determined. Such activity should be immediately stopped.

Respectfully submitted

(Signed) SAM YORTY,
Chairman, Assembly Relief Investigating Committee.

COPY

UNIVERSITY OF CALIFORNIA

SCHOOL OF JURISPRUDENCE, Berkeley, California,
June 3, 1940.

The Honorable Raymond Dunne,
City Attorney,
Stockton, California.

DEAR RAY: I understand that the trials of some of the SRA employees for refusal to answer questions of the Yorty Committee will begin tomorrow. You may remember that I spoke to you about them. I feel that they have been rather hardly dealt with. They are all young people and they have, it seems to me, been misled and, I venture to think, not wisely advised. It does not seem to me that they are dangerous or wicked persons

Further, they have already been severely punished. They have been dismissed from their positions. They were arrested and taken in a police van to the county jail. Some of them were compelled to spend the night in jail. Although they are quite poor people, they were subjected to rather heavy bail Even if their offense had been one involving moral turpitude it would seem that the punishment inflicted for such young persons is already quite adequate, assuming them to be guilty of a violation of the Penal Code.

If they should be found guilty, I wonder if it would not be proper for you to suggest to the judge that a nominal fine or a suspended sentence would fully meet the needs of justice in the premises I might call your attention to the fact that in the other counties only one or two persons were selected to be prosecuted, although the difficulties created in those other counties were apparently greater than those in Stockton.

Very sincerely yours,

Max
MAX RADIN.

MR.C

COPY

UNIVERSITY OF CALIFORNIA

SCHOOL OF JURISPRUDENCE, Berkeley, California,
June 3, 1940.

Mr. Irving Neumiller,
Stockton, California.

DEAR DUTCH: I have just written a letter to Ray Dunne to try to soften the blow that I am afraid will be delivered at the poor youngsters in the SRA who have recently been indicted for refusing to answer the questions of the Yorty Committee. These young people are for the most part college graduates. They have been treated pretty harshly. A Black Maria was backed against the office and they were pushed into it. They were put into the Stockton jail which—I say it with all necessary caution—is a notoriously bad one, so bad that the Federal and State authorities have spoken very vigorously about the conditions there Some of them were kept over night. A vastly too great bail—considering the situation and the extreme unlikelihood that they would fail to appear—was imposed

Further than that, they have already been severely punished in the fact that they have been summarily dismissed They are obviously blacklisted and will not be able to get jobs. Even in Tulare County, where the excitement ran high, only one man was selected for prosecution and he was not arrested but received a summons This in spite of the fact that the feeling in Tulare was extremely high.

I am assuming that they will be convicted. If they are, I wonder whether you could not speak a word for a light sentence to the judge. In fact, anything more than a nominal fine would be extremely severe. I have been told that the judge was formerly in your office. That may or may not facilitate your contact with him.

At any rate, I hope you feel that you can properly do something about it.

Very sincerely yours,

(Signed) Max
MAX RADIN.

MR:C

AUGUST 23, 1940

Hon Gordon Garland,
Speaker of the Assembly,
Woodlake, California.

DEAR MR. SPEAKER: This third interim report will serve to summarize in a brief way the result of recent hearings held by the Assembly Relief Investigating Committee and a Subcommittee thereof.

In Los Angeles your committee heard the present Relief Administrator, Mr. S. G. Rubinow, who frankly stated that he found the SRA in a deplorable condition when he became head of same He described a demoralized staff made inefficient by political favoritism and interference. Mr. Rubinow was the first Administrator to state definitely that he felt Communists should be prevented from carrying out their nefarious campaign to mislead the unemployed, bankrupt the State, and wreck the SRA, while acting under the cloak of official positions in the SRA. For the first time an administration spokesman candidly admitted the truth of charges made against the SRA by the Legislature. This, of course, places the Governor in an embarrassing position since he is now endeavoring to "purge" members of the Legislature who insisted that the SRA needed cleaning up. Now that the Governor's own appointee has admitted this fact, it would seem that the Governor should apologize to the men he condemned for forcing his administration to execute its duties in a manner commensurate with the welfare of all of the people of California. If a "purge" is needed, the people should purge those who strove to conceal the unpleasant facts about conditions in the SRA.

The SRA is now requiring members of the staff to make sworn statements that they are not members of subversive organizations. These statements are a fraud on the people of California. They simply require the affiant to say that he is not now a member of any such group. This means that the Communists need only ask leave to withdraw from the Communist Party so as to discontinue their affiliation with same in the technical sense. Then they can sign the statement and continue carrying out the Communist program. These statements, to be of any use, should require signers to state whether or not they have ever been Communists or Nazis, and if so, when and for how long. In their present form they are nothing more than a gesture, apt to fool the citizens into thinking that more effective action is being taken to eliminate Communists and Nazis from the SRA. Mr. Rubinow favors changing the statements to meet the above objections. Whether the Governor will permit him to do so is a matter yet to be decided

Your committee found that in Los Angeles, a Communist-led Workers Alliance mob of several hundred, forced their way into the offices of the SRA and held three relief officials imprisoned incommunicado, while they harangued them. At the request of your committee, criminal proceedings are now contemplated against the Communist leaders of this demonstration. From its study of Communist tactics your committee sees more in such an occurrence than would appear to the public. Such demonstrations are considered by Communists to be revolutionary training for their followers. Such demonstrations serve to convince these followers that they can safely employ violence in an ever increasing scale against representatives of the government so long as they have enough strength to protect themselves by exerting political pressure on those charged with law enforcement. It is a matter of regret that under the present Los Angeles regime, the police department has been forced to overlook increasing Communist effrontery against government that should never be permitted to go unchecked. After engaging in rowdy demonstrations outside the homes of Anti-Communist members of the Legislature, without police restraint, it is only a short step to imprisonment of relief administrators, and eventually step by step the Communist-led mobs are prepared for the revolution and setting up of a Communist dictatorship. To prevent this, constant vigilance is necessary. Communists must be made to respect the laws of an orderly society. For this reason the committee requested the Relief Administrator to take prompt action against the leaders of the mob that invaded the SRA offices to intimidate the administrators. To wink at illegal mob action is to violate ones oath to

uphold the Constitution of the United States, and will pave the way for destruction of democracy.

Your committee found that the same political clique, closely connected with the Governor, who interfered with other relief administrators, were busy attempting to undermine Mr. Rubinow because of his firm stand against political manipulation of SRA. This group is led by the Governor's Secretary, Walter Ballou, who openly charged Mr. Rubinow with sabotaging the Governor's Administration. Ballou apparently considers attempts to properly administer relief for the benefit of the needy and not the politicians, as constituting "sabotage" The SRA would be better off if he would refrain from interfering with it

Your committee found that the Communists still have too much influence in the SRA but it believes Mr Rubinow will make a sincere attempt to eliminate such influence if he is permitted to do so.

In San Francisco, five SRA employees who formerly refused to answer questions relative to subversive activities, volunteered to answer such questions if given the opportunity to do so. Three were heard publicly and two presented affidavits. These witnesses frankly admitted that they were duped into protecting the Communist leadership of the CIO Union of relief officials, known as the State, County, and Municipal Workers of America. These witnesses stated they now realize they were urged and instructed not to answer such questions, so as to make it difficult for the committee to distinguish them from the real Communist leaders in this so-called union, who thus endeavored to use the union members as a screen for their subversive activities.

The attorney for the union, according to sworn testimony, actually told these dupes for the Communists that if they told the committee they were not Communists, other witnesses would say they were, and they would be prosecuted for perjury. Thus, he intimidated these employees into committing contempt for no purpose except to protect the Communists who dared not answer the questions put by the committee. There is no doubt that under the guise of giving legal advice, this lawyer frightened employees into following out Communist strategy. This man, Harold Sawyer of San Francisco, was retained by the so-called union by action of the Communist President of said union, John E. Jeffery. Together they apparently executed a conspiracy to interfere with the investigation by your committee As one of the duped witnesses testified, their chief purpose seemed to be "to thwart the committee." Instead of giving legal advice, this attorney was actually executing an insidious Communist scheme Your committee requests that you transmit a copy of this report to the California State Bar Association so that it may deal with him in whatever manner seems proper under the circumstances.

No further meetings are scheduled now but your committee has agreed to meet at the call of the chairman

Respectfully submitted.

SAMUEL WM. YORTY,
Chairman, Assembly Relief Investigating Committee.

SWY:bh

Appointment of Special Committees.

The Speaker announced the appointment of the following Special Committees and ordered that the same be printed in the Journal:

Southern California Prison at Chino.

In accordance with Assembly Concurrent Resolution No. 32, the Speaker appointed the following members to the Joint Fact-Finding Committee for the Investigation of the Southern California Prison at Chino: Phillips (Chairman), Knight, Desmond, Andreas, and Waters.

Expenditure of Fish and Game Funds.

In accordance with House Resolution No. 123, the Speaker appointed the following members to the Committee on the Expenditure of Fish and Game Funds: Thurman (Chairman), Call, Leonard, Turner, and Doyle.

Approval of Journals.

On motion of Mr Desmond, the Journals of Saturday, September 21, 1940, and Sunday, September 22, 1940, were approved as corrected by the Minute Clerk.

Recess.

At nine o'clock and thirty minutes p.m., on Sunday, September 22, 1940, in accordance with the provisions of Senate Concurrent Resolution No. 25, the Honorable Gordon H. Garland, Speaker of the Assembly, declared the Fifty-third (Extraordinary) Session of the Assembly of the State of California in recess until twelve o'clock noon, Monday, December 2, 1940, unless sooner reconvened in accordance with the provisions of Senate Concurrent Resolution No. 25.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY
THREE HUNDRED AND NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Monday, December 2, 1940.

At twelve o'clock m., pursuant to the provisions of Senate Concurrent Resolution No. 25, adopted September 22, 1940, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—73.

Quorum present.

Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

Pledge of Allegiance to the Flag.

Pursuant to a previous motion by Mr. Doyle, the Assembly pledged allegiance to the flag.

Leaves of Absence for the Extraordinary Session.

On motion of Mr. Field, Mr. Redwine and Mr. Gilbert were granted leaves of absence for the fifty-third (first extraordinary) session.

On motion of Mr. Lyon, Mr. Corwin was granted leave of absence for the fifty-third (first extraordinary) session.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 149.
And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 131.
And reports the same correctly enrolled, and presented to the Governor on this twenty-fourth day of May, 1940, at three o'clock p.m.

CASSIDY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, October 1, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No. 146.
Assembly Bill No. 147.
Assembly Bill No. 148.
Assembly Concurrent Resolution No. 32.
And reports the same correctly enrolled, and presented to the Governor on this first day of October, 1940, at four o'clock and thirty minutes p.m.

CASSIDY, Chairman.

Presentation of Bill for Introduction.

The following bill was presented for introduction, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 150: By Mr. Leonard—An act to amend section 33 of an act entitled "An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511 5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833 3, 3857 2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773 2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860 01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation," approved June 1, 1940, relating to the effective date of the provisions thereof.

Introduction and Reference of Bill.

The following bill was received back from the Legislative Counsel Bureau, read the first time:

Assembly Bill No. 150: By Mr. Leonard—An act to amend section 33 of an act entitled "An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.01 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation," approved June 1, 1940, relating to the effective date of the provisions thereof.

Assembly Bill No. 150 referred to the Committee on Rules.

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 2, 1940.

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

Senate Concurrent Resolution No. 26—Relative to approving certain amendments to the charter of the county of Alameda, State of California.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 26, at this time, without reference to print, committee or calendar.

Consideration of Senate Concurrent Resolution No. 26.

Senate Concurrent Resolution No. 26 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Introduction and Reference of Bills (Resumed).

The following bill was introduced, and read:

Assembly Concurrent Resolution No. 33: By Mr. Desmond—Relative to approving certain amendments to the charter of the county of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the fifth day of November, 1940.

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 33, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 33.

Assembly Concurrent Resolution No. 33 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—63.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

House Resolution No. 130.

By the Committee on Attaches:

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

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

Commencing Monday, December 2, 1940:	*Per Day*
Rev. Raymond Lull Bailey, Chaplain	$4 00
Jack Carl Greenburg, Chief Clerk	10 00
C. W. Booth, Assistant Chief Clerk	9 00
David V. Oliver, Minute Clerk	9 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Albert Day, Journal Clerk	7 00
Lillian Larkin, Stenographer	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
Francis Ogg, Assistant Sergeant-at-Arms	5 00
Harold Lewright, Assistant Sergeant-at-Arms	5 00
Robert Voigt, History Clerk	7 00
James Evans, Assistant Sergeant-at-Arms	5 00
Robert Guy, Assistant Sergeant-at-Arms	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
Andrew A. Crist, Assistant Sergeant-at-Arms	5 00
Marion Hendricks, Engrossing and Enrolling Clerk	7 00

Commencing Monday, December 2, 1940:	*Per Day*
Beulah Van Wart, Assistant Clerk	$7 00
Juanita Dependener, Chief Stenographer	6 00
Nina Ronstadt, Secretary to the Speaker	6 00
Elizabeth Eyre, Stenographer	5 00
Sheral Holmes, Stenographer	5 00
Irene Mosher, Stenographer	5 00
Gertrude Marton, Stenographer	5 00
Fay Cronkite, Stenographer	5 00
June W. Ballard, Stenographer	5 00
Mary Jane Doty, Stenographer	5 00
Jacqueline Morgan, Stenographer	5 00
William Murphy, Chief Page	3 00
Louis Desmond, Page	2 50
Domingo Correa, Page	2 50
Jack Shafer, Page	2 50
Jack W. Booth, Page	2 50
Raymond Williamson, Jr., Page	2 50

Resolved, further, That the compensations of the above named attaches shall be on a six-day per week basis, except the following, Chief Clerk, Assistant Chief Clerk, Minute Clerk, Sergeant-at-Arms, and the Chief Stenographer, who shall receive compensation on a seven-day per week basis.

E. O. VOIGT,
Chairman, Attache Committee.

House Resolution No. 130 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—63

NOES—None.

Recess.

At twelve o'clock and twenty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of four o'clock p.m.

Reassembled.

At four o'clock p.m., the Assembly reconvened

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Report of Standing Committee.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1940.

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

Assembly Bill No. 150.

Respectfully reports the same back with the recommendation: Do pass.

DESMOND, Chairman.

The above reported bill ordered on second reading calendar.

Communication.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS,
SACRAMENTO, October 1, 1940.

To the Honorable Members of the Assembly of the State of California,
State Capitol, Sacramento, California.

GENTLEMEN: Pursuant to the provisions of Assembly Concurrent Resolution No. 5, 1939 Session, I have the honor and pleasure to transmit herewith the report of a survey and study made of the best possible and feasible routings for traffic in the following described area, lying and being in the county of Los Angeles, viz.:

The Arroyo Seco and adjacent areas, from State Highway Route 205 in and near the northerly city limits of the city of Los Angeles to State Highway Route 9 in the general vicinity of Devils Gate Reservoir.

Conclusions and recommendations may be summarized as follows:

It is quite obvious in our opinion from studies made there is a manifest lack of any evidence indicating an urgent or pressing need for an extension of Arroyo Seco

Parkway up the Arroyo Bottom to Devils Gate Reservoir. As a matter of fact the data accumulated seems to conclusively prove that neither now, nor for many years to come, will such an expensive improvement be justified.

In direct answer to the wording of the Assembly Concurrent Resolution No. 5 "to study and report on the best possible and feasible route for traffic in Arroyo Seco and adjacent areas from State highway Route 205 in and near the northerly city limits of Los Angeles to State Highway Route 9 in the general vicinity of Devils Gate Reservoir," it is submitted that the best and most feasible solution consistent with good engineering judgment and the economic factors involved, is to use the present existing streets and highways, with the proviso that the present State highway and street system in this area is in need of improvement at many points, and should be improved as soon as funds are available for such purpose.

Very sincerely yours.

FRANK W. CLARK,
Director of Public Works.

The above communication ordered printed in the Journal.

Messages from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 28, 1940.

To the Honorable Members of the Assembly, State of California, Sacramento, California.

GREETINGS: I am returning herewith without my signature, Assembly Bill No. 82, entitled "An act to amend section 27 of the Bank and Corporation Franchise Tax Act, relating to taxes on banks and corporations, and to provide that this act shall take effect immediately."

My objections to this bill are as follows:

This bill simply adds the following to the Bank and Corporation Franchise Tax Act:

> "Any tax, interest or penalty erroneously or illegally levied or assessed shall be canceled by the commissioner. The provisions of this particular paragraph are expressly made retroactive to apply to taxable years commencing after June 30, 1938."

This addition is apparently made because the following language appearing in the act prior to the 1939 amendment was apparently left out through an error:

> "In the event that a tax has been illegally levied against a taxpayer the commissioner shall certify such fact to the State Board of Control and said board shall authorize the cancellation of the tax upon the records of the commissioner."

As I have before indicated in several messages to you, I believe that it is unwise for an agency which has the power to assess taxes to also have the power to grant refunds or cancellations without a check on such cancellations or refunds by an independent agency, such as the Board of Control. A bill providing such a safeguard may be introduced at the continuation of the special session of the Legislature

Respectfully submitted.

CULBERT L. OLSON,
Governor of California.

CLO:a

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 28, 1940.

To the Honorable Members of the Assembly, State of California, Sacramento, California.

GREETINGS: I am returning herewith without my signature, Assembly Bill No. 81, entitled "An act to amend section 6.4 of the Alcoholic Beverage Control Act and to add section 54.1 thereto, relating to alcoholic beverages"

My objections to this bill are as follows:

This bill exempts the Exposition Corporation and commissioners of foreign governments from provisions of laws requiring liquor importer's licenses, and relaxes restrictions relating to "on-sale" licenses for the sale of liquor on Treasure Island

Inasmuch as the bill contains no urgency clause, the effective date of the act would be so late as to make the bill practically inoperative during the 1940 Fair on Treasure Island. A bill with an urgency clause may be introduced at the continuation of the special session of the Legislature.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California

CLO:es

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, February 29, 1940.

To the Honorable Members of the Assembly,
Sacramento, California.

GREETINGS: I am returning herewith without my signature Assembly Bill No. 62, entitled "An act to submit to the people at the general election in November, 1940, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately."

My objections to this bill are as follows:

This bill provides that constitutional amendments proposed by the Legislature and adopted at the extraordinary session of the Legislature shall be submitted to the people at the general election to be held November 5, 1940. The provisions that the arguments should be filed with the Secretary of State within sixty days after the final adjournment of the special session of the Legislature do not take into consideration the possibility of a late adjournment of the Legislature, and it would seem that the time for submission of a constitutional amendment should not depend upon the date of the adjournment of the Legislature, but should depend upon some other event. A separate bill for each amendment adopted might provide a more definite means of fixing the time for filing of arguments. As to the amendment relating to old age assistance liens which has already been adopted, for instance, it would be easy to fix a date.

A further important objection to this bill is that it makes no provisions for the filing of arguments in the event of the failure of the designated members of the Legislature to file the arguments. In so serious a matter as the submission of an amendment to the Constitution of the State of California, it is important that the fullest opportunity be given for the expression of views both for and against the adoption of the amendment.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California.

CLO:a

SENATE CHAMBER, SACRAMENTO, February 15, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Amendments to Senate Bill No. 7.

J. A. BEEK, Secretary of Senate.

SENATE CHAMBER, SACRAMENTO, February 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Amendments to Senate Bill No. 64.

J. A. BEEK, Secretary of Senate

Adjournment.

At four o'clock and fifteen minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p.m., Tuesday, December 3, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY
THREE HUNDRED AND TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Tuesday, December 3, 1940.

At two o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

Reading of the Journal Dispensed With.

On motion of Mr. Carlson, the further reading of the Journal of Monday, December 2, 1940, was dispensed with.

Leave of Absence for the Day.

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

Mr. Field, on motion of Mr. Bashore.

The Speaker Pro Tempore in the Chair.

At two o'clock and thirty-five minutes p.m., Hon. Gardiner Johnson, Speaker pro tempore of the Assembly, in the chair.

Second Reading of Assembly Bill No. 150.

Assembly Bill No. 150—An act to amend section 33 of an act entitled "An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8

of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4.6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773.1, 3833 and 3859.18 of, and to add sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.1 to 3860.32, and Chapter IXc, consisting of sections 3861.1 to 3861.8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation," approved June 1, 1940, relating to the effective date of the provisions thereof

Bill read second time, and ordered to engrossment

Senate Messages.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

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

Assembly Concurrent Resolution No. 33.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

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

Senate Concurrent Resolution No. 30—Relative to approving certain amendments to the charter of the county of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at a special election held in said county for that purpose on the fifth day of November, 1940.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 30, at this time, without reference to print, committee or calendar.

Consideration of Senate Concurrent Resolution No. 30.

Senate Concurrent Resolution No. 30 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, Pelletier, Phillips, Poulson, Richie, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—54.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

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

Senate Concurrent Resolution No. 28—Relative to approving certain amendments to the charter of the city of San Leandro, a municipal corporation of the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1940.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mr. Cassidy asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 28, at this time, without reference to print, committee or calendar.

Consideration of Senate Concurrent Resolution No. 28.

Senate Concurrent Resolution No. 28 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman,

Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, and Yorty—53.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Consideration of Assembly Bill No. 150.

Case of Urgency Resolution.

By Mr. Lyon:

Resolved, That Assembly Bill No. 150 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—55.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 150, at this time.

Third Reading of Assembly Bill No. 150.

Assembly Bill No. 150—An act to amend section 33 of an act entitled "An act to amend sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division I of, to repeal sections 3614, 3707 and 4108 of, to add sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of sections 3534 to 3562, and Chapter 4 6, consisting of sections 3571 to 3578, to Part 6 of Division I of, the Revenue and Taxation Code, and to amend sections 3833.3, 3857.2 and 3859.20 of, to repeal sections 3773 1, 3833 and 3859.18 of, and to add sections 3773 1, 3773.2, 3785.4, 3785 5 and 3785.6 to, and to add Chapter IXb, consisting of sections 3860.1 to 3860.32, and Chapter IXc, consisting of sections 3861 1 to 3861 8, to Title IX of Part III of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax deeded property, and making an appropriation," approved June 1, 1940, relating to the effective date of the provisions thereof.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Heisinger, Johnson, Kellems, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Yorty—55.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Introduction and Reference of Bills.

The following bill was introduced, and read the first time:

Assembly Concurrent Resolution No. 34: By Mr. Phillips—Relative to the investigation of work relief projects for the State Relief Administration at Chino, California.

Request for Unanimous Consent.

Mr. Phillips asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 34, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 34.

Assembly Concurrent Resolution No. 34 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—52.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Second Reading of Assembly Bill No. 149.

Assembly Bill No. 149—An act to add section 3.9 to the Unemployment Relief Appropriation Act of 1940, relating to the money available and the uses to which it may be put under the Federal Stamp Plan.

Bill read second time.

Further Consideration of Assembly Bill No. 149.

Case of Urgency Resolution.

By Mrs. Daley:

Resolved, That Assembly Bill No. 149 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Johnson, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—55.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 149, at this time.

Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Johnson, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—55.

NOES—None.

Third Reading of Assembly Bill No. 149.

Assembly Bill No. 149—An act to add section 3.9 to the Unemployment Relief Appropriation Act of 1940, relating to the money available and the uses to which it may be put under the Federal Stamp Plan.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Gallagher, Gannon, Gilmore, Green, Johnson, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch.

Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—55.

NOES—None.

Title read.

Motion to Amend Title to Assembly Bill No. 149.

Mrs. Daley moved to amend the title to Assembly Bill No. 149, as follows:

Amendment No. 1.

In line 4 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "to take effect immediately."

Amendment adopted.

Title as amended read and approved. Bill ordered transmitted to the Senate.

Adjournment.

At three o'clock and fifteen minutes p.m., on motion of Mr Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock and thirty minutes a.m., Wednesday, December 4, 1940.

DAVID V. OLIVER, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY
THREE HUNDRED AND ELEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Wednesday, December 4, 1940.

At eleven o'clock and thirty minutes a m., pursuant to adjournment, the Assembly was called to order.

Hon. Gardiner Johnson, Speaker pro tempore of the Assembly, in the chair

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—73

Quorum present.

Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

Reading of the Journal Dispensed With.

On motion of Mr. Clarke, the further reading of the Journal of Tuesday, December 3, 1940, was dispensed with.

Leave of Absence for the Day.

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

Mr. Field, on motion of Mr. Kellems.

Senate Messages.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

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

Assembly Concurrent Resolution No. 34.

J. A. BEEK, Secretary of Senate

SENATE CHAMBER, SACRAMENTO, December 4, 1940

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

Assembly Bill No. 150.

J. A. BEEK, Secretary of Senate.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

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

Assembly Bill No. 149.

J. A. BEEK, Secretary of Senate

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

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

Senate Concurrent Resolution No. 29—Relative to a fact-finding committee on employment.

J. A. BEEK, Secretary of Senate

Senate Concurrent Resolution No. 29 ordered on calendar without reference to committee

SENATE CHAMBER, SACRAMENTO, December 4, 1940

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

Senate Concurrent Resolution No. 27—Relative to the Joint Rules of the Senate and Assembly

J. A. BEEK, Secretary of Senate

Senate Concurrent Resolution No. 27 read first time, and referred to Committee on Rules.

Motion to Print Report in Journal.

On motion of Mr. Weber, the following report was ordered printed in the Journal:

Final Report of Assembly Committee on Legislative Procedure.

In pursuance of the duties imposed upon it by Assembly Resolution No. 78, your Committee on Legislative Procedure respectfully begs leave to report that it has completed its study of the problem of introducing uniformity of procedure, style and form in legislative printing, including bills, journals, histories, and other legislative publications.

Your committee congratulates itself upon having secured the services of Paul Mason, Esq., as its secretary. He has been of invaluable assistance in coordinating the studies of your committee with those of the committee established by Senate Concurrent Resolution No. 17 to secure uniformity of legislative printing.

A Style Book and standard forms for use in both Assembly and Senate publications have been prepared and presented to this honorable body.

Your committee also begs to report that it has terminated its consideration of the Joint Rules of the Senate and Assembly, a subject confided to its care by the Assembly in the resolution authorizing your committee's creation.

Your committee has recommended the adoption of a new Joint Rule No. 35 to facilitate the creation of investigating committees of the Legislature.

This rule is intended to vest in all such committees the powers which experience has demonstrated are necessary for their proper functioning, instead of granting such authority separately in each resolution creating such a committee.

The powers granted in the Rule include authority to employ a secretary and other assistants, to issue subpenas and examine witnesses, to call upon State officers for aid, and to expend the funds provided for the use of a committee.

None of the appropriation of $100 made to the committee has up to this date been expended.

Respectfully submitted

CHARLES M. WEBER, Chairman
CHARLES W. LYON.
SETH MILLINGTON
Members of the Assembly Committee on Legislative Procedure

Introduction and Reference of Bills.

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

Assembly Concurrent Resolution No. 35: By Messrs. Lyon, Millington and Weber—Relative to legislative printing.

Referred to Committee on Rules

Assembly Concurrent Resolution No. 36: By Mr. Desmond—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1940

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 36, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 36.

Assembly Concurrent Resolution No. 36 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters Watson, Weybret, Wollenberg, and Yorty—54.

NOES—None.

Title read and approved. Bill ordered to print and transmitted to the Senate.

Resolution.

By Mr. Lyon:

House Resolution No. 131.

Resolved, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the fifty-third (first extraordinary) session, in employing necessary assistance for pre-organization work, be and the same is hereby ratified and approved, and the State Controller is hereby authorized and directed to draw his warrants in favor of the following named persons for the items and the amounts set opposite their respective names, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

Albert Day, Journal Clerk, 2 days at $7.00,
November 30, and December 1, 1940;
Juanita Dependener, Chief Stenographer, 2 days at $6.00,
November 30, and December 1, 1940.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 131, at this time, without reference to committee.

House Resolution No. 131 read.

The roll was called.

Call of the Assembly.

Pending the announcement of the vote, Mr. Knight moved a call of the Assembly.

Motion carried. Time, eleven o'clock and thirty-three minutes a.m

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members

Proceedings Under Call of the Assembly by Unanimous Consent.

Resolutions.

By Mr. Lyon:

House Resolution No. 132.

WHEREAS, Section 261 of the Political Code of the State of California requires certain officers of the Assembly therein designated to perform certain duties "at the close of each session of the Legislature"; and

WHEREAS, Compensation for performing these services is required to be paid by section 269 of the same code; now, therefore, be it

Resolved by the Assembly of the State of California, That it is the sense of this Assembly that the provisions of law referred to above require the performance of these after-session services following each extraordinary as well as after each regular session of the Legislature and that the compensation prescribed is to be paid therefor (except in those instances in which two or more extraordinary sessions are meeting at the same time, in which case compensation shall be paid for but one extraordinary session); and be it further

Resolved, That the State Controller is hereby directed to draw his warrants upon the proper fund or funds as compensation for the performance of these services and the State Treasurer is hereby directed to pay the same

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No 132, at this time, without reference to committee

House Resolution No. 132 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—53

NOES—None.

By Messrs. Yorty, Tenney, Bashore, Phillips and Gannon:

House Resolution No. 133.

WHEREAS, The Assembly Relief Investigating Committee has heretofore exercised the powers conferred upon it and has held hearings and made reports to this Legislature, and

WHEREAS, From these hearings and reports it appears to be in the best interests of the people of this State to permit such committee to function after the final adjournment of this session, and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Relief Investigating Committee, which consists of those persons who were on December 1, 1940, members of the committee created by House Resolution No. 9, adopted this session, and which shall have and exercise all of the powers, duties and functions conferred upon said former committee by House Resolutions No. 9 and No. 29, as amended, adopted this session, and all of the provisions of said resolutions No. 9 and No. 29, as amended, are incorporated herein by reference and made applicable to the committee hereby created except as herein otherwise provided; and be it further

Resolved, That the committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the unexpended balance of any moneys heretofore or hereafter appropriated or made available to the committee created by said House Resolution No. 9 is hereby appropriated and made available from the contingent fund of the Assembly for the expenses of the committee hereby created, and its members and for any charges, expenses or claims it may incur under this resolution; and be it further

Resolved, That in addition to the moneys made available by the preceding portions of the resolution, and for the same purposes, there is hereby made available out of the contingent fund of the Assembly the sum of $1,000 to the committee hereby created; and be it further

Resolved, That all moneys made available to the committee hereby created shall be disbursed after certification by the chairman upon warrants of the State Controller drawn upon the State Treasurer

Request for Unanimous Consent.

Mr Yorty asked for, and was granted, unanimous consent to consider House Resolution No. 133, at this time, without reference to committee.

House Resolution No. 133 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Knight, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Phillips, Poulson, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—49.

NOES—None

By Mr. Thurman:

House Resolution No. 134.

WHEREAS, The Assembly Special Committee on Expenditure of Fish and Game Funds has heretofore exercised the powers conferred upon it by Assembly Resolution No. 123, adopted this session, and has made investigations and held hearings; and

WHEREAS, It appears from the testimony adduced there and from other events subsequently occurring that the best interests of the people of this State will be served by permitting that committee to function after adjournment of this session; and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Special Committee on Expenditure of Fish and Game Funds which consists of those persons who on December 1, 1940, were members of the committee created by Assembly Resolution No. 123, adopted this session, and which shall have and exercise all of the powers, duties and functions conferred upon said former committee by said Assembly Resolution No. 123 and all of the provisions of said Assembly Resolution No. 123 are incorporated herein by reference and made applicable to the committee hereby created except as herein otherwise provided; and be it further

Resolved, That the committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the unexpended balance of any moneys heretofore appropriated or made available to the committee created by Assembly Resolution No. 123, adopted this session, is hereby appropriated and made available from the contingent fund of the Assembly for the expenses of the committee hereby created, and its members, and for any charges, expenses or claims it may receive under this resolution, to be disbursed, after certification by the chairman, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent.

Mr. Thurman asked for, and was granted, unanimous consent to consider House Resolution No. 134, at this time, without reference to committee.

House Resolution No. 134 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Kellems, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Pelletier, Phillips, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—48

NOES—None

Hon. Chas. W. Lyon in the Chair.

At eleven o'clock and forty minutes a.m., Hon. Chas. W. Lyon, of the Assembly from the Fifty-ninth District, in the chair.

By Miss Miller and Messrs. Waters, Poulson, Carlson, Dilworth, Lyon, Johnson, Kepple, Wollenberg and Gannon:

House Resolution No. 135.

WHEREAS, There has been bestowed upon Doctor Jesse Randolph Kellems, a member of this house, and Inez Toledano Kellems the cherished gift of a son, Randolph Toledano Kellems; and

WHEREAS, This blessed event occurred on October 2, 1940, at which time this house was not in session; now, therefore, be it

Resolved by the Assembly of the State of California, That this house and each of its members felicitates Doctor Kellems and Mrs. Kellems upon the joyous addition to their family; and be it further

Resolved, That this house foresees a distinguished career for Randolph Toledano Kellems under the guidance and tutelage of his Reverend father and charming mother; and be it further

Resolved, That the Chief Clerk suitably prepare a copy of this resolution and present it to the family of Randolph Toledano Kellems in keeping for him.

Request for Unanimous Consent.

Mr. Waters asked for, and was granted, unanimous consent to consider House Resolution No. 135, at this time, without reference to committee.

House Resolution No. 135 read, and adopted unanimously.

By Mr. Turner:

House Resolution No. 136.

WHEREAS, The Revenue and Taxation Fact-finding Committee created by House Resolution No. 67 adopted this session has heretofore held hearings and made report thereon to this Legislature, and

WHEREAS, It appears from those investigations and reports that the best interests of the people of this State will be served by permitting that committee to function after final adjournment of this session, and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there is hereby created a Revenue and Taxation Fact-finding Committee, which committee consists of those persons who on December 1, 1940, were members of the Revenue and Taxation Fact-finding Committee created by House Resolution No. 67 adopted this session and which shall have and exercise all the powers, duties and functions conferred upon said former committee by said House Resolution No. 67 adopted this session, and all the provisions of said Resolution No. 67 relating to said former committee are incorporated herein by reference and made applicable to the committee hereby created except as herein otherwise provided; and be it further

Resolved, That the committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the unexpended balance of any moneys heretofore appropriated or made available to the Revenue and Taxation Fact-finding Committee created by said House Resolution No. 67 is hereby appropriated and made available from the contingent fund of the Assembly for the expenses of the committee hereby created and its members, and for any charges, expenses or claims it may incur under this resolution to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent.

Mr. Turner asked for, and was granted, unanimous consent to consider House Resolution No. 136, at this time, without reference to committee.

House Resolution No. 136 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Kellems, King, Leonard, Lore, Lyon, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Yorty, and Mr. Speaker—46.

NOES—None.

Motion to Print Report in Journal.

On motion of Mrs. Daley, the following report was ordered printed in the Journal:

Report.

Report of Senator J. I Wagy, on hearings held by a Congressional Committee on National Migratory problems; in San Francisco, September 24th and 25th, and continued in Los Angeles on September 28, 1940.

Personnel of the Committee:

Honorable John H. Tolan, Chairman, California;
Claude W. Parsons, Illinois;
John J. Sparkman, Alabama;
Frank C. Osmer, Jr., New Jersey;
Carl T. Curtis, Nebraska.

The committee had sent out special field investigators who seemed to have covered midwestern and Pacific Coast States pretty thoroughly and brought in some thirty-four witnesses from various parts of the territory covered, who testified as to why they came to California. The great majority of these migrants were farmers or farm workers who stated that on account of drought, and other economic factors in their locality, they just starved out and had to go somewhere else or starve to death where they were. Many of them migrated to other States before coming to California, while others admitted they came directly to California as they had been informed by friends and relatives residing here that wages were much better in California.

One man stated that he received 45¢ per hundred pounds more for picking cotton in California than he received at home and that he could pick nearly double the amount of pounds of cotton here per day, and remarked, "Why should I not come to California when I could do so much better here in earning sufficient money to take care of my family?" None of the witnesses would admit that the easier and higher relief checks in California influenced them to come here; however, it was very apparent that the field investigators had picked their witnesses and did not bring any of the professional reliefers, to testify before the committee. None of the witnesses had seen or heard of any "help wanted" advertisements from California.

There were a number of prominent people that appeared and testified before the committee and they were all agreed on one phase of the subject, namely, that the migratory problem was a national one and could not be considered as a local problem, but were very much divided as to method of solving the problem.

Governor Olson presented his ideas on the subject and made the following recommendations:

I A unified legislative program to be organized through cooperation of the 11 western States or those affected by migration
II. Planned resettlement through Farm Security Administration, using the U. S. Housing Authority to do away with the slums and prevent the spread of the slum evils.
III. Investigate the private employment services and labor contractors
IV. Inclusion of agricultural labor under proper legislation through wages and hours, social security and the National Labor Relations Act
V. Maintenance of border stations to check the flow of migrants from east to west through affected States.
VI. Uniform provisions as to residence requirements and relief standards
VII. Works program jointly by the States and Federal Government.

PHILIP FERNANDEZ, a licensed labor contractor for canners, stated that he usually employed migrant help and found them very satisfactory when not dominated by agitators; that general run of migrant help was not easily influenced in joining the agitator group, but were afraid of them and often left their work through fear of bodily harm for themselves and members of their family

VARDEN FULLER, expert from the Bureau of Agricultural Economics of Berkeley, stated that the migrant to California was merely the latest stage of a westward migration.

WILLIAM S. HOPKINS, Associate Professor of Economics, Stanford University, stated that the migratory labor problem we now have is directly related to the disorganized labor market, and also stated that agricultural labor should have the right to organize as industrial labor.

HELEN GAHAGAN, wife of movie actor Melvyn Douglas, gave quite a lengthy discourse on migratory labor and its problems which dealt with the problem more from a sentimental or Utopian aspect, than from a business or practical standpoint

JOHN S WATSON, President of Associated Farmers of California, criticized further encouragement of the bureaucratic method of administration of Federal aids, such as the Farm Security Administration and migrant camps, claiming that the migrants are set apart from the community, with no chance of assimilation and that the camps are placed in communities without consulting the residents and that these

camps become a rendezvous for radical and subversive elements. Mr. Watson also stated that California farmers are not opposed to assimilating these migrants but that we can not assimilate them fast enough under present economic conditions

MRS. WALTER KNAPP, of the California Congress of Parents and Teachers, pointed out the educational responsibility to the migrant children.

WILLIAM P. SHEPARD, western chief of the American Public Health Association, claimed that the migrants' living conditions created the greatest health problem.

R. B. ROBERTSON, associate director of industrial relations for Lockheed Aircraft Corporation, Burbank, stated that from 35 to 50 per cent of job applicants are out of State people and that 75 per cent of these people are unemployable and that the company is compelled to recruit the majority of its skilled workers from eastern centers.

DEAN CLAUDE B. HUTCHISON of the University of California College of Agriculture, stated that it was useless to split up California's huge industrial farms into family size farms to aid in solving the migrant problem, stating that family sized farms *can not succeed in California if the State continues to grow specialized crops*

ROY T. PIKE, a practical farmer on a large scale, takes issue with Dean Hutchison and stated positively and emphatically that the family sized farms succeed and compete with the large industrialized farms especially in times like the present as the family can grow practically the greater portion of their food supplies and by doing their own work their overhead costs are practically nil.

There were many statements filed with the committee by individuals and organizations giving their views on various aspects of the subject and I was able to procure a copy of a portion of them which I attach hereto and make a part of this report.

STATEMENT OF S. G. RUBINOW, the problem of interstate migration as it affects the California State Relief Administration.

Statement of the migrant situation by Thomas W. McManus.

Statement of the Farm Security Administration by Dwain Pearson

Statement relative to the effect of interstate migration on California community life by Rev. Clarence Wagner.

Statement by California State Chamber of Commerce.

Respectfully submitted.

(signed) J. I. WAGY, *Chairman Subcommittee of the* Legislative Fact-finding Committee

By Messrs. Cassidy, Johnson, Miller, George P., Sheridan, Phillips, Carlson, Meehan.

House Resolution No. 137.

WHEREAS, This Assembly has learned with regret that the Honorable John D. Murphey, veteran Alameda County Superior Court Judge, was seriously injured when struck by an automobile while walking near his home in Berkeley on December 3, 1940; and

WHEREAS, The members of this body sincerely hope that Judge Murphey has suffered no permanent ill effects and that he will speedily recover from his injuries; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof hereby extend to the Honorable John D Murphey their sympathy in his misfortune and their best wishes and hopes for a speedy and complete recovery.

Request for Unanimous Consent.

Mr. Cassidy asked for, and was granted, unanimous consent to consider House Resolution No 137, at this time, without reference to committee.

House Resolution No 137 read, and adopted.

Consideration of Senate Concurrent Resolution No. 29.

Senate Concurrent Resolution No. 29—Relative to a Fact-finding Committee on Employment.

Request for Unanimous Consent.

Mrs. Daley asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 29, at this time, without

reference to print, committee or calendar, and that the same be considered engrossed.

Senate Concurrent Resolution No. 29 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Gannon, Gilmore, Green, Heisinger, Houser, Kellems, Kilpatrick, King, Leonard, Lore, Lyon, Massion, Miller, Eleanor; Miller, George P., Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—48.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Further Proceedings Under Call of the Assembly Dispensed With on House Resolution No. 131.

At eleven o'clock and forty-five minutes a.m., on motion of Mr. Knight, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and House Resolution No. 131 adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Kellems, Kepple, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—55.

NOES—None.

Introduction and Reference of Bills (Resumed).

The following bill was introduced, and read the first time:

Assembly Concurrent Resolution No. 37: By Mr. Burns, Hugh M.—Relative to the creation of a Welfare Personnel Policies Investigating Committee.

Referred to Committee on Rules.

Resolution.

By Mr. Desmond:

House Resolution No. 138.

WHEREAS, It appears that the public schools of this State have not been supplied with an adequate number of text books in order to permit each child in the public schools to have a separate set of books; and

WHEREAS, The sharing of one book by several children is not only unsatisfactory from an educational point of view, but is directly conducive to the spread of colds, influenza, and other diseases; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Board of Education is hereby requested as promptly as possible to supply an additional number of text books in order to obviate the necessity for the sharing of one book by several children in the public schools; and be it further

Resolved, That the State Board of Education is further instructed to have such additional text books printed by the State, instead of purchasing them from private publishing houses

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider House Resolution No. 138, at this time, without reference to committee.

House Resolution No. 138 read, and adopted.

Adjournment.

At eleven o'clock and fifty-five minutes a.m., on motion of Mr. Stream, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p.m., Thursday, December 5, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FORTIETH LEGISLATIVE DAY
THREE HUNDRED AND TWELFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER,
SACRAMENTO, Thursday, December 5, 1940.

At two o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

Roll Call.

The following members answered to the roll call:

Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Love, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—63.

Quorum present.

Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Wednesday, December 4, 1940, was dispensed with.

Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Field, on motion of Mr. Kellems.
Mr. Poulson, on motion of Mr. Waters.
Mr. Salsman, on motion of Mr. Clarke.
Mr. Andreas, on motion of Mr. Clarke.
Miss Miller, on motion of Mr. Kellems.
Mr. Bennett, on motion of Mr. Kilpatrick.
Mr. Gallagher, on motion of Mr. Cronin.
Mr. Atkinson, on motion of Mr. Clarke.
Mr. Del Mutolo, on motion of Mr. Dilworth.
Mr. O'Day, on motion of Mr. Cronin.
Mr. Williamson, on motion of Mr. Cronin.

61—92228

Reports of Standing Committees.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940.

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

Assembly Concurrent Resolution No. 35.
Assembly Concurrent Resolution No. 37.
Senate Concurrent Resolution No. 27.

Respectfully reports the same back with the recommendation: Be adopted

DESMOND, Chairman

The above reported bill ordered on second reading calendar.

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Bill No. 149.
Assembly Concurrent Resolution No. 35.
Assembly Concurrent Resolution No. 37.

And reports the same correctly engrossed.

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Concurrent Resolution No. 33.

And reports the same correctly enrolled, and presented to the Governor on this fifth day of December, 1940, at twelve o'clock and thirty minutes a m.

CASSIDY, Chairman

Consideration of Assembly Concurrent Resolution No. 35.

Assembly Concurrent Resolution No. 35—Relative to legislative printing.

Assembly Concurrent Resolution No 35 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—55.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Consideration of Senate Concurrent Resolution No. 27.

Senate Concurrent Resolution No. 27—Relative to the Joint Rules of the Senate and Assembly.

Senate Concurrent Resolution No. 27 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Pelletier, Richie, Robertson, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—52.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

By Mr. Lyon:

House Resolution No. 139.

Resolved by the Assembly of the State of California, That Jack Carl Greenburg, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the first extraordinary, fourth extraordinary and fifth extraordinary sessions of the Fifty-third Legislature, convened on December 2, 1940, and all indexing, correcting, comparing and proofreading and otherwise preparing the Journal of the Assembly of the first extraordinary, fourth extraordinary and fifth extraordinary sessions of the Fifty-third Legislature, and making the information

therein readily available for the use of the members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the first extraordinary, fourth extraordinary and fifth extraordinary sessions of the Fifty-third Legislature, and of compiling, preparing and having printed, after adjournment or recess, a Final Calendar of the legislative business of the first extraordinary, fourth extraordinary and fifth extraordinary sessions of the Fifty-third Legislature, said calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the sessions' business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the first extraordinary, fourth extraordinary and fifth extraordinary sessions of the Fifty-third Legislature

When said Final Calendar is prepared, the said Jack Carl Greenburg, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State which may apply for same, and one copy to each member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation, and a copy of the same shall be filed with the Committee on Attaches; and be it further

Resolved, That the sum of three hundred and fifty dollars ($350) or so much thereof as may be necessary, is hereby appropriated to be paid from the unexpended balance of the funds provided for pay of officers and attaches of the Assembly, for the salary and expenses of said Chief Clerk and for such assistants as may be necessary in order to carry out and perform such acts as may be required to be done as provided by this resolution, and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No 139, at this time, without reference to committee

House Resolution No 139 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—54.

NOES—None.

By the Committee on Attaches·

House Resolution No. 140.

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the pay roll of the Assembly to take effect on completion of work December 5, 1940:

Rev. Raymond Lull Bailey	Beulah Van Wart
Jack Carl Greenburg	Juanita Dependener
C. W. Booth	Nina Ronstadt
David V Oliver	Elizabeth Eyre
Wilkie Ogg	Sheral Holmes
Albert Day	Irene Mosher
Lillian Larkin	Gertrude Marton
Michael Connolly	Fay Cronkite
Francis Ogg	June W. Ballard
Harold Lewright	Mary Jane Doty
Robert Voigt	Jacqueline Morgan
James Evans	William Murphy
Robert Guy	Louis Desmond
Ed Nathan	Domingo Correa
Andrew A. Crist	Jack Shafer
Marion Hendricks	Jack W Booth

VOIGT, Chairman.

House Resolution No. 140 read, and adopted.

By the Committee on Attaches:

House Resolution No. 141.

Resolved, That the following named person be stricken from the list of Assembly attaches and his name be stricken from the pay roll of the Assembly, to take effect as follows.

On completion of work December 2, 1940	*Per day*
Raymond Williamson, Jr., Page	$2 50

VOIGT, Chairman.

House Resolution No. 141 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr Speaker—56.

NOES—None.

By Mr. Allen:

House Resolution No. 142.

WHEREAS, The Governmental Efficiency and Economy Fact-finding Committee created by House Resolution No. 67, adopted this session, has heretofore held hearings in this State, and made report to the Legislature thereon; and

WHEREAS, It appears from those investigations and reports that the best interests of the people of this State will be served by permitting that committee to function after final adjournment of this session; and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created a Governmental Efficiency and Economy Fact-finding Committee which consists of those persons who were on December 1, 1940, members of the Governmental Efficiency and Economy Fact-finding Committee created by House Resolution No. 67 adopted this session, and which shall have and exercise all of the powers, duties and functions conferred on said former committee by said House Resolution No. 67 adopted this session, and all the provisions of said House Resolution No. 67 relating to the said former committee are incorporated herein by reference and made applicable to the committee hereby created except as herein otherwise provided; and be it further

Resolved, That the committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the unexpended balance of any moneys heretofore appropriated or made available to the Governmental Efficiency and Economy Fact-finding Committee created by said House Resolution No. 67 is hereby appropriated and made available from the contingent fund of the Assembly for the expenses of the committee hereby created, and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent.

Mr. Allen asked for, and was granted, unanimous consent to consider House Resolution No. 142, at this time, without reference to committee.

House Resolution No. 142 read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Cronin, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Kellems, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—48.

NOES—None.

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

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

Senate Concurrent Resolution No. 32—Relative to approving amendments to the charter of the county of Butte, State of California, voted for and ratified by the electors of such county at a general election held therein on November 5, 1940;

Senate Concurrent Resolution No. 33—Relative to approving two certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the fifth day of November, 1940.

J. A. BEEK, Secretary of Senate.

Request for Unanimous Consent.

Mr. Gannon asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 32, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 32.

Senate Concurrent Resolution No. 32 read, and adopted by the following vote:

AYES—Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—54.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

Request for Unanimous Consent.

Mr. Yorty asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 33, at this time, without reference to committee or calendar.

Consideration of Senate Concurrent Resolution No. 33.

Senate Concurrent Resolution No. 33 read, and adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—54.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 4, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 61—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary and wage adjustments for State employees receiving less than one hundred and fifty dollars per month and providing that this act shall take effect immediately; And respectfully requests your honorable body to concur in said amendments.

J. A BEEK, Secretary of Senate.

Consideration of Senate Amendment to Assembly Bill No. 61.

Assembly Bill No. 61—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary and wage adjustments for State employees receiving less than one hundred and fifty dollars per month and providing that this act shall take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 61?

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "$525,000", and insert in lieu thereof the following: "$393,282".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Bill No. 61 by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 61 ordered to enrollment.

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Concurrent Resolution No. 36.

J. A. BEEK, Secretary of Senate

The above reported bill ordered to enrollment.

Consideration of Assembly Concurrent Resolution No. 37.

Assembly Concurrent Resolution No. 37—Relative to the creation of a Welfare Personnel Policies Investigating Committee.

Bill read, and adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Doyle, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kuchel, Leonard, Lore, Lyon, Maloney, Pelletier, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—47.

NOES—Collins, Donnelly, Evans, Kilpatrick, and Massion—5.

Title read and approved. Bill ordered transmitted to the Senate.

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 4, 1940.

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

Senate Concurrent Resolution No. 31—Relative to adjournment sine die of the first extraordinary session of the Fifty-third Legislature of the State of California

J. A. BEEK, Secretary of Senate.

Motion to Amend Senate Concurrent Resolution No. 31.

Mr Desmond moved to amend Senate Concurrent Resolution No. 31 as follows:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the figures "2.30", and insert in lieu thereof the following: "3 30".

Amendment adopted

Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No 31, as amended, at this time, without reference to committee, print or calendar.

Senate Concurrent Resolution No. 31, as amended, read and adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans,

Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, George P., Pelletier, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—52.

NOES—None

Title read and approved Bill ordered transmitted to the Senate.

House Resolution No. 143.

By Mr. Pelletier:

Resolved, That the Speaker appoint a Committee of Three to wait upon His Excellency, Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

Request for Unanimous Consent.

Mr. Pelletier asked for, and was granted, unanimous consent to consider House Resolution No. 143, at this time, without reference to committee.

House Resolution No. 143 read, and adopted.

Appointment of Committee.

The Speaker appointed Messrs. Pelletier, Kellems and Mrs. Daley as a special committee to inform the Governor that the Assembly was now ready to adjourn the fifty-third (first extraordinary) session

Committee from the Senate.

A committee from the Senate consisting of Senators Breed, Jespersen and Nielsen informed the Assembly that they were now ready to adjourn the fifty-third (first extraordinary) session of the Legislature.

By Mr. Burns, Michael J.:

House Resolution No. 144.

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent.

Mr. Burns, Michael J., asked for, and was granted, unanimous consent to consider House Resolution No 144, at this time, without reference to committee.

House Resolution No. 144 read, and adopted.

Appointment of Committee.

The Speaker appointed Messrs Burns, Michael J., Clarke and Miller, Geo. P., as a special committee to inform the Senate that the Assembly was now ready to adjourn the fifty-third (first extraordinary) session.

Guests Extended Privilege of Assembly Floor.

On request of Mr. Cronin, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. James Sullivan, James Sullivan, Jr., Marion Sullivan and Bruce McGuire, all of San Francisco.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 61.
Assembly Bill No. 150.
And reports the same correctly enrolled, and presented to the Governor on this fifth day of December, 1940, at two o'clock and forty minutes p.m.

CASSIDY, Chairman

Senate Messages.

SENATE CHAMBER, SACRAMENTO, December 5, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Concurrent Resolution No. 31.

J. A. BEEK, Secretary of Senate

SENATE CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Concurrent Resolution No. 35.
Assembly Concurrent Resolution No. 37.

J. A. BEEK, Secretary of Senate.

The above reported bills ordered to enrollment

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Bill No. 149.
Assembly Concurrent Resolution No. 34.
Assembly Concurrent Resolution No. 35.
Assembly Concurrent Resolution No. 36.
Assembly Concurrent Resolution No. 37.

And reports the same correctly enrolled, and presented to the Governor on this fifth day of December, 1940, at three o'clock p m

CASSIDY, Chairman.

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Senate Constitutional Amendment No. 2.

Respectfully reports the same back without further action.

CALL, Chairman

The above reported bill ordered transmitted to the Senate.

On Motor Vehicles.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Senate Bill No. 46.
Senate Concurrent Resolution No. 7.

Respectfully reports the same back without further action

FULCHER, Chairman

The above reported bills ordered transmitted to the Senate.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Senate Concurrent Resolution No. 5.

Respectfully reports the same back without further action.

TURNER, Chairman

The above reported bill ordered transmitted to the Senate.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Senate Bill No. 51.
Senate Bill No. 57.
Senate Concurrent Resolution No. 8.

Respectfully reports the same back without further action

DALEY, Chairman

The above reported bills ordered transmitted to the Senate.

On Special Committee.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Special Committee re Juan Rodriquez Cabrillo, to which was referred:

Senate Concurrent Resolution No. 2.

Respectfully reports the same back without further action.

DALEY, Chairman.

The above reported bills ordered transmitted to the Senate.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 13.
Senate Bill No. 50.
Senate Bill No. 54.

Respectfully reports the same back without further action.

MILLINGTON, Chairman.

The above reported bills ordered transmitted to the Senate.

On Agriculture.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

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

Assembly Bill No. 77.
Assembly Bill No. 78.
Assembly Bill No. 144.

Respectfully reports the same back without further action.

CORWIN, Chairman.

The above reported bills ordered transmitted to the Senate.

On Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Bill No. 101.
Assembly Constitutional Amendment No. 2.
Assembly Constitutional Amendment No. 4.
Assembly Constitutional Amendment No. 7.

Respectfully reports the same back without further action.

CALL, Chairman.

On Education.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Bill No. 54.

Respectfully reports the same back without further action.

LEONARD, Chairman

On Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Joint Resolution No. 2.
Assembly Joint Resolution No. 1.
Assembly Joint Resolution No. 12.
Assembly Joint Resolution No. 4.
Assembly Joint Resolution No. 5.

Respectfully reports the same back without further action.

ANDREAS, Chairman.

On Governmental Efficiency and Economy.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 70.

Respectfully reports the same back without further action

FIELD, Chairman

On Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Bill No. 84.

Respectfully reports the same back without further action.

SCUDDER, Chairman.

On Medical and Dental Laws.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to which was referred:

Assembly Bill No. 9.

Respectfully reports the same back without further action.

CRONIN, Chairman.

On Municipal Corporations.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Bill No. 98.
Assembly Bill No. 99.

Respectfully reports the same back without further action.

KUCHEL, Chairman.

On Oil Industries.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Bill No. 89.
Assembly Bill No. 114.

Respectfully reports the same back without further action.

HOUSER, Chairman.

On Public Utilities.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

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

Assembly Bill No. 63.
Assembly Bill No. 76.

Respectfully reports the same back without further action.

ALLEN, Chairman.

On Revenue and Taxation.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 3.
Assembly Bill No. 12.
Assembly Bill No. 13.
Assembly Bill No. 14.
Assembly Bill No. 15.
Assembly Bill No. 16.
Assembly Bill No. 17.
Assembly Bill No. 18.
Assembly Bill No. 19.
Assembly Bill No. 20.
Assembly Bill No. 21.
Assembly Bill No. 22.
Assembly Bill No. 23.
Assembly Bill No. 24.
Assembly Bill No. 25.
Assembly Bill No. 26.
Assembly Bill No. 27.
Assembly Bill No. 28.
Assembly Bill No. 29.
Assembly Bill No. 30.
Assembly Bill No. 31.
Assembly Bill No. 32.
Assembly Bill No. 33.
Assembly Bill No. 34.
Assembly Bill No. 35.
Assembly Bill No. 36.
Assembly Bill No. 37.
Assembly Bill No. 49.
Assembly Bill No. 67.
Assembly Bill No. 71.
Assembly Bill No. 86.
Assembly Bill No. 91.
Assembly Bill No. 92.
Assembly Bill No. 97.
Assembly Bill No. 104.
Assembly Bill No. 111.
Assembly Bill No. 112.
Assembly Bill No. 115.
Assembly Bill No. 118.
Assembly Bill No. 124.
Assembly Bill No. 145.
Assembly Concurrent Resolution No. 21.

Respectfully reports the same back without further action

TURNER, Chairman.

On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940

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

Assembly Concurrent Resolution No. 10.
Assembly Concurrent Resolution No. 25.

Respectfully reports the same back without further action.

DESMOND, Chairman.

On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Assembly Bill No. 1.
Assembly Bill No. 4.
Assembly Bill No. 39.
Assembly Bill No. 40.
Assembly Bill No. 41.
Assembly Bill No. 42.
Assembly Bill No. 43.
Assembly Bill No. 59.
Assembly Bill No. 65.
Assembly Bill No. 73.
Assembly Bill No. 85.
Assembly Bill No. 87.
Assembly Bill No. 95.
Assembly Bill No. 102.
Assembly Bill No. 116.
Assembly Bill No. 117.
Assembly Bill No. 119.
Assembly Bill No. 127.
Assembly Bill No. 135.
Assembly Bill No. 136.
Assembly Bill No. 139.

Respectfully reports the same back without further action.

DALEY, Chairman.

On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 103.
Assembly Bill No. 107.
Assembly Bill No. 108.
Assembly Bill No. 109.
Assembly Bill No. 110.
Assembly Bill No. 137.
Assembly Bill No. 142.

Respectfully reports the same back without further action.

MILLINGTON, Chairman.

Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following Assembly bills upon which no action was taken by Senate committees:

Assembly Bill No. 6.
Assembly Bill No. 7.
Assembly Bill No. 11.
Assembly Bill No. 46.
Assembly Bill No. 51.
Assembly Bill No. 52.
Assembly Bill No. 53.
Assembly Bill No. 56.
Assembly Bill No. 57.
Assembly Bill No. 58.
Assembly Bill No. 90.
Assembly Bill No. 100.
Assembly Bill No. 106.
Assembly Bill No. 113.
Assembly Bill No. 126.
Assembly Bill No. 140.
Assembly Bill No. 141.
Assembly Concurrent Resolution No. 12.
Assembly Concurrent Resolution No. 13.
Assembly Concurrent Resolution No. 16.
Assembly Concurrent Resolution No. 17.
Assembly Concurrent Resolution No. 24.
Assembly Concurrent Resolution No. 30.
Assembly Joint Resolution No. 3.
Assembly Joint Resolution No. 7.
Assembly Joint Resolution No. 11.
Assembly Joint Resolution No. 15.
Assembly Joint Resolution No. 18.
Assembly Joint Resolution No. 24.
Assembly Joint Resolution No. 25.
Assembly Joint Resolution No. 28.

J. A. BEEK, Secretary of Senate.

Reports of Committees.

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.

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

Appointment of Special Committees.

The Speaker announced the appointment of the following committees and ordered that the same be printed in the Journal:

Joint Welfare Personnel Policies Investigating Committee.

In accordance with Assembly Concurrent Resolution No. 37, the Speaker appointed the following members to the Joint Welfare Personnel Policies Investigating Committee: Burns, Hugh M. (Chairman); Burns, Michael J., Clarke and Sawallisch.

Approval of Journals.

On motion of Mr. Stream, the Journals of Monday, December 2, 1940; Tuesday, December 3, 1940; Wednesday, December 4, 1940, and Thursday, December 5, 1940, were approved as corrected by the Minute Clerk.

Adjournment Sine Die.

At three o'clock and thirty minutes p.m., Thursday, December 5, 1940, in accordance with Senate Concurrent Resolution No. 31, the Honorable Gordon H Garland, Speaker of the Assembly, announced that the time for final adjournment of the fifty-third (extraordinary) session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned.

JACK CARL GREENBURG,
Chief Clerk of the Assembly

DAVID V. OLIVER,
Minute Clerk of the Assembly

GORDON H. GARLAND,
Speaker of the Assembly.

GARDINER JOHNSON,
Speaker pro tempore of the Assembly.

RECAPITULATION OF ASSEMBLY MEASURES

ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

The following Assembly Bills were approved by the Governor, chaptered and filed with the Secretary of State. Unless otherwise specified, all bills become effective 90 days after adjournment sine die of the Legislature, or on March 6, 1941.

A B Number	Chapter	Author	Subject of Title	Approved by Governor
2	38	Pelletier, et al	Creates municipal departments, provides for public assemblies, issuance of bonds	Feb 29
5	27	Green, et al	Re trust receipt transactions	Feb 28
10	6	Dills, et al	Sales tax exemption	Feb. 15
38	24	Stream, Reaves	Re yellow tail barracuda and white sea bass	Feb 28
44	16	Fulcher, Miller, George P	Validates proceedings and bonds of public bodies	Feb 26
45	17	Kuchel, Watson	Re Orange County Flood Control	Feb 26
47	47	Leonard, et al	Re tax deeded lands	June 1
50	41	Maloney	Re taxation of transfer of property	Mar. 6
55	28	Donnelly	Re marketing of agricultural products	Feb 28
60	21	O'Donnell, et al	Re soil conservation	Feb 28
61	65	Desmond et al	Salary adjustments, State officers and employees	Feb 28
*64	8	Desmond	Appropriation for contingent expenses	Dec 6
69	37	Rosenthal	Re itinerant merchants	Feb 21
72	25	Sawallisch	Creates joint committee to study motor vehicle laws and operation	Feb 29
74	18	Doyle	Appropriation for printing, Secretary of State's Office	Feb 28
75	19	Doyle	Appropriation, legislative printing	Feb 26
79	5	Watson, et al	Appropriation for relief	Feb 26
80	22	Evans, et al	Re corporations furnishing courses of instruction	Feb 8
83	36	Williamson, et al	Amends Personal Income Tax Act	Feb 28
88	32	Lyon	Re proceedings under Sales and Use Tax Act	Feb 29
94	39	Williamson, et al	Appropriation for Golden Gate International Exposition	Feb 29
96	11	Bashore, et al	Cancellation of real property agreements	Feb. 29
120	42	Kuchel and Watson	Amends Act 5682, Orange County Flood Control Act	Feb 23
122	48	Green, et al	Re vehicle trust receipt transactions	May 21
123	43	Maloney, et al	Amends Act 3796, Alcoholic Beverage Control Act	June 1
125	49	Donnelly	Assessments in connection with marketing orders	May 21
128	50	Dills, et al	Exemptions of certain live stock and poultry products from sales tax	June 1
129	51	Collins, et al	Provides for submission of A C A 6, Res Chapter 20, to people at November 5, 1940, election	June 1
†‡130	46	Robertson, et al	Re exemption of publications from sales and use tax	June 1
131	52	Donnelly	Re marketing order assessments	June 4
133	53	Stream	Re yellow tail, barracuda and white sea bass	June 3
134	54	Gilmore, et al	Provides for disposal of live stock exhibit equipment at Golden Gate International Exposition	June 1
143	55	Sawallisch	Re Joint Committee on Motor Vehicle Laws	June 1
146	62	Doyle	Appropriation for legislative printing	June 1
147	63	Daley and Burns, Michael J	Appropriation, Department of Natural Resources	Oct 2
148	64	Desmond	Appropriation, contingent expenses of Assembly	Oct 2
149	67	Daley	Re Federal Stamp Plan	Oct 3
150	66	Leonard	Re property taxation	Dec 11

* Governor's reductions not sustained Filed with Secretary of State, February 23
† Automatically became law without Governor's signature
‡ In effect June 2, 1940

Total 37

CHAPTER NUMBERS OF ASSEMBLY BILLS APPROVED BY THE GOVERNOR

Chapter number	Assembly bill number	Chapter number	Assembly bill number	Chapter number	Assembly bill number
5	79	27	5	49	125
6	10	28	55	50	128
8	64	32	88	51	129
11	96	36	83	52	131
16	44	37	69	53	133
17	45	38	2	54	134
18	74	39	94	55	143
19	75	41	50	62	146
21	60	42	120	63	147
22	80	43	123	64	148
24	38	*46	130	65	61
25	72	47	47	66	150
		48	122	67	149

* Automatically became law without Governor's signature

Total 37

ASSEMBLY BILLS VETOED BY THE GOVERNOR

Number	Author	Subject of Title	Date vetoed by Governor
62	Collins	Re submitting Constitutional Amendments at General Election	Feb. 29
81	Williamson, et al	Alcoholic beverage control, re Golden Gate International Exposition	Feb 28
82	Williamson, et al	Cancellation of illegally levied tax, interest, etc	Feb 28
105	Daley, et al	Expenditure of State relief by counties	Feb 24
132	Housel, et al	Re municipal improvements	June 4

Total 5

MEASURES REMAINING ON CALENDAR WITHOUT FURTHER ACTION

66, 121, 138.

Total 3

ASSEMBLY CONSTITUTIONAL AMENDMENTS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

The following Assembly Constitutional Amendment chaptered, and filed with the Secretary of State was voted upon at the general election held November 5, 1940.

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
6	20	Lore, et al	Relative to liens taken as security	Feb 21

Total 1

ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	1	Kellems	Amendments to charter of city of Santa Monica	Feb 2
2	2	Kuchel	Amendment to charter of city of Huntington Beach	Feb 2
3	6	Maloney et al	Amendments to charter of City and County of San Francisco	Feb 8
4	7	Houser and Maloney	Relative to death of Pope Pius XI	Feb 8
5	12	Field	Requests permission for relief legislation	Feb 13
6	48	Cronin	Re reports of Military Order of the Purple Heart	May 28
7	23	Lyon	Relative to "stop-game" law	Feb 24
8	24	Burns, H M, and Heisinger	Secondary highway between Clovis and Friant	Feb 24
9	18	Johnson	Amendments to charter of city of Albany	Feb 20
11	22	Kuchel, et al	Relative to retirement of Robert Alexander	Feb 23
14	37	Desmond	Cooperation State Relief Administration with agricultural industry, re unemployment relief	Feb 28
15	36	Thorp, Weber	Re winning of Santa Anita Derby by Sweepida	Feb 28
18	26	Desmond	Senate and Assembly recess	Feb 26
19	35	Daley, et al	Re WPA sewing projects	Feb 28
22	42	Phillips, et al	Dismissal of State employees	May 23
23	43	Pelletier	Adjournment in memory of Hon Fred C Reaves	May 23
26	49	Field and Houser	Re Home Defense	May 28
27	50	Call, et al	Establishment of Legislative Budget Bureau	May 28
28	51	Call, et al	Re preparation 1941 Budget Bill	May 28
29	52	Scudder	Defining "Mackinaw cut-throat trout"	May 28
32	61	Phillips	Re investigation of Southern California Prison at Chino	Oct 3
33	66	Desmond	Approving amendments to charter, County of Sacramento	Dec 5
34	73	Phillips	Investigation work relief projects at Chino	Dec 12
35	68	Lyon, et al	Legislative printing	Dec 12
36	74	Desmond	Approving amendments to charter, City of Sacramento	Dec 12
37	69	Burns, Hugh M	Re creation of a Welfare Personnel Policies Investigating Committee	Dec 12

Total 26

ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
6	8	Tenney, et al	Assistance to Republic of Finland	Feb 8
8	10	Clarke, et al	National defense highway	Feb 9
9	9	Lyon and Atkinson	Discrimination in steamship service	Feb 8
10	14	Del Mutolo	Use of white cane	Feb 13
13	15	Fulcher	Funds to Central Valley Project	Feb. 16
14	16	Clarke	Japanese beetle suppression	Feb 16
16	25	Crowley	Separate income tax returns	Feb 24
17	34	Gilbert	Re aid to disabled persons	Feb 28
19	26	Burns, M J	Loss of tax receipts by counties	Feb 24
20	33	Bashore	Re expediting Santa Fe Retarding Basin Project	Feb 28
21	29	Scudder, et al	Re losses sustained by poultry feed suppliers	Feb 26
22	40	Voigt and Gannon	Re defense of California coast	May 23
23	41	Kuchel, et al	Re tide, submerged and overflowed lands	May 23
26	47	Walker	Re Baird Experimental Station	May 28

Total 14