

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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**IN SENATE**  
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SENATE CHAMBER, SACRAMENTO,  
Monday, May 13, 1940.

The Senate 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 May 10, 1940, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor Ellis E. Patterson, President of the Senate of the fifty-third session, in the chair, called the Senate to order.

Pursuant to the provisions of section 237 of the Political Code, Joseph A. Beek, Secretary of the Senate, James Boyd Garrison, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

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

Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wag—32.

**Prayer.**

By invitation of the President, prayer was offered by the Rev. A. Raymond Grant, Chaplain of the Senate of the fifty-third session.

**Leaves of Absence.**

Senator Holohan was, on motion of Senator Tickle, granted leave of absence for this day.

Senator De Lap was, on motion of Senator Metzger, granted leave of absence for this day.

**Proclamation of the Governor.**

The President of the Senate directed the Secretary of the Senate to read the proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

**Proclamation.**  
EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
May 10, 1940.

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 13th day of May, one thousand nine hundred forty, at 10 o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation making an additional appropriation to the Reclamation Board for construction, land, rights of way, easements, and general administrative operations and overhead, in augmentation of the appropriation made by Item 206 of the Budget Act of 1939.

2. To consider and act upon legislation making an appropriation to the emergency fund created by Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate, and prevent such damage and destruction.

3. To consider and act upon legislation to provide for the acquisition and construction, maintenance and operation of a system of works for the control, storage, conservation and utilization of the waters of the Napa River and its tributaries.

4. To consider and act upon legislation making an appropriation to the Department of Natural Resources for forest fire suppression and prevention.

5. To rescind the action of the Legislature in adopting Senate Constitutional Amendment No. 9, Resolutions Chapter 119 of the Statutes of 1939.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of May, A. D., one thousand nine hundred forty.

CULBERT L. OLSON,  
Governor of California.

Attest:

PAUL PEEK,  
Secretary of State.

[SEAL]

### Senate Resolution No. 1.

The following resolution was offered:

By Senator Slater:

*Resolved*, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this fifty-third (second extraordinary) session.

Resolution read, and on motion of Senator Slater adopted.

### Senate Resolution No. 2.

The following resolution was offered:

By Senator Rich:

*Resolved*, That Senator Jerrold L. Seawell be and he is hereby elected President Pro Tempore of the Senate, that Joseph A. Beek be and he is hereby elected Secretary of the Senate, that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that James Boyd Garrison be and he is hereby elected Minute Clerk of the Senate, that Rev. A. Raymond Grant be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Senate Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Fletcher, Garrison, Gordon, Hays, Hollister, Jaspersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—28

NOES—None.

### Oath of Office Administered.

The newly elected officers of the Senate, Senator Jerrold L. Seawell, President Pro Tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; James Boyd Garrison, Minute Clerk; and Rev. A.

Raymond Grant, Chaplain, appeared at the bar of the Senate where the Constitutional oath of office was administered to them by the Honorable Rolfe L. Thompson, Justice, Third District Court of Appeal, and they subscribed to the same.

### Senate Resolution No. 3.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That the Standing Rules of the Senate of the fifty-third (first extraordinary) session be and the same are hereby adopted as the Rules of the Senate for this fifty-third (second extraordinary) session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Fletcher, Garrison, Gordon, Hays, Hollister, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—27.

NOES—None

### Senate Resolution No. 4.

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That the Standing Committees of the Senate, together with the Committee on Attaches of the fifty-third (first extraordinary) session be and the same are hereby appointed committees of this fifty-third (second extraordinary) session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 4 adopted by the following vote:

AYES—Biggar, Breed, Crittenden, Fletcher, Garrison, Gordon, Hays, Hollister, Jepsen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—28.

NOES—None

### Senate Resolution No. 5.

The following resolution was offered:

By Senator Myhand:

*Resolved*, That the President of the Senate appoint a special committee of three Senators to notify the Governor of the organization of the Senate for the fifty-third (second extraordinary) session and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Myhand, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Myhand, McCormack and Fletcher.

### Senate Resolution No. 6.

The following resolution was offered:

By Senator Mayo:

*Resolved*, That the President of the Senate appoint a special committee of three Senators to notify the Assembly of the organization of the Senate for the fifty-third

(second extraordinary) session and that the Senate is now duly organized and is ready to receive any communication it may have to make.

Resolution read, and on motion of Senator Mayo, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Mayo, Brown and McBride.

#### Senate Resolution No. 7.

The following resolution was offered:

By Senator Gordon:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers of this fifty-third (second extraordinary) session:

|                                      |                     |
|--------------------------------------|---------------------|
| <i>President Pro Tempore</i> .....   | Jerrold L. Seawell  |
| <i>Secretary of the Senate</i> ..... | Joseph A. Beek      |
| <i>Sergeant-at-Arms</i> .....        | Joseph F. Nolan     |
| <i>Minute Clerk</i> .....            | James Boyd Garrison |
| <i>Chaplain</i> .....                | A. Raymond Grant    |

Resolution read, and on motion of Senator Gordon, adopted.

#### Senate Resolution No. 8.

The following resolution was offered:

By Senator Brown:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the fifty-third (second extraordinary) session:

| Senators                     | County                | Mileage | Total at five cents per mile |
|------------------------------|-----------------------|---------|------------------------------|
| Biggs, George M .....        | Mendocino .....       | 468     | \$23 40                      |
| Breed, Arthur H. Jr .....    | Alameda .....         | 178     | 8 90                         |
| Brown, Charles .....         | Inyo .....            | 1,292   | 64 60                        |
| Collier, Randolph .....      | Siskiyou .....        | 590     | 29 50                        |
| Crittenden, Bradford S ..... | San Joaquin .....     | 98      | 4 90                         |
| Funningham, R. R .....       | Kings .....           | 428     | 21 40                        |
| DeLap, T. H .....            | Contra Costa .....    | 160     | 8 00                         |
| Deul, Charles H .....        | Butte .....           | 228     | 11 40                        |
| Fletcher, Ed .....           | San Diego .....       | 1,146   | 57 30                        |
| Foley, John D .....          | Santa Clara .....     | 256     | 12 80                        |
| Garrison, J. C .....         | Stanislaus .....      | 164     | 8 20                         |
| Gordon, Frank L .....        | Napa .....            | 110     | 5 50                         |
| Hays, Ray W .....            | Fresno .....          | 338     | 16 90                        |
| Hollister, J. James .....    | Santa Barbara .....   | 854     | 42 70                        |
| Holohan, James B .....       | Santa Cruz .....      | 396     | 19 80                        |
| Jespersen, Chris N .....     | San Luis Obispo ..... | 666     | 33 30                        |
| Keating, Thomas F .....      | Marin .....           | 210     | 10 50                        |
| Kemp, Robert W .....         | Los Angeles .....     | 894     | 44 70                        |
| Mayo, Jesse M .....          | Calaveras .....       | 170     | 8 50                         |
| McBride, James J .....       | Ventura .....         | 980     | 49 00                        |
| McCormack, Thomas .....      | Solano .....          | 124     | 6 20                         |
| Metzger, D. Jack .....       | Tehama .....          | 286     | 14 30                        |
| Mixter, Frank M .....        | Tulare .....          | 432     | 21 60                        |
| Mvhand, Peter P .....        | Merced .....          | 222     | 11 10                        |
| Nicksen, Roy J .....         | Sacramento .....      | 2       | 10                           |
| Parkman, Harry L .....       | San Mateo .....       | 238     | 11 90                        |
| Phillips, John .....         | Riverdale .....       | 1,094   | 54 70                        |
| Powers, Harold J .....       | Modoc .....           | 832     | 41 60                        |
| Quinn, Irwin T .....         | Humboldt .....        | 624     | 31 20                        |

| Senators           | County         | Mileage | Total at five cents per mile |
|--------------------|----------------|---------|------------------------------|
| Rich, Wm P         | Yuba           | 101     | 5 20                         |
| Seawell, Jerrold L | Placer         | 108     | 5 40                         |
| Shelley, John F    | San Francisco  | 180     | 9 00                         |
| Slater, Herbert W  | Sonoma         | 180     | 9 00                         |
| Swing, Ralph E     | San Bernardino | 1,016   | 50 80                        |
| Tickle, Edward H   | Mentery        | 474     | 23 70                        |
| Wagy, J I          | Kern           | 556     | 27 80                        |

| Officers                          | County      | Mileage | Total at ten cents per mile |
|-----------------------------------|-------------|---------|-----------------------------|
| Patterson, Ellis E, President     | Los Angeles | 894     | \$89 40                     |
| Nolan, Joseph F, Sergeant-at-Arms | Los Angeles | 894     | 89 40                       |
| Garrison, J B, Amdute Clerk       | Alameda     | 190     | 19 00                       |

Resolution read.

The question being on the adoption of the resolution.

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

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—27.

**NOES**—None.

**Senate Resolution No. 9.**

The following resolution was offered:

By Senator Tickle:

*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, beginning May 13, 1940, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts and the Treasurer is hereby directed to pay the same:

|  | <i>Six days per week</i> |
|--|--------------------------|
| Maitland S. Pennington, Assistant Secretary        | \$7 00                   |
| John F. Lea, Assistant Secretary                   | 7 00                     |
| Robert G. Alderman, Engrossing and Enrolling Clerk | 7 00                     |
| Harry L. Jordan, Bookkeeper to Sergeant-at-Arms    | 5 00                     |
| N. L. Levering, Journal Clerk                      | 7 00                     |
| Vera Frank, Chief Stenographer                     | 6 00                     |
| Howard S. McIntire, History Clerk                  | 7 00                     |
| Belle Tomasini, Stenographer                       | 5 00                     |

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 9 adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, Metzger, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—25.

**NOES**—None.

**Senate Resolution No. 10.**

The following resolution was offered:

By Senator Nielsen:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and on motion of Senator Nielsen, adopted.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Mixter:

SENATE CHAMBER, SACRAMENTO, May 13, 1940.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Respectfully submitted.

SENATOR MIXTER.

Request referred to Committee on Rules.

### Reports of Special Committees.

The following reports of special committees were received:

Senators Myhand, McCormack and Fletcher, the special committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Also:

Senators Mayo, Brown and McBride, the special committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.  
SACRAMENTO, May 13, 1940

*To the Senate and Assembly of the State Legislature of California.*

GREETINGS. Events occurring since the issuance by me of the proclamation calling a special session of the Legislature on January 29th last, have produced conditions requiring another special session of the Legislature for the enactment of urgency legislation to meet conditions caused by those events. I, therefore, issued a proclamation calling for another special session fixing the time for its convening at ten o'clock a. m. on Monday, May 13, 1940. The subjects specifically submitted in this proclamation are the following:

*First:* To consider and act upon legislation making an additional appropriation to the Reclamation Board for construction, land, rights of way, easements, and general administrative operations and overhead, in augmentation of the appropriation made by Item 206 of the Budget Act of 1939.

An additional appropriation of \$1,000,000 is required for this purpose.

Briefly, the reasons for and conditions justifying this additional appropriation are as follows:

The extraordinary floods of the Sacramento River and its tributaries occurring in March and April of this year have done great damage to the river levees and other works of the Sacramento River Flood Control Project. These damages must be repaired before another flood season, in order to avert even worse and irreparable damages.

The Sacramento River Flood Control Project is a plan, now being prosecuted by the Federal and State governments and local interests, for the protection of the Sacramento Valley from the floods of the Sacramento River and its tributaries. The plan has as its coordinated purposes: First, flood control, making possible the maintenance of river levees and the forming of self-scouring river channels; second, the scouring out of mining debris which has accumulated in the river channels; and third, the restoration and maintenance of navigation.

The project has been under construction under the present plan since 1928. In your regular session of 1939 you appropriated \$1,211,570 for the State's share of the 1939-41 program thereunder. Because of the extraordinary floods referred to, the public welfare in the preparation for future flood seasons requires immediate enlargement of the 1939-41 program under this project.

Levee breaks in the recent floods occurred in levee sections not as yet constructed to standard specifications. The breaks occurring in these floods resulted in the

inundation and consequent severe damage to some 350,000 acres of reclaimed land. Great difficulty was experienced in preventing further breaks and overtopping of levees that were not up to standard. This condition requires the completion of all programmed works for the 1939-41 construction season. To be effective, this work must be consummated before the next flood season.

The amount of the additional appropriation of \$1,900,000 which I recommend is based upon surveys and recommendations of the State Reclamation Board and the California Debris Commission.

Attention is called to existing Federal requirements which stipulate that the State's share of participation in this project must be transmitted to the Treasurer of the United States before contracts may be let by the California Debris Commission. In addition, there is required a thirty-day period of advertising the contracts for bids. It should also be noted that time is needed for the Reclamation Board staff to secure the necessary rights of way and borrow areas before construction can commence.

The State funds appropriated by you should be made available not later than June 1, 1940. This would enable bids to be opened on the largest and most urgent items of construction on or about June 20th, and successful bidders probably would start actual construction early in July.

The total yardage that should be placed in levee sections before next flood season is approximately 9,400,000 cubic yards on about 70 miles of levee.

The recent disastrous floods have eroded and weakened Sacramento River Flood Control Project levees to such an extent that the necessary funds must be made immediately available so that these protective works can be reconstructed and restored to standard specifications before the next flood season. The lives and property of over 250,000 inhabitants in an area exceeding 1,000,000 acres of highly developed agricultural land are exposed to a repetition of devastating floods that might again result in tremendous loss of life and property.

These levees also safeguard a large public investment in State and county highways and other public works in the counties of Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Yolo and Yuba.

*Second:* The next and related subject included in the proclamation calling this special session is an appropriation to the Emergency Fund created by Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction.

The unusually heavy rains and floods occurring in the months of February, March and early April of this year were particularly disastrous in most of northern California. The first and greatest flood occurred from February 25th to March 2d, when as much as twenty inches of rain fell in a five-day period and the resulting floods were in many places higher than any known record. Ten lives were lost, a thousand square miles of land flooded, and damages amounting to about twelve million dollars occasioned. A report covering the effect of this flood in detail and itemizing the damage, both by location and character, was prepared by the Department of Public Works and submitted to me on March 18th. Reference is made to this report for a full description of this flood and the ensuing damage.

Great distress has been occasioned by this flood emergency, and widespread appeals have been made for State and Federal assistance. The Federal Government has responded by making WPA funds available, by disaster loans, by easing of Federal Land Bank payments, and in other ways. The State is expending \$60,000 from the Emergency Fund in the closing of the more critical levee breaks, and has set aside an additional \$250,000 from the Emergency Fund for flood damage restoration work. Applications for State assistance totaling about two million dollars have been received.

There is ample precedent for such assistance. Following the storms and floods of the winter of 1937-1938, when flood damage in large amount occurred in most parts of California, the Legislature in special session in March, 1938, appropriated five million dollars for flood damage restoration, which sum has practically all been allocated and expended under close technical and financial supervision by the State. Following the precedent established in 1938 in extending State assistance, in communities damaged by floods and which are unable themselves to carry on the work of rehabilitation, State assistance is necessary and justified.

All applications for State assistance are being investigated in the field by Department of Public Works engineers, and reports on many are completed. An estimate of the appropriation to the Emergency Fund necessary to meet this State obligation fairly and properly, using the 1938 criteria as to eligibility will be furnished me by the Department of Public Works within a day or two. This will be duly transmitted to you with my recommendation as to the amount of your appropriation.

*Third:* The third item contained in this Proclamation is that you consider and act upon legislation to provide for the acquisition and construction, maintenance and operation of a system of works for the control, storage, conservation and utilization of the waters of the Napa River and its tributaries.

In the Napa Valley a water shortage has become acute and urgently calls for solution.

The water supply for the Veterans' Home of California, and other State institutions in Napa County, is inadequate. Chapter 760, Statutes of 1937, and Chapter 678, Statutes of 1939, both urgency measures, appropriated moneys to be expended by the Department of Finance for the purchase or construction of a dam and water distribution system for the Veterans' Home of California, and other State institutions in Napa County.

By Chapter 413, Statutes of 1935, the Rector Dam Authority was created and given authority to investigate and determine the best method of impounding the waters of Rector Creek, in Rector Canyon, and the feasibility of erecting a dam and constructing a system for the distribution of the waters of Rector Creek to the public or to municipalities, or to public districts, or to State institutions or agencies. It was given jurisdiction over a portion of Napa State Farm, from which the present water supply for the State institutions is taken, for use as a site for the construction of a proposed dam. It was also given authority to issue revenue bonds to the Federal Government to construct a dam and necessary distribution system.

A survey is now being made by the Department of Public Works for the purpose of determining the most feasible and economical location for a dam and reservoir, but it would appear that additional legislation is necessary before starting construction, whatever the survey may indicate to be the best means of meeting the situation.

Under existing legislation the Rector Dam Authority can not use the funds appropriated to the Department of Finance for the construction of the dam. On the other hand, the Department of Finance has available the moneys appropriated, but it has no jurisdiction over the proposed Rector Dam site, which is vested in the Rector Dam Authority, and could not use the site if it were determined that it was the best location for the dam. The appropriations to the Department of Finance are also limited to the purchase or construction of a dam and water distribution system for the Veterans' Home of California, and other State institutions in Napa County. In the event sufficient water were impounded by the dam constructed by the Department of Finance to leave a surplus after the supplying of the State institutions in Napa County, there would be no legal authority for distributing this water.

In order to protect the State's investment of several millions of dollars in its institutions in Napa Valley; to avoid the impairment of the health of inmates by reason of the lack of adequate water; to eliminate a serious fire hazard; to bring together money and lands heretofore made available to different agencies, and to otherwise cure the defects of existing legislation and to permit the acquisition of a sufficient water supply upon the most sound economical basis, it is deemed necessary that such a measure prepared under the direction of the Director of Finance and Director of Public Works will be duly submitted for your consideration. The need and urgency for such further legislation is attested by the previous enactments which have been cited.

*Fourth:* The fourth subject submitted in this Proclamation for your consideration is the making of an appropriation to the Department of Natural Resources for fire suppression and prevention.

Adequate fire protection for our forests and watersheds is also related to the flood control program; but, independent of the aid which adequate fire protection of our forests would be to flood control, the need for additional funds for fire suppression and prevention is so vital and immediate that your action in responding to it is a very urgent necessity.

A state-wide Fire Control Plan has been adopted by the present State Board of Forestry, as a result of a careful study of the actual fire situations which have occurred in California during the past ten years. The technicians and forest rangers of the Division of Forestry have assisted in the preparation of this plan; and in its adoption the Forestry Division has also had the advice and cooperation of the United States Forestry Service.

In view of the approaching fire season the total special appropriation requested for the period from May 15, 1940, to June 30, 1948, is \$883,600, which appropriation I hereby recommend.

These additional funds are required because they will result in a future saving of fire control money, as well as of taxable wealth, many times greater than the proposed expenditure.

These additional funds are also necessary to compensate for the lack of protection which has resulted from the withdrawal of the Civilian Conservation Corps from first line fire protection.

The members of the Legislature have been furnished detailed information in support of this recommended appropriation and the urgency thereof, including the following information:

During the calendar year of 1939 the State Division of Forestry suppressed 6,864 fires burning in timber, watershed, range and grain areas and incidental structures.

These fires burned over more than half a million acres of State protected land. The losses sustained are not to be calculated merely for our generation, for there were losses not only of homes, live stock, property, range, grain and timber, but in addition we have the huge and incalculable loss of fertile soil washed from the watersheds by millions of tons into the streams and rivers and into the sea. These are the most serious damages of all, and they will not, and can not, be replaced within many generations, if ever.

The fires of the last season and of previous ones are a contributing cause of the floods of the current spring season. This is established beyond all question of doubt. Without better fire suppression and prevention of the annual loss of protective forest cover, future flood crests will rise to unprecedented heights. Future rains will erode the exposed soil of mountain and foothill slopes, bringing ruin not only to these lands but to the valley farms and communities below.

During 1939 there were 6,864 of these fires. During 1940, with the best of luck, Division of Forestry will suppress not less than 4,000 fires.

Yet the budget of the Division of Forestry has never been adequate to meet these normal and known conditions. Each year huge emergency and deficiency appropriations have been made when the emergency was upon us; they were necessary and compelled by calamity.

The cheapest and most efficient way to suppress fires is before they occur, or, in any event, at their inception, and the additional appropriation should be considered as an economy measure.

*Fifth:* The last item or subject submitted in this Proclamation for your consideration is the rescission of the action of the present Legislature in adopting Senate Constitutional Amendment No. 9, Resolutions Chapter 119 of the Statutes of 1939, which would automatically be submitted to the voters at the general election of this year.

My reasons for submitting this subject and recommending, which I do, the rescission of your adoption of this proposed constitutional amendment are two-fold.

First: It is the only way open for me to go on record in the journals of your proceedings against the adoption of this amendment; and

Second: My belief that the far-reaching, injurious consequences of this amendment, if adopted, may not have been given the consideration due the subject when the resolution was passed.

This proposed amendment would allow for unlimited encroachment on the executive branch of the government by the judicial branch, contrary to the basic conception of the independent functions of the three branches of government under the American constitutional system. It would place in the courts a responsibility to determine purely administrative acts.

Every order or determination of any administrative officer, board or commission in the performance of their duties under the Constitution and in the administration of the acts of the Legislature, would be subject to review, trial de novo, revision or revocation upon appeal therefrom to a judge of a superior court, regardless of the fact that the order or determination is purely an administrative act under all standards and precedents established throughout the history of our constitutional system.

It would enable any private interest to obstruct the execution of acts of the Legislature, by compelling administrative orders made under them to run the gamut of judicial procedure until a court of last resort, after long delays, shall tell the administrative officer or commission whether and how the law may be enforced.

The effect would be a circumvention of the execution of laws and a promotion of governmental inefficiency.

I can not too strongly urge your reconsideration of this resolution, with the hope that you will rescind it.

This special session is called for an hour immediately prior to the resumption of the special session previously called, in expectation that you may delay resumption of the previously called special session to act or initiate action upon these urgency matters before resuming that session.

Respectfully yours,

CULBERT L. OLSON,  
Governor of California.

CLO :eg

### Leaves of Absence.

Senator Deuel was, on motion of Senator Nielsen, granted leave of absence for this day.

Senator Collier was, on motion of Senator McBride, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs George M. Hanson.

### Message from the Assembly.

At eleven o'clock a.m., a committee from the Assembly, consisting of Messrs. Field, Phillips and Robertson, appeared at the bar of the Senate and announced that the Assembly was duly organized and ready to proceed with the business of the State.

**Senator Rich in the Chair.**

At eleven o'clock and fifty minutes a.m. Senator Rich of the Tenth District was called to the chair.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day elected the following statutory officers for this fifty-third (second extraordinary) session:

|                          |       |                     |
|--------------------------|-------|---------------------|
| 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            |

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1940

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

#### House Resolution No. 5.

By Mr. Desmond:

*Resolved by the Assembly of the State of California,* That the Speaker of the Assembly appoint a committee of three to confer with a committee of the Senate for the purpose of determining and reporting to the Assembly and to the Senate their recommendations as to the procedure to be followed by the two houses of the Legislature in considering the subjects of legislation proposed by the proclamation convening this second extraordinary session; and, be it further

*Resolved,* That the Senate is hereby requested to appoint a like committee for the aforesaid purpose; and, be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Senate;

And appointed Messrs. Desmond, Lyon and Fulcher as such Special Committee.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Resolution referred to Committee on Rules.

### Adjournment.

At eleven o'clock and fifty-five minutes a.m., on motion of Senator Seawell, the Acting President of the Senate declared the Senate adjourned, until ten o'clock a.m. Tuesday, May 14, 1940

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO,

Tuesday, May 14, 1940.

The Senate met at ten o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

**Roll Call.**

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

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. A Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Monday, May 13, 1940, the further reading was dispensed with, on motion of Senator Slater.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Kenny:

SENATE CHAMBER, SACRAMENTO, May 13, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR KENNY.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 13, 1940.

MR. PRESIDENT. Your Committee on Rules, to which was referred the following request, by Senator Mixer, for permission to introduce a bill:

An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly adopted:

Assembly Joint Resolution No. 1—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organizations which are instigated, encouraged and fostered by it.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 1 ordered referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Kenny for permission to introduce a bill:

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to the Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 1:** By Senator Mixer—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Senate Bill No. 1 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 2:** By Senator Kenny—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or

destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 2 read first time, and referred to Committee on Finance, Revenue and Taxation.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

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

Assembly Joint Resolution No. 1—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organization which are instigated, encouraged and fostered by it;

Has had the same under consideration, and respectfully reports the same back, and recommends that the bill be re-referred to Committee on Governmental Efficiency.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

Bill ordered re-referred to Committee on Governmental Efficiency.

#### Recess.

At eleven o'clock and eight minutes a.m. on motion of Senator Seawell, the President of the Senate declared recess until one o'clock and thirty minutes p.m.

#### Reconvened.

At one o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senators Quinn, Garrison, Slater, Gordon, Powers, Hollister, Foley and Collier:

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT. In accordance with the provisions of the standing rules of the Senate, we request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted,

SENATORS QUINN,  
GARRISON,  
HOLLISTER,  
SLATER,  
FOLEY,  
POWERS,  
COLLIER,  
GORDON.

Request referred to Committee on Rules

### Report of Standing Committee.

The following report of standing committee was received and read.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 14, 1940

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Quinn and others for permission to introduce a bill.

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote Ayes—5

SEAWELL, Chairman

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 3:** By Senators Quinn, Garrison, Slater, Gordon, Powers, Hollister, Collier and Foley—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 3 read first time, and referred to Committee on Finance, Revenue and Taxation

### Adjournment.

At one o'clock and fifty-five minutes p m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock a m., Wednesday, May 15, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO,  
Wednesday, May 15, 1940.

The Senate met at ten o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

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

Senators Brown, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Jespersen, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—27.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, May 14, 1940, the further reading was dispensed with, on motion of Senator Swing.

**Leaves of Absence.**

Senator Biggar was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Holohan was, on motion of Senator Tickle, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Frank Ferguson of Modesto.

### Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Metzger:

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Glenn, Colusa, and Tehama counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR METZGER.

Request referred to Committee on Rules.

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

By Senators Garrison, Shelley, Powers and Hollister:

SENATE CHAMBER, SACRAMENTO, May 15, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, we request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATORS GARRISON.  
HOLLISTER.  
POWERS.  
SHELLEY.

Request referred to Committee on Rules.

### COMMITTEE OF THE WHOLE.

Senator Phillips moved that the Senate resolve itself into a Committee of the Whole.

Motion carried.

### Senate Meets as Committee of the Whole.

At ten o'clock and fifteen minutes a.m., the Senate met as a Committee of the Whole.

### Committee of the Whole Arises.

At eleven o'clock and thirty-five minutes a.m., on motion of Senator Phillips, the Committee of the Whole arose.

**IN SENATE.**

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Reports of Standing Committee.**

The following reports of standing committee were received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 15, 1940

MR. PRESIDENT: Your Committee on Rules, to which was referred the following requests for permission to introduce bills:

By Senator Swing:

An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

and

By Senator Metzger:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Glenn, Colusa, and Tehama counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bills introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 15, 1940

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Garrison and others for permission to introduce a bill:

An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

**Introduction, First Reading and Reference of Bills.**

The following bills were introduced.

**Senate Bill No. 4:** By Senator Metzger—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Glenn, Colusa, and Tehama counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 4 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 5:** By Senator Swing—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction,

declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 5 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 6:** By Senators Garrison, Shelley, Powers and Hollister—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 6 read first time, and referred to Committee on Finance, Revenue and Taxation.

### **Adjournment.**

At eleven o'clock and forty-five minutes a.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned until ten o'clock a.m., Thursday, May 16, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION

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# SENATE DAILY JOURNAL

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO,  
Thursday, May 16, 1940.

The Senate met at ten o'clock a m.

Hon. Ellis E Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

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

Senators Breed, Brown, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—28.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Wednesday, May 15, 1940, the further reading was dispensed with, on motion of Senator Slater.

**Leaves of Absence.**

Senator Biggar was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Holohan was, on motion of Senator Brown, granted leave of absence for this day.

Senator Myhand was, on motion of Senator Parkman, granted leave of absence for this day.

Senator Shelley was, on motion of Senator Foley, granted leave of absence for this day.

Senator Collier was, on motion of Senator Powers, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. D. Snow of Eagle Rock, and Mr. and Mrs. Waldomar Hamm of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. L. Kimmel of Modesto.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adolfo Camarillo and Ernest Jones, both of Camarillo, and Jack C. Miller of Port Hueneme.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Earle Hoskens of Millbrae.

### Senate Resolution No. 11.

The following resolution was offered:

By Senator Tickle:

WHEREAS, The Senate at the fifty-third (second extraordinary) session on May 13, 1940, adopted Senate Resolutions Nos. 2 and 9, appointing officers and employees of the Senate and setting forth their compensation; and

WHEREAS, There are at this time two extraordinary sessions being conducted simultaneously; and

WHEREAS, This condition presents a new and unprecedented situation in the annals of the State with which fiscal officers have not heretofore been confronted and upon which they desire the position of the Senate to be plainly set forth; now, therefore, be it

*Resolved*, That in appointing such officers and employees it was not the intention of the Senate that any individual so appointed should receive two days' pay for one day's service but that each individual should be compensated for the days of service actually rendered and that such services should be paid for from the constitutional allowance of one hundred dollars per day for each house of the Legislature at any special session thereof.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 11 adopted by the following vote:

AYES—Senators Breed, Brown, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Hollister, Jespersen, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—24.

NOES—None.

### Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including the

impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds; and making funds available for the purposes of this act.

Respectfully submitted.

SENATOR GORDON.

Request referred to Committee on Rules.

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, May 14, 1940.

MR. PRESIDENT In accordance with the provisions of the standing rules of the Senate, I request permission to offer a joint resolution, the title of which is set forth below:

Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California.

Respectfully submitted.

SENATOR CRITTENDEN.

Request referred to Committee on Rules.

By Senators Phillips, Brown, Deuel, Mayo, Mixer, Nielsen, Seawell, and Wagy, at the request of the Joint Legislative Fact-Finding Committee on Employment:

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, we request permission to offer a concurrent resolution, the title of which is set forth below:

Calling upon the Governor to permit well considered, comprehensive legislation upon the subject of relief of hardship and destitution, whether due to and caused by unemployment or by other causes.

Respectfully submitted.

SENATOR PHILLIPS AND OTHERS.

Request referred to Committee on Rules.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency to which was referred:

Assembly Joint Resolution No. 1—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organization which are instigated, encouraged and fostered by it;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Gordon for permission to introduce a bill:

An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including the impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds; and making funds available for the purposes of this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 15, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Crittenden for permission to introduce a Joint Resolution:

Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California;  
Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Governmental Efficiency.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

## SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Phillips and others for permission to offer a Concurrent Resolution:

Calling upon the Governor to permit well considered, comprehensive legislation upon the subject of relief of hardship and destitution, whether due to and caused by unemployment or by other causes;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the Concurrent Resolution offered and placed on file for immediate consideration.

Committee membership—5, committee vote. Ayes—5

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 7:** By Senator Gordon—An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including the impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds; and making funds available for the purposes of this act.

Senate Bill No 7 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Concurrent Resolution No. 1:** By Senators Phillips, Brown, Deuel, Mayo, Mixer, Nielsen, Seawell, and Wagy, at the request of the Joint Legislative Fact-Finding Committee on Employment—Relative to calling upon the Governor to permit well considered, comprehensive legislation upon the subject of relief of hardship and destitution, whether due to and caused by unemployment or by other causes.

**Senate Joint Resolution No. 1:** By Senator Crittenden—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California.

Senate Joint Resolution No. 1 read, and referred to Committee on Governmental Efficiency.

### Consideration of Senate Concurrent Resolution No. 1.

#### Senate Concurrent Resolution No. 1.

Relative to 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

WHEREAS, The Legislature at its extraordinary session in 1940, by Concurrent Resolution, created a Joint Legislative Fact-Finding Committee on Employment, consisting of members of both houses; and

WHEREAS, Said Joint Legislative Fact-Finding Committee on Employment has held hearings in every part of the State of California, and has gone into all phases of the unemployment relief problems in California; and

WHEREAS, This committee is now ready and is filing its report to the Legislature containing its recommendations; and

WHEREAS, This committee has recommended among other things the enactment of a permanent plan for the administration and financing of all public assistance, including the basic principles of complete integration of all welfare and relief activities into one consolidated program; and

WHEREAS, The findings of said committee strongly indicate that the adoption of the aforementioned plan will bring about a more efficient administration of relief in California, to the end that the needy will receive the maximum benefits at minimum costs to the taxpayers; and

WHEREAS, The proclamation of the Governor convening this extraordinary session of the Legislature is so restricted as to preclude any such legislation at this time; and

WHEREAS, The members of the Senate and Assembly have before them facts which have never been available before which the members believe are of sufficient importance to warrant complete consideration by all members of the Legislature; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring.* That the Honorable Culbert L. Olson, Governor of California, is hereby respectfully and specifically requested immediately to issue a proclamation specifying therein the subjects of legislation in such manner that the Legislature and the Governor of California will clearly have power and jurisdiction forthwith to consider and act upon, and enact into law, legislation for the relief of hardship and destitution whether resulting from unemployment or from any other causes; and be it further

*Resolved.* That the Secretary of the Senate is hereby directed forthwith to deliver a copy of this resolution to the Governor of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Keating, Mayo, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—26  
 NOES—Senators Garrison, Hollister, Jespersen, and Kenny—4.

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

### Communication.

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

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
 SACRAMENTO, CALIFORNIA, May 15, 1940.

*Senator Irwin T. Quinn,  
 Senate Chambers, State Capitol,  
 Sacramento, California*

*Subject: Senate Bill 3, appropriation for storm and flood repair.  
 Request: No 7995*

DEAR SENATOR QUINN: You have asked us, first, whether the above bill is within the scope of proclamation convening the second extraordinary session of the fifty-third Legislature; and, second, whether it may be amended in such fashion as to require certain portions of the appropriation to be spent in particular counties.

As to the first question, it appears to us that Senate Bill No. 3 of the second extraordinary session is clearly within item 2 of the proclamation convening that session.

As to the second question, amendments to the bill which provided affirmatively that specified amounts would have to be spent in particular counties, would probably result in a violation of that part of section 34 of Article IV of the Constitution which provides that no bill making an appropriation of money, except the Budget Bill, shall contain more than one item of appropriation.

It might be possible, however, to accomplish such a result from a negative approach. That is, the bill might be amended to provide that the appropriation

could be expended only in specified counties and not elsewhere. It might be further amended to provide that not to exceed specified amounts should be expended in any particular county. The net result would be that while the bill would not affirmatively require expenditure in any particular county, it would prevent expenditure except in the manner specified.

Trusting that the foregoing sufficiently answers your inquiry, we are

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By LAWRENCE G. ALLYN, Deputy.

LGA :fm.

### **Adjournment.**

At twelve o'clock and two minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, May 17, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO,  
FRIDAY, May 17, 1940.

The Senate met at ten o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called.

### Call of the Senate.

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

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

Senators Breed, Collier, Cunningham, Fletcher, Foley, Gordon, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Wagy—20.

The Secretary announced the absentees.

Time, ten o'clock and five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and ten minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

The names of the absentees were called, and the following answered to their names:

Senators Breed, Collier, Cunningham, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Wagy—23.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Thursday, May 16, 1940, the further reading was dispensed with, on motion of Senator Slater.

**Leaves of Absence.**

Senator Biggar was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Holohan was, on motion of Senator Gordon, granted leave of absence for this day.

Senator DeLap was, on motion of Senator Metzger, granted leave of absence for this day.

Senator Shelley was, on motion of Senator Foley, granted leave of absence for this day.

Senator Hollister was, on motion of Senator Slater, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hugh M. Shaver of Escondido.

**Senate Resolution No. 12.**

The following resolution was offered:

By Senators Deuel, Tickle and Nielsen.

WHEREAS, Room S on the Fourth Floor has been vacated; and

WHEREAS, Said Room S is necessary for the benefit and convenience of members of the Senate; now, therefore, be it

*Resolved*, That the Senate does hereby request and instruct Mr. Frank N. Killam, Chief of Bureau of Buildings and Grounds, to partition said Room S into office space according to plans submitted; and be it further

*Resolved*, That work proceed promptly that said offices be ready for occupancy at the next session of the Legislature.

Resolution read, and on motion of Senator Deuel adopted.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1940

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

Senate Concurrent Resolution No. 1—Relative to 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

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

**Requests for Permission to Introduce Bills.**

The following requests for permission to introduce bills were presented:

By Senator Collier:

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce two bills, the titles of which are set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR COLLIER.

Request referred to Committee on Rules.

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce three bills, the titles of which are set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Napa and Yolo counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act to provide for the transference to the State of California Napa Water Authority of the unexpended and unencumbered funds in the State treasury appropriated by Chapter 760 of the Statutes of 1937 and Chapter 678 of the Statutes of 1939;

An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Respectfully submitted.

SENATOR GORDON.

Request referred to Committee on Rules.

By Senator McCormack:

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR McCORMACK.

Request referred to Committee on Rules.

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Joaquin County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR CRITTENDEN.

Request referred to Committee on Rules.

By Senator Slater :

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below :

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules

By Senator Garrison :

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below :

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately

Respectfully submitted.

SENATOR GARRISON

Request referred to Committee on Rules.

By Senator Quinn :

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below :

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately

Respectfully submitted.

SENATOR QUINN

Request referred to Committee on Rules.

By Senator Cunningham :

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below :

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Kings County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR CUNNINGHAM.

Request referred to Committee on Rules.

By Senator Powers :

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below :

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR POWERS

Request referred to Committee on Rules.

### Reports of Standing Committee.

The following reports of standing committee were received and read :

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules to which was referred the following requests by Senator Collier for permission to introduce two bills:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bills introduced and referred to Committee on Finance, Revenue and Taxation

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules to which was referred the following requests by Senator Gordon for permission to introduce three bills:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Napa and Yolo counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act to provide for the transference to the State of California Napa Water Authority of the unexpended and unencumbered funds in the State treasury appropriated by Chapter 760 of the Statutes of 1937 and Chapter 678 of the Statutes of 1939;

An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bills introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator McCormack for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1940

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Crittenden for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged by storms and floods and to avert,

alleviate and prevent such damage and destruction in San Joaquin County, declaring the urgency thereof, and providing that this act shall take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Slater for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Garrison for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Quinn for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Cunningham for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Kings County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 17, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Powers for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

### Introduction, First Reading and Reference of Bills.

The following bills were introduced :

**Senate Bill No. 8:** By Senator Collier—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 8 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 9:** By Senator Collier—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 9 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 10:** By Senator Gordon—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Napa and Yolo counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 10 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 11:** By Senator Gordon—An act to provide for the transference to the State of California Napa Water Authority of the unexpended and unenumerated funds in the State Treasury appropriated by Chapter 760 of the Statutes of 1937 and Chapter 678 of the Statutes of 1939.

Senate Bill No. 11 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 12:** By Senator Gordon—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Senate Bill No. 12 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 13:** By Senator McCormack—An act making an appropriation to the Department of Public Works for the cost of

repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 13 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 14:** By Senator Crittenden—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Joaquin County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 14 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 15:** By Senator Slater—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 15 read first time and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 16:** By Senator Garrison—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 16 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 17:** By Senator Quinn—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 17 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 18:** By Senator Cunningham—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in

Kings County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 18 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 19:** By Senator Powers—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 19 read first time, and referred to Committee on Finance, Revenue and Taxation.

### **Adjournment.**

At eleven o'clock a.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Monday, May 20, 1940.

JAMES BOYD GARRISON, Minute Clerk.



CALIFORNIA LEGISLATURE  
FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION

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# SENATE DAILY JOURNAL

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO,  
Monday, May 20, 1940

The Senate met at ten o'clock and thirty minutes a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair  
Secretary Joseph A. Beek at the desk

### Roll Call.

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

Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Foley, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Kenny, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—26

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Friday, May 17, 1940, the further reading was dispensed with, on motion of Senator Slater

### Leaves of Absence.

Senator Metzger was, on motion of Senator Powers, granted leave of absence for this day.

Senator Holohan was, on motion of Senator Powers, granted leave of absence for this day.

Senator Fletcher was, on motion of Senator Mixter, granted leave of absence for this day.

Senator Shelley was, on motion of Senator Foley, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Emmett K. Olson and wife of Price, Utah; Mrs. George M. Hanson of Sacramento

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Rich:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT. In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the counties of Yuba and Sutter, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted

SENATOR RICH.

Request referred to Committee on Rules.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Rich for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the counties of Yuba and Sutter, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote Ayes—5

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to 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 reports that the same has been correctly enrolled and presented to the Governor on the seventeenth day of May, 1940, at two o'clock p m

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 20:** By Senator Rich—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the counties of Yuba and Sutter, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 20 read first time and referred to Committee on Finance, Revenue and Taxation.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

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

Assembly Concurrent Resolution No. 3—Relative to the "I Am An American panegyric."

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOORN, Assistant Clerk.

Assembly Concurrent Resolution No. 3 ordered referred to Committee on Rules.

### Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce two bills, the titles of which are set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the County of Mendocino, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the County of Lake, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR BIGGAR.

Request referred to Committee on Rules.

By Senator Keating:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the County of Marin, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR KEATING.

Request referred to Committee on Rules.

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods

and to avert, alleviate and prevent such damage and destruction in San Mateo County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted

SENATOR PARKMAN.

Request referred to Committee on Rules

By Senator McBride:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Ventura, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR McBRIDE.

Request referred to Committee on Rules

By Senator Mayo:

SENATE CHAMBER, SACRAMENTO, May 20, 1940

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Calaveras, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR MAYO.

Request referred to Committee on Rules

By Senator Foley:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Santa Clara, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR FOLEY.

Request referred to Committee on Rules.

By Senator Quinn:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Trinity County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR QUINN.

Request referred to Committee on Rules.

By Senator Myhand:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT. In accordance with the provisions of the standing rules of the Senate, I request permission to introduce two bills, the titles of which are set forth below.

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Madera, declaring the urgency thereof, and providing that this act shall take effect immediately.

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Merced, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR MYHAND

Request referred to Committee on Rules.

By Senator Deuel:

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT. In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Butte, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR DEUEL

Request referred to Committee on Rules.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Biggar for permission to introduce two bills:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Mendocino, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Lake, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bills introduced and referred to Committee on Finance, Revenue and Taxation

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Keating for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of

Marin, declaring the urgency thereof, and providing that this act shall take effect immediately,  
Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Parkman for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Mateo county, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator McBride for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Ventura, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Mayo for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Calaveras, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Foley for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Santa Clara, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Quinn for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and

to avert, alleviate and prevent such damage and destruction in Trinity County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Myhand for permission to introduce two bills:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Madera, declaring the urgency thereof, and providing that this act shall take effect immediately;

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Merced, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bills introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Deuel for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Butte, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 20, 1940.

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

Assembly Concurrent Resolution No. 3—Relative to the "I am an American paenegyric;"

Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to the Committee on Governmental Efficiency.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman.

Assembly Concurrent Resolution No. 3 read, and referred to Committee on Governmental Efficiency.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 21:** By Senator Biggar—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Mendocino, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 21 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 22:** By Senator Biggar—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Lake, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 22 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 23:** By Senator Keating—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Marin, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 23 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 24:** By Senator Parkman—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Mateo County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 24 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 25:** By Senator McBride—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Ventura, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 25 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 26:** By Senator Mayo—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Calaveras, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 26 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 27:** By Senator Foley—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods

and to avert, alleviate and prevent such damage and destruction in the county of Santa Clara, declaring the urgency thereof and providing that this act shall take effect immediately.

Senate Bill No. 27 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 28:** By Senator Quinn—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Trinity County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 28 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 29:** By Senator Myhand—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Madera, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 29 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 30:** By Senator Myhand—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Merced, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 30 read first time, and referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 31:** By Senator Deuel—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Butte, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 31 read first time, and referred to Committee on Finance, Revenue and Taxation.

### Approval of Journals.

The Senate Journals for the fifty-third (second extraordinary) session of Monday, May 13, 1940; Tuesday, May 14, 1940; Wednesday, May 15, 1940; Thursday, May 16, 1940; Friday, May 17, 1940; were on motion of Senator Scawell approved as corrected by the Journal Clerk and the Minute Clerk

**Adjournment.**

At eleven o'clock and thirty minutes a.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Tuesday, May 21, 1940.

JAMES BOYD GARRISON. Minute Clerk.

**CALIFORNIA LEGISLATURE**  
FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION

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# SENATE DAILY JOURNAL

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO,  
Tuesday, May 21, 1940.

The Senate met at ten o'clock and thirty minutes a.m.  
Hon Ellis E. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

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

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLay, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Swing, Tickle, and Wagy—31

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev A Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Monday, May 20, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to General and Senora A Roderquinz of Eusemada, Baja California, Mrs Catherine Fletcher Taylor, and Mrs Virginia English Fletcher, both of San Diego

### Message from the Assembly:

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1940

MR PRESIDENT, I am directed to inform your honorable body that the Assembly on this day adopted

Assembly Concurrent Resolution No 4—Relative to the completion of a year by the air lines of this county without a major accident.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No 4 ordered referred to Committee on Rules.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 21, 1940

MR. PRESIDENT. Your Committee on Finance, Revenue and Taxation, to which was referred:

Senate Bill No. 7—An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including the impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds; and making funds available for the purposes of this act;

Senate Bill No. 8—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 9—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 13—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11, committee vote: Ayes—11.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

MR. PRESIDENT. Your Committee on Finance, Revenue and Taxation, to which was referred:

Senate Bill No. 15—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 16—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 17—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 19—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11, committee vote: Ayes—11.

TICKLE, Chairman.

### Second Reading of Senate Bills (Out of Order).

**Senate Bill No. 7**—An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including

the impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds; and making funds available for the purposes of this act.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendments to Senate Bill No. 7 were read and adopted:

**Amendment No. 1.**

On page 1, line 16, of the printed bill, preceding the semicolon, add the following: "in Napa County and for the sale and distribution of water outside the territorial boundaries of Napa County when all applications for the consumption of water in Napa County have been accepted and completely satisfied".

**Amendment No. 2.**

On page 2, line 24, of the printed bill, strike out "Veterans", and insert in lieu thereof the following: "Veterans'".

**Amendment No. 2.5.**

On page 4, line 3, of the printed bill, strike out "surplus".

**Amendment No. 3.**

On page 4, line 4, of the printed bill, preceding the comma, insert the following: "when such water is not required in Napa County".

**Amendment No. 4.**

On page 4, line 46, of the printed bill, strike out "Valley".

**Amendment No. 5.**

On page 6, line 33, of the printed bill, strike out "firm or corporation."

**Amendment No. 6.**

On page 11, line 32, of the printed bill, preceding the period, insert the following: "as is provided for in the indenture".

**Amendment No. 7.**

On page 13, line 13, of the printed bill, strike out "with approval", and insert in lieu thereof the following: "with the approval of".

**Amendment No. 8.**

On page 16, line 38, of the printed bill, after the period, add the following: "Primary or surplus water may not be sold or distributed outside of the territorial boundaries of Napa County until all applications for the consumption of water in Napa County have been accepted and completely satisfied."

**Amendment No. 9.**

On page 18, line 21, of the printed bill, strike out "280", and insert in lieu thereof the following: "380".

**Amendment No. 10.**

On page 18, line 25, of the printed bill, strike out "281", and insert in lieu thereof the following: "381".

**Amendment No. 11.**

On page 18, line 33, of the printed bill, strike out "282", and insert in lieu thereof the following: "382".

**Amendment No. 12.**

On page 18, line 42, of the printed bill, strike out "283", and insert in lieu thereof the following: "383".

**Amendment No. 13.**

On page 18, line 51, of the printed bill, strike out "284", and insert in lieu thereof the following: "384".

**Amendment No. 14.**

On page 19, line 9, of the printed bill, strike out "285", and insert in lieu thereof the following: "385".

**Amendment No. 15.**

On page 19, line 15, of the printed bill, strike out "286", and insert in lieu thereof the following: "386".

**Amendment No. 16.**

On page 19, line 18, of the printed bill, strike out "288", and insert in lieu thereof the following: "388".

**Amendment No. 17.**

On page 19, line 21, of the printed bill, strike out "289", and insert in lieu thereof the following: "389".

**Amendment No. 18.**

On page 19, line 29, of the printed bill, strike out "290", and insert in lieu thereof the following: "390".

**Amendment No. 19.**

On page 19, line 37, of the printed bill, strike out "291", and insert in lieu thereof the following: "391".

**Amendment No. 20.**

On page 19, line 49, of the printed bill, strike out "292", and insert in lieu thereof the following: "392".

**Amendment No. 21.**

On page 20, line 3, of the printed bill, strike out "293", and insert in lieu thereof the following: "393".

**Amendment No. 22.**

On page 20, line 19, of the printed bill, strike out "294", and insert in lieu thereof the following: "394".

**Amendment No. 23.**

On page 20, line 24, of the printed bill, strike out "295", and insert in lieu thereof the following: "395".

**Amendment No. 24.**

On page 20, line 31, of the printed bill, strike out "296", and insert in lieu thereof the following: "396".

**Amendment No. 25.**

On page 20, line 36, of the printed bill, strike out "297", and insert in lieu thereof the following: "397".

**Amendment No. 26.**

On page 20, line 43, of the printed bill, strike out "298", and insert in lieu thereof the following: "398".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 8**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 8 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 9**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 9 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20.

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 13**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 13 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation

**Senate Bill No. 15**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 15 was read and adopted

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 16**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendments to Senate Bill No. 16 were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

**Amendment No. 2.**

On page 1, lines 2 and 3, of the printed bill, strike out "twenty-one thousand five hundred", and insert in lieu thereof the following: "twenty-two thousand one hundred".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 17**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and

prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 17 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**Senate Bill No. 19**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 19 was read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 20

Bill read second time, ordered to reprint, and re-referred to Committee on Finance, Revenue and Taxation.

**President Pro Tempore in the Chair.**

At ten o'clock and forty minutes a m, Hon. Jerrold L. Seawell, President Pro Tempore of the Senate, in the chair.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Collier:

SENATE CHAMBER, SACRAMENTO, MAY 20, 1940

MR PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Shasta County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Respectfully submitted

SENATOR COLLIER.

Request referred to Committee on Rules.

**Consideration of Daily File.**

**Third Reading of Assembly Bills.**

**Assembly Joint Resolution No. 1**—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organization which are instigated, encouraged and fostered by it.

**Amendment from the Floor.**

During the reading of Assembly Joint Resolution No 1, the following amendment, offered by Senators Shelley and Kenny, was read:

**Amendment No. 1.**

On page 2, line 32, of the printed resolution, following the word "further", insert a new paragraph reading as follows:

*Resolved.* That the Congress of the United States is further respectfully urged that in the enactment of such legislation it protect the constitutional guarantees of freedom of speech, press, conscience, and religion; and be it further".

**Motion to Table.**

Senator Myhand moved that the above amendment be laid on the table.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Kenny, Shelley and Foley on the adoption of the amendment.

The roll was called and the amendment laid on the table by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Fletcher Gordon, Hays, Hollister, Holohan, Jespersen, Kenting, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Waggy—29.

**NOES**—Senators Foley, Garrison, Kenny, and Shelley—4

**Further Consideration of Assembly Joint Resolution No. 1.****Assembly Joint Resolution No. 1.**

Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organization which are instigated, encouraged and fostered by it.

WHEREAS, Lenin, in his book entitled "State and Revolution," declares that "Democracy is a form of the state—one of its varieties" and

Engles in his book entitled "Internationales aux des Volkstaad," declares that "The party (the Communist party) whose economic programme is not merely Socialist in general but directly Communistic, and whose ultimate political aim is to overcome the whole State and therefore Democracy as well;"

and  
The program of the Communist International states:

"The conquest of power by the Proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus (bourgeois army, police, bureaucratic hierarchy, the judiciary, parliament, etc) and substituting in its place new organs of proletariat power. \* \* \*"

and  
WHEREAS, The Communist party of the United States, although affiliated with the International, has adopted the Trojan horse policy suggested by Georgi Dimitrov in a report to the International in August, 1935, and has deleted all references to violence and conquest in its new constitution in order to deceive the American people; and

This policy is declared to be the realization in practice of Dimitrov's instructions to learn as quickly as possible how to sail on the turbulent waters of class struggle; and

The Communist party is seeking to accomplish its objective in the United States by breeding disrespect for American democracy and all that it represents, and by sabotaging American labor and industry; and

It is undeniably true that the ultimate aim of subversive elements as exemplified in the United States by the Communist and Nazi groups, is to destroy democracy and establish a totalitarian state; and

The Communist and Nazi groups are attempting to discredit the President's peace and preparedness program in order to involve the United States in the present European war on the side of the dictator partnership of Hitler and Stalin; and

The United States may eventually be the victim of a blitzkrieg by Stalinism and Hitlerism; and

WHEREAS, These termites are prepared to constitute the "Fifth Column" for Hitler and Stalin in the event of a blitzkrieg by these monsters,

WHEREAS, Communism and Nazism constitute the greatest threats to democracy, civil liberties, human freedom and the welfare of the United States; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Congress of the United States is hereby respectfully urged to study means and

methods of completely and effectively stamping out the traitorous Communist party and Nazi groups in the United States and all other subversive organizations and to enact such legislation in connection therewith as is necessary or desirable; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby respectfully requested to send copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and member of the House of Representatives from California in the Congress of the United States, which Senators and Representatives are hereby respectfully urged to support such legislation, and to the Attorney General of the United States, to William Green and to John L. Lewis.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34.

NOES—None.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Collier for permission to introduce a bill:

An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Shasta County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 32:** By Senator Collier—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Shasta County, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 32 read first time, and referred to Committee on Finance, Revenue and Taxation.

### Adjournment.

On motion of Senator Kenny, at ten o'clock and fifty-five minutes a m., the President Pro Tempore of the Senate declared the Senate adjourned out of respect to the memory of the late Assemblyman Fred Reaves of San Pedro until ten o'clock and thirty minutes a m., Wednesday, May 22, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO,  
Wednesday, May 22, 1940.

The Senate met at ten o'clock and thirty minutes a.m.  
Hon. Ellis E. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

**Roll Call.**

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

Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—31.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev A Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Tuesday, May 21, 1940, the further reading was dispensed with, on motion of Senator Gordon.

**Leave of Absence.**

Senator Keating was, on motion of Senator Powers, granted leave of absence for this day.

**Privilege of Floor of Senate Extended.**

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph Seymour of Riverside, Mayor Chas Deweese, Frank L. Miller, and Rev Paul Lomax, all of Banning

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

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

Assembly Concurrent Resolution No. 4—Relative to the completion of a year by the air lines of this country without a major accident;  
Has had the same under consideration, and respectfully reports the same back, and recommends that the bill be referred to Committee on Governmental Efficiency.

Committee membership—5; committee vote. Ayes—5.

SEAWELL, Chairman.

Assembly Concurrent Resolution No. 4 read, and referred to Committee on Governmental Efficiency.

**Adjournment.**

At ten o'clock and forty minutes a m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a m., Thursday, May 23, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO,  
Thursday, May 23, 1940.

The Senate met at ten o'clock and thirty minutes a.m.  
Hon. Ellis E. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

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

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, Mixter, Myhand, Nielsen, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—30.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Wednesday, May 22, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Leave of Absence.

Senator Metzger was, on motion of Senator DeLap, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Y. Prebbe and B. M. Graham, members of board of supervisors of Imperial County.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Joint Resolution No. 2—Relative to memorializing the President and Congress to increase the land defenses of the United States;

Assembly Bill No. 2—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately;

Assembly Concurrent Resolution No. 1—Relative to the sponsorship of a WPA project to abate a dangerous nuisance

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

The above reported bills ordered referred to Committee on Rules.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 22, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Joint Resolution No. 1—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California; Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 23, 1940

MR. PRESIDENT: Your Committee on Finance, Revenue and Taxation, to which was referred:

Senate Bill No. 10—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended

Committee membership—11; committee vote: Ayes—11

TICKLE, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

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

Assembly Joint Resolution No. 2—Relative to memorializing the President and Congress to increase the land defenses of the United States; Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to the Committee on Governmental Efficiency.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

Assembly Joint Resolution No. 2 read, and referred to Committee on Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

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

Assembly Bill No. 1—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 2—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that they be re-referred to the Committee on Finance, Revenue and Taxation.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

Assembly Bills Nos. 1 and 2 read first time, and referred to Committee on Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred: Assembly Concurrent Resolution No. 1—Relating to the sponsorship of a WPA project to improve the Dorchester Ditch; Has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to the Committee on Governmental Efficiency. Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

Assembly Concurrent Resolution No. 1 read first time, and referred to Committee on Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Rules has examined: Senate Joint Resolution No. 1—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California; And reports that the same has been correctly engrossed.

SEAWELL, Chairman.

### Second Reading of Senate Bills (Out of Order).

**Senate Bill No. 10**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

#### Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Senate Bill No. 10 was read and adopted:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 7 and 8, inclusive, and insert in lieu thereof the following: "furnishing of water to the State institutions located in Napa Valley and for the furnishing of any surplus over the amount required by such institutions to persons residing in such valley other than inmates and employees of such institutions. The Department of".

Bill read second time, ordered to print, engrossment, and on file for third reading.

### Consideration of Senate Joint Resolution No. 1.

#### Senate Joint Resolution No. 1.

Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California.

WHEREAS, One of the major problems of the State of California is the solving of the problems of flood control; and

WHEREAS, The devastating floods of 1938 as well as the great damage caused by floods during the season of 1940 has clearly demonstrated how vulnerable the cities and valleys are to floods caused by periodical storms, and the run-off from snows in the high mountain areas during the spring months; and

WHEREAS, It is understood that preliminary reports have been prepared by the United States Army Engineers determining some of the vitally needed flood control projects within the State of California; and

WHEREAS, It is further believed that final reports thereon will be submitted to the proper Federal agencies in the near future, and that said reports will show the needed projects and what will be necessary to be done; and

WHEREAS, An unnecessary delay may permit another flood to cause preventable loss of life and property in the near future, therefore it is imperative for the protection of the State from such loss, that work on these several projects be commenced without delay; and

WHEREAS, Should a rule prevail whereby projects are considered and authorized by Congress only in even numbered years, that such rule be set aside for the welfare and the protection of the people of the United States; and

WHEREAS, The Federal Government has adopted a policy of aiding in flood control throughout the various States; and

WHEREAS, That flood control is a problem too great to be handled by the State without Federal aid; and

WHEREAS, It is necessary that the several reports made and to be made by the United States Army Engineers regarding flood control must be passed upon by several Federal agencies and must be authorized as projects to be constructed before appropriations can be made and construction begun; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California jointly.* That the Legislature of the State of California hereby respectfully urges and memorializes the President and the Congress of the United States at the earliest possible date to authorize the flood control projects as recommended and as they may be recommended by the United States Army Engineers in their reports with reference to the construction of such projects in the State of California.

The Legislature of the State of California further urges and memorializes you, the President and Congress of the United States to provide the necessary funds for the construction and completion at an early date of such construction; and furthermore, that such additional sums be made available as may be necessary to provide for such additional reports as may be found necessary by the Army Engineers.

*Resolved.* That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the Senate and the House of Representatives in the Congress of the United States from California.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Mixter, Myhand, Nielsen, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Wagy—25.

NOES—None.

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

### **Request for Permission to Offer a Concurrent Resolution.**

The following request for permission to offer a concurrent resolution was presented:

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to offer a concurrent resolution, the title of which is set forth below:

Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

### **Recess.**

At eleven o'clock and ten minutes a.m., on motion of Senator Quinn, the President of the Senate declared recess to hear a few remarks from Otis Brown, National Commander of the Veterans of Foreign Wars, and also from Department Commander Low of the State of California Veterans of Foreign Wars.

### **Reconvened.**

At eleven o'clock and twenty minutes a.m., the Senate reconvened. Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following request by Senator Seawell for permission to offer a Concurrent Resolution:

Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California;  
Has had the same under consideration, and respectfully reports the same back, and recommends, that permission be granted, the Concurrent Resolution offered, and placed on file.

Committee membership—5, committee vote Ayes—5.

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Concurrent Resolution No. 2:** By Senator Seawell—Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California

### Consideration of Senate Concurrent Resolution No. 2.

#### Senate Concurrent Resolution No. 2.

Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California.

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the second extraordinary session of the Fifty-third Legislature of the State of California, which convened at ten o'clock a.m., on the thirteenth day of May, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of May 10, 1940, shall adjourn sine die at five o'clock p.m., May 24, 1940.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Senate Concurrent Resolution No 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Hollister, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—30

NOES—None.

Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.

#### Recess.

At eleven o'clock and thirty-five minutes a.m., on motion of Senator Seawell, the President of the Senate declared recess until three o'clock p.m.

#### Reconvened.

At three o'clock p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT. Your Committee on Rules has examined:

Senate Bill No. 10—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately;

And reports that the same has been correctly engrossed

SEAWELL, Chairman

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Finance, Revenue and Taxation, to which was referred:

Assembly Bill No. 2—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—11.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Finance, Revenue and Taxation, to which was referred:

Assembly Bill No. 1—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended

Committee membership—11, committee vote: Ayes—10, noes—1

TICKLE, Chairman.

#### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 1 and 2 present 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 shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohau, Jespersen, Keating, Kenny, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—31.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bills Nos. 1 and 2.

#### Second Reading of Assembly Bills (Out of Order).

Assembly Bill No. 1—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendments to Assembly Bill No. 1 were read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, as amended, strike out "Whereas, the Reclamation Board jointly with", and strike out lines 2 to 13, inclusive, and insert in lieu thereof the following: "In addition to any money other".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 21, and insert in lieu thereof the following. "in carrying out the construction program adopted by the Reclamation Board jointly with the California Debris Commission, for the units of the Sacramento River Flood Control Project consisting of levee construction and repair along the Feather and Sacramento rivers and their tributaries and along the Sutter By-pass and the Yolo By-pass, and for the acquisition of lands, rights of way, easements, and flowage easements and for incidental construction and for the administration and overhead of the Reclamation Board."

**Amendment No. 3.**

On page 1 of the printed bill, after line 21, insert the following:  
"SEC. 1.5. In addition to any other provisions of law which may be applicable hereto, no part of the money appropriated by this act shall be expended for any purpose other than the construction of new works or structures, unless such expenditure and purpose is first approved by the State Controller and by the Chief Engineer and General Manager of the State Reclamation Board."

Bill read second time, ordered to print, and on file for third reading.

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, Revenue and Taxation, the following amendment to Assembly Bill No. 2 was read and adopted:

**Amendment No. 1.**

On page 1, line 2, of the printed bill, as amended, strike out "\$430,315", and insert in lieu thereof the following: "\$300,000".

Bill read second time, and ordered on file for third reading.

**Third Reading of Assembly Bills (Out of Order).**

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2 ordered transmitted to the Assembly.

**Assembly Bill No. 1**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause.**

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

Recent disastrous floods have caused extensive destruction of levees and flood control works in the great valley of California. It is imperative that work be commenced at once to repair and restore existing levees, and to acquire rights of way and to construct new levees so that by the spring of 1941 adequate flood control protection can be afforded

Urgency clause read.

The question being on the adoption of the urgency clause.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, McCormack, Mixter, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Wagy—30.

NOES—None.

The question being on the passage of the bill.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, McCormack, Mixter, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Wagy—28.

NOES—Senator Cunningham—1.

Title read and approved

Assembly Bill No 1 ordered transmitted to the Assembly.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senators Breed, DeLap, Parkman, Rich, McCormack and Tickle.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, we request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditures thereof; declaring the urgency of the act and that it shall take effect immediately.

Respectfully submitted.

SENATORS BREED AND OTHERS.

Request referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Rules to which was referred the following request by Senators Breed and others for permission to introduce a bill

An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditures thereof; declaring the urgency of the act and that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the bill introduced and referred to Committee on Finance, Revenue and Taxation.

Committee membership—5, committee vote. Ayes—5.

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 33:** By Senators Breed, DeLap, Parkman, Rich, McCormack and Tickle—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditures thereof; declaring the urgency of the act and that it shall take effect immediately.

Senate Bill No. 33 read first time and referred to Committee on Finance, Revenue and Taxation.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940

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

Senate Joint Resolution No. 1—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California

JACK CARL GREENBURG, Chief Clerk of Assembly  
By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 1 ordered to enrollment.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: Your Committee on Finance, Revenue and Taxation, to which was referred

Senate Bill No. 33—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods, prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act, and that it take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote. Ayes—11.

TICKLE, Chairman.

**Senate Resolution No. 14.**

The following resolution was offered:  
By Senator Tickle:

*Resolved*, That the following named persons be and the same are hereby stricken from the pay roll of the Senate on the completion of work on May 24, 1940:

|                             |                                |
|-----------------------------|--------------------------------|
| Joseph F. Nolan.....        | Sergeant-at-Arms               |
| A. Raymond Grant.....       | Chaplain                       |
| James Boyd Garrison.....    | Minute Clerk                   |
| Maitland S. Pennington..... | Assistant Secretary            |
| John F. Lea.....            | Assistant Secretary            |
| Howard S. McIntire.....     | Assistant Secretary            |
| Robert Alderman.....        | Engrossing and Enrolling Clerk |
| Harry L. Jordan.....        | Bookkeeper to Sergeant-at-Arms |
| N. L. Levering.....         | Journal Clerk                  |
| Vera Frank.....             | Chief Stenographer             |
| Belle Tomasini.....         | Stenographer                   |

Resolution read, and on motion of Senator Tickle, adopted.

**Resolution.**

The following resolution was offered:  
By Senator Gordon:

*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 shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

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

AYES--Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, Myhand, Nielsen, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Tickle, and Wagy--27.  
NOES--None.

Whereupon the President declared the provisions of Section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 10.

**Consideration of Senate Bill No. 10.**

**Senate Bill No. 10**--An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause.**

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

At the present time disastrous floods in Napa County occur in the rainy season because of excess runoff of water. Notwithstanding this excess runoff the water supply for the Veterans' Home of California and other State institutions in Napa County is inadequate. In order to prevent further floods, in order to avoid impairment of the health of inmates by reason of the lack of adequate water, and to eliminate a serious fire hazard, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—27.

NOES—None.

Title read and approved.

Senate Bill No. 10 ordered transmitted to the Assembly.

**Recess.**

At five o'clock p.m., on motion of Senator Seawell, the President of the Senate declared recess until five o'clock and thirty minutes p.m.

**Reconvened.**

At five o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Resolution.**

The following resolution was offered:

By Senator Breed:

*Resolved*, That Senate Bill No. 33 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 shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Wagy—28.

NOES—None

Whereupon, the President declared the provisions of Section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 33.

### Consideration of Senate Bill No. 33.

**Senate Bill No. 33**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods, prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time.

Bill read third time.

#### Urgency Clause.

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 shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows.

Unprecedented storms and floods subsequent to January 1, 1940, causing hardship and destitution, and resulting in loss of life and damage to and destruction of property have augmented demands upon agencies of the State which can not be met from existing appropriations. It is, therefore, necessary that funds be made immediately available for the purposes specified in this act in order to repair and restore essential public services and particularly in order to enable completion of repair and restoration of storm and flood protection works prior to the commencement of the season of the year when storms and floods may reasonably be anticipated to again occur, and in order to avert further danger to the public peace, health and safety

Urgency clause read.

The question being on the adoption of the urgency clause.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—30

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Kenny, McBride, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Senate Bill No. 33 ordered transmitted to the Assembly.

**Communication.**

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

**WESTERN UNION**

SAN FRANCISCO, CALIFORNIA, May 23, 1940

*Jerrold Seawell, President Pro Tempore of Senate,  
Capitol Building, Sacramento, California.*

Labor Industrial Civic Citizens urge Legislature back resolution passed unanimously by San Francisco Board of Supervisors proclaiming June 1 to 7 "Moral Rearmament Week for National Unity." Our citizens eagerly await expressions of support by both houses. Have sent same telegram to Speaker Garland. Text of supervisors resolution airmailed to your hotel this afternoon. Mrs. Fenton Knight has further details. General Fariell broadcasting on Moral Rearmament and National Defense over KROY, Sacramento, 9 p.m., tonight. Signed Supervisor Dr. Adolph Schmidt, Gus Gaynor, Supervisor Dewey Mead.

MAJOR A. J. WATSON.

**Adjournment.**

At six o'clock and twelve minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Friday, May 24, 1940.

JAMES BOYD GARRISON, Minute Clerk



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# SENATE DAILY JOURNAL

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO,  
Friday, May 24, 1940.

The Senate met at eleven o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Assistant Secretary Maitland S. Pennington at the desk.

**Roll Call.**

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

Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkinan, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—29.

Quorum present.

**Prayer.**

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

**Reading of the Journal.**

During the reading of the Journal of Thursday, May 23, 1940, the further reading was dispensed with, on motion of Senator Slater.

**Request for Permission to Offer a Joint Resolution.**

The following request for permission to offer a joint resolution was presented:

By Senator Fletcher:

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. PRESIDENT: In accordance with the provisions of the standing rules of the Senate, I request permission to offer a joint resolution, the title of which is set forth below:

Relative to damage by earthquake in Imperial Valley.

Respectfully submitted.

SENATOR FLETCHER.

Request referred to Committee on Rules.

### Reports of Standing Committees.

The following reports of standing committees were received and read :

#### On Rules.

SENATE CHAMBER. SACRAMENTO, May 24, 1940.

MR. PRESIDENT Your Committee on Rules, to which was referred the following request by Senator Fletcher for permission to offer a joint resolution.

Relative to damage by earthquake in Imperial Valley ;

Has had the same under consideration, and respectfully reports the same back, and recommends that permission be granted, the joint resolution offered, and referred to Committee on Governmental Efficiency.

Committee membership—5; committee vote. Ayes—5

SEAWELL, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER. SACRAMENTO, May 24, 1940.

MR. PRESIDENT Your Committee on Governmental Efficiency, to which was referred.

Assembly Concurrent Resolution No. 1—Relating to the sponsorship of a WPA project to improve the Dorchester Ditch ;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman

### Introduction, First Reading and Reference of Bills.

The following bill was introduced

**Senate Joint Resolution No. 2:** By Senator Fletcher—Relative to damage by earthquake in Imperial Valley.

Senate Joint Resolution No. 2 read, and referred to Committee on Governmental Efficiency.

### Consideration of Assembly Concurrent Resolution No. 1.

#### Assembly Concurrent Resolution No. 1.

Relating to the sponsorship of a WPA project to improve the Dorchester Ditch.

WHEREAS, In the city and county of Los Angeles between Valley Boulevard on the north and Gravois Avenue on the south, and between Charnwood Avenue on the east and Highbury Road on the west, there exists an open and unprotected channel known as the Dorchester Ditch; and

WHEREAS, This ditch is a deep and dangerous wash, subject to enormous increases in flow over short periods of time, and is exceedingly dangerous to life and property; and

WHEREAS, Several children have recently been killed or injured while playing therein; and

WHEREAS, The employment of the destitute on useful work projects is a recognized method of alleviating distress; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Relief Commission and the Relief Administrator are hereby urged and requested to study and consider the advisability of seeking the approval of a WPA project to improve this ditch and eliminate this hazard; and be it further

*Resolved,* That the Relief Commission and the Relief Administrator are urged and requested to study and consider the advisability of making all or a part of the sponsor's contribution to this project; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Governor of the State of California, to the Relief Administrator, and to the members of the Relief Commission.

Resolution read.

The question being on the adoption of the resolution

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

AYES—Senators Breed, Brown, Collier, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Kenny, Mayo, McBride, McCormack,

Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing Tickle, and Wagy—28.  
 NOES—None.

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

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT. Your Committee on Governmental Efficiency, to which was referred:

Senate Joint Resolution No 2—Relative to damage by earthquake in Imperial Valley;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2

HAYS, Chairman

### Consideration of Senate Joint Resolution No. 2.

#### Senate Joint Resolution No. 2.

Relative to damage by earthquake in Imperial Valley.

WHEREAS, The Imperial Valley has suffered a catastrophe caused by the recent earthquake in the damage of public property in the cities and counties of Imperial Valley and the Imperial Irrigation District, particularly to their water systems, endangering the shutting off of a domestic water supply necessary to preserve health and life, and

WHEREAS, In the city of Imperial, the city hall, also library, are severely damaged and condemned; and

WHEREAS, In the city of Brawley the immediate requirements are to replace the buildings of the fire department, city hall, with much damage to public property in the city of Calexico, Holtville and El Centro; and

WHEREAS, The board of trustees of the Brawley School District state that the earthquake has caused great and irreparable damage to their schoolhouse structures and in such a manner as to make mandatory the expenditure of \$419,000 in order to replace structures damaged beyond repair and to rehabilitate structures capable of repair, with a request for immediate relief, and

WHEREAS, The Imperial Irrigation District furnishing water to all the cities and farms of Imperial Valley has been damaged to the extent of over \$250,000, while the water supply for domestic and stock purposes is in a serious condition; and

WHEREAS, Water for delivery for agricultural purposes is now completely cut off and will remain in such condition until said canal can be repaired and placed in operating condition; and

WHEREAS, The funds of the Imperial Irrigation District for such emergency work have been exhausted on account of a flood of major proportion occurring through cloudbursts in the summer of 1939, leaving the district without funds to care for this grave emergency; and

WHEREAS, The failure to meet the foregoing situation will bring about untold human suffering and loss of property and will increase the relief burden of the State if funds are not made available immediately; and

WHEREAS, As near as it can be determined at the present time the damage to public property exceeds one and one-half to two million dollars, not including many hundreds of thousands of dollars to private property; therefore,

*The Senate of California, the Assembly concurring,* Do hereby urge the Federal Government to render immediate financial assistance, either through a special appropriation or WPA assistance or both, for substantial relief for the rehabilitation of the damage sustained in cooperation with State and local assistance through the Director of Public Works of the State of California; therefore be it

*Resolved,* That a copy of this resolution as passed be forwarded to the President of the United States, to Congress and to our California representatives in Congress

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespeisen, Keating, Kenny, Mayo, McBride, McCormack, Myhand, Nielsen, Parkman, Powers, Rich, Seawell, Slater, Swing, Tinkle, and Wagay—28.  
NOES—None.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

### Recess.

At eleven o'clock and thirty minutes a m., on motion of Senator Seawell, the President of the Senate declared recess until four o'clock p.m.

### Reconvened.

At four o'clock p.m., the Senate reconvened.  
Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, MAY 24, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Joint Resolution No. 2—Relative to memorializing the President and Congress to increase the land defenses of the United States; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote Ayes—9, absent—2

HAYS, Chairman.

### Consideration of Assembly Joint Resolution No. 2.

#### Assembly Joint Resolution No. 2.

Relative to memorializing the President and Congress to increase the land defenses of the United States

WHEREAS, The existing state of world affairs makes it imperative that the United States be possessed of an adequate national defense; and

WHEREAS, Heretofore the people of the United States, being a peaceful people, have neglected to provide for an adequate defense until a time of emergency has arrived, with a consequent waste of life and money and the creation of undue apprehension and hardship; and

WHEREAS, A program of adequate preparation and proper training and the anticipation of what may come in the future would tend to prevent the unnecessary loss of life, property, and national resources; and

WHEREAS, It is the heartfelt sentiment of this Legislature that every possible step should be taken to retain for the United States its present security; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the President and Congress be urged to initiate a program of immediate expansion of the land defenses of the United States and to immediately expand the regular army and the National Guard of the United States to the number of one million men; and be it further

*Resolved,* That the chief clerk of the Assembly forward a copy of this resolution to the President and Vice President of the United States, to the Speaker of the

House of Representatives of the Congress of the United States, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Kennv, Mayo, McCormack, Nielsen, Powers, Quinn, Seawell, Slater, and Wagv—21

NOES—None.

Assembly Joint Resolution No. 2 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

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

Senate Joint Resolution No. 2—Relative to damage by earthquake in Imperial Valley;

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 2 ordered to enrollment.

Senate Concurrent Resolution No. 2 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 10—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately;

Senate Bill No. 33—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bills Nos. 10 and 33 ordered to enrollment.

### Senate Resolution No. 15.

The following resolution was offered:

By Senator Mayo:

*Resolved*, That the President of the Senate appoint a committee of three to notify the Assembly that the Senate is ready to adjourn sine die the fifty-third (second extraordinary) session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 2 and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Mayo, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Mayo, Nielsen, and Powers.

### Senate Resolution No. 16.

The following resolution was offered.

By Senator Foley:

*Resolved.* That the President of the Senate appoint a committee of three to notify the Governor that the Senate is ready to adjourn sine die the fifty-third (second extraordinary) session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 2 and to ask if His Excellency has any further communications to transmit to the Senate

Resolution read, and on motion of Senator Foley, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Foley, Gordon, and Cunningham.

### Approval of Journals.

The Senate Journals for the fifty-third (second extraordinary) session of Monday, May 20, 1940; Tuesday, May 21, 1940; Wednesday, May 22, 1940, and Thursday, May 23, 1940, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and the Minute Clerk.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 10—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately;

Senate Bill No. 33—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately;

Senate Joint Resolution No. 2—Relative to damage by earthquake in Imperial Valley;

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California. And reports that the same have been correctly enrolled and presented to the Governor on the twenty-fourth day of May, 1940, at four o'clock p.m.

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 1—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California;

And reports that the same has been correctly enrolled and presented to the Governor on the twenty-fourth day of May, 1940, at three o'clock p.m.

SEAWELL, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT. Your Committee on Governmental Efficiency, to which was referred:

Assembly Concurrent Resolution No. 4—Relative to the completion of a year by the air lines of this country without a major accident;

Assembly Concurrent Resolution No. 3—Relative to the "I am an American panegyric",

Has had the same under consideration, and respectfully reports the same back without recommendation for the reason that no committee action has been taken.

HAYS, Chairman.

### Approval of Minutes.

The minutes of this legislative day, Friday, May 24, 1940, were, on motion of Senator Seawell, approved as corrected by the Minute Clerk.

#### President Pro Tempore in the Chair.

At four o'clock and forty-five minutes p.m., Hon. Jerrold L. Seawell, President Pro Tempore of the Senate, in the chair.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 24, 1940

MR. PRESIDENT Your Committee on Finance, Revenue and Taxation, to which was referred

Senate Bill No. 1—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately;

Senate Bill No. 2—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 3—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 4—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Glenn, Colusa, and Tehama counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 5—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 6—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 7—An act creating the State of California Napa Water Authority and prescribing the powers and duties thereof, providing for the powers and duties of the State Department of Public Works in relation thereto; authorizing the construction and operation of systems for the impounding, sale and distribution of water, including the impounding of surplus and flood waters; providing for the issuance and sale of revenue bonds, and making funds available for the purposes of this act;

Senate Bill No. 8—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Siskiyou County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 9—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Del Norte County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 11—An act to provide for the transference to the State of California Napa Water Authority of the unexpended and unencumbered funds in the State treasury appropriated by Chapter 760 of the Statutes of 1937 and Chapter 678 of the Statutes of 1939;

Senate Bill No. 12—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by

storms and floods and to avert, alleviate and prevent such damage and destruction in Napa and Yolo counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 13—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Solano County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 14—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Joaquin County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 15—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Sonoma County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 16—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Stanislaus County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 17—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Humboldt County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 18—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Kings County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 19—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Modoc, Lassen and Plumas counties, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 20—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the counties of Yuba and Sutter, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 21—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Mendocino, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 22—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Lake, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 23—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Marin, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 24—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in San Mateo County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 25—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Ventura, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 26—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruc-

tion in the county of Calaveras, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 27—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Santa Clara, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 28—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Trinity County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 29—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Madera, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 30—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Merced, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 31—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in the county of Butte, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 32—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Shasta County, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration and respectfully reports the same back without recommendation for the reason that no committee action has been taken

TICKLE, Chairman.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

- Assembly Bill No. 1.
- Assembly Bill No. 2.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Report of Committee.

Senator Mayo, as chairman of the committee appointed to inform the Assembly of the readiness of Senate to adjourn sine die, in accordance with the provisions of Senate Concurrent Resolution No. 2, reported that the committee had delivered the message to the Assembly and had been requested by the Assembly to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn sine die.

### Report of Committee.

Senator Foley, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die, as provided in Senate Concurrent Resolution No. 2, reported that they had performed their duty.

**Final Adjournment.**

Whereupon at five o'clock p.m., on motion of Senator Mayo, in accordance with the provisions of Senate Concurrent Resolution No. 2, the President Pro Tempore of the Senate declared the fifty-third (second extraordinary) session of the Senate of the State of California adjourned sine die.

JOSEPH A. BEEK,  
Secretary of the Senate.

JAMES BOYD GARRISON,  
Minute Clerk of the Senate.

ELLIS E. PATTERSON,  
President of the Senate.

JERROLD L. SEAWELL,  
President pro tempore of the Senate

## SUPPLEMENT TO SENATE JOURNAL

### SENATE BILLS APPROVED BY THE GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

| Number | Chapter | Author  | Subject of Title  | Approved by<br>Governor |
|--------|---------|---|---|-------------------------|
| 10     | 4       | Gordon  | An act re construction of dam and water distributing system in Napa Valley                          | June 1                  |
| 33     | 1       | Breed, DeLap, Parkman, Rich, McCormack and Tickle | An act appropriating \$500,000 to emergency fund for repair of property damaged by storms and flood | May 29                  |
| Total  |         |   | 2   |                         |

### SENATE CONCURRENT RESOLUTIONS CHAPTERED AND FILED WITH SECRETARY OF STATE

| Number | Chapter | Author          | Subject of Title                                      | Date filed with<br>Secretary of<br>State |
|--------|---------|-----------------|---|--|
| 1      | 1       | Phillips, et al | Re legislation for relief of hardship and destitution | May 20                                   |
| 2      | 5       | Seawell         | Re adjournment of Legislature sine die                | May 23                                   |
| Total  |         |                 | 2   |  |

### SENATE JOINT RESOLUTIONS CHAPTERED AND FILED WITH THE SECRETARY OF STATE

| Number | Chapter | Author     | Subject of Title  | Date filed with<br>Secretary of<br>State |
|--------|---------|------------|---|--|
| 1      | 3       | Crittenden | Re Federal authorization of California flood control projects | May 28                                   |
| 2      | 4       | Fletcher   | Re damage by earthquake in Imperial Valley                    | May 28                                   |