

CALIFORNIA LEGISLATURE
FIFTY-THIRD (THIRD EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO,
Friday, September 13, 1940.

The Senate met at two o'clock p.m., pursuant to the provisions of the proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated September 11, 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, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Phillips, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

Prayer.

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

Leave of Absence.

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

Senators Powers, Parkman and Hays were, on motion of Senator Seawell, 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.

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

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

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

2. To consider and act upon legislation providing for the establishment and organization in the executive department of the State government of a California State Council of Defense, to be appointed by, and to act under the direction of, the Governor, in accordance with the plans of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, with power to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests, for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing for an appropriation of money to the State Planning Board and to the California State Council of Defense in the executive department of the State government for these purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this eleventh day of September, A. D. one thousand nine hundred and 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 (third extraordinary) Session.

Resolution read, and on motion 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. Beck 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, D. D., 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, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Nielsen, Phillips, Rich, Seawell, Slater, Swing, Tickle, and Wagy—27.

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, D. D., 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 as the same appear on page 724 to 739, inclusive, of the Senate Journal of May 24, 1940, be and the same are hereby adopted as the Rules of the Senate for this fifty-third (third 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, Colher, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Nielsen, Phillips, Rich, Seawell, Slater, Swing, Tickle, and Wagy—27.

NOES—None.

Senate Resolution No. 4.

The following resolution was offered:

By Senator Holohan:

Resolved, That the members appointed to the Committee on Rules of the fifty-third (first extraordinary) session be and the same are hereby appointed members of the Committee on Rules of this fifty-third (third extraordinary) session, also that the members of the Committee on Finance, Revenue and Taxation, of the fifty-third (first extraordinary) session, be and the same are hereby appointed members of the Committee on Finance of this fifty-third (third extraordinary) session, also that the members of the Committee on Governmental Efficiency of the fifty-third (first extraordinary) session be and the same are hereby appointed members of the Committee on Governmental Efficiency of this fifty-third (third extraordinary) session, also that the members of the Committee on Social Problems of the fifty-third (first extraordinary) session be and the same are hereby appointed members of the Committee on Welfare and Institutions of this fifty-third (third extraordinary) session, and be it,

Further Resolved, That the chairmen of the above committees of the fifty-third (first extraordinary) session be and they are hereby appointed chairmen of the corresponding committees of the fifty-third (third extraordinary) session to which they are hereby reappointed as hereinbefore set forth.

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—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hollister, Holohan, Keating, Kenny, McBride, McCormack, Mixter, Myhand, Nielsen, Phillips, Rich, Seawell, Slater, Swing, Tickle, and Wagy—26.

NOES—None.

Senate Resolution No. 5.

The following resolution was offered:
By Senator Fletcher:

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 (third 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 Fletcher, adopted.

Appointment of Special Committee.

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

Senate Resolution No. 6.

The following resolution was offered:
By Senator Hollister:

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 (third 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 Hollister, adopted.

Appointment of Special Committee.

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

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 (third extraordinary) session:

| | |
|------------------------------|---------------------|
| President pro tempore..... | Jerrold L. Seawell |
| Secretary of the Senate..... | Joseph A. Beek |
| Sergeant-at-Arms..... | Joseph F. Nolan |
| Minute Clerk..... | James Boyd Garrison |
| Chaplain..... | A. Raymond Grant |

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

Senate Resolution No. 8.

The following resolution was offered:
By Senator Keating:

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 (third extraordinary) session:

| Senators | County | Mileage | Total at five cents per mile |
|------------------------|-----------------|---------|------------------------------|
| Biggar, George M | Mendocino | 468 | \$23 40 |
| Breed, Arthur H, Jr. | Alameda | 178 | 8 90 |
| Brown, Charles | Butte | 1,292 | 64 60 |
| Collier, Randolph | Siskiyou | 590 | 29 50 |
| Crittenden, Bradford S | San Joaquin | 98 | 4 90 |
| Cunningham, R R | Kings | 428 | 21 40 |
| DeLap, T. H | Contra Costa | 160 | 8 00 |
| Deuel, 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 |
| 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 |
| Kenny, 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 |
| Myhand, Peter P | Merced | 222 | 11 10 |
| Nielsen, Roy J | Sacramento | 2 | 10 |
| Phillips, John | Riverside | 1,094 | 54 70 |
| Quinn, Irwin T | Humboldt | 624 | 31 20 |
| Rich, Wm P | Yuba | 104 | 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 | Monterey | 474 | 23 70 |
| Wagy, J J | Kern | 638 | 31 90 |

| Officers | County | Mileage | Total at ten cents per mile |
|-----------------------------------|-------------|---------|-----------------------------|
| Patterson, Ellis E., President | Los Angeles | 894 | \$89 40 |
| Beek, Joseph A, Secretary | Orange | 890 | 89 00 |
| Nolan, Joseph F, Sergeant-at-Arms | Los Angeles | 894 | 89 40 |
| Garrison, J. B., Minute Clerk | Alameda | 178 | 17 80 |

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, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Nielsen, Phillips, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—26.

NOES—None.

Senate Resolution No. 9.

The following resolution was offered:

By Senator Tickle:

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

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

Senate Resolution No. 10.

The following resolution was offered :

By Senator McCormack :

WHEREAS, On September 8, 1940, an all-wise Providence decreed that the Honorable Benjamin Franklin Rush had completed his labors, and called him to his eternal rest ; and

WHEREAS, The said Benjamin Franklin Rush, known affectionately to his host of friends as, "Ben Rush," a native of Sacramento County, exercised a strong and constructive influence in the development of Central California, having served as sheriff of Solano County, school trustee, head of the California Agricultural Society, a member of the committee which established the State College of Agriculture at Davis, and a member of this Senate, representing the old Fifth Senatorial District, for 24 years ; and

WHEREAS, Senator Rush impressed all who knew him with his earnestness, his kindness of nature, his constant good humor, and his faithful devotion to the State of California ; now, therefore, be it

Resolved by the Senate of the State of California, That it mourns the passing of this sturdy frontiersman and devoted patriot, and that its members join with the family of Senator Rush in its sense of bereavement ; and be it further

Resolved, That when the Senate adjourns this day it do so out of honor to his memory ; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby, directed to have suitable engrossed copies of this resolution prepared and certified and to present the same to the members of the family of the late Senator Rush.

Resolution read, and on motion of Senator McCormack, unanimously adopted by a rising vote of the Senate.

Senate Resolution No. 11.

The following resolution was offered :

By Senator Deuel :

WHEREAS, The work of air conditioning the fourth floor of the Capitol Building has been undertaken but is not yet complete ; and

WHEREAS, It is desirable that in the completion of this work the installation of partitions in Room 404-S be completed ; and

WHEREAS, The Director of Finance has funds available from which appropriation may be made to complete both of these projects ; now, therefore, be it

Resolved, That the Director of Finance be and he is hereby respectfully requested to set aside the sum of \$10,600 or so much thereof as may be necessary for the purposes hereinabove set forth

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 Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Keating, Kenny, Mayo, McBride, Mixer, Myhand, Nielsen, Phillips, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Waggy—27.

NOES—None.

Senate Resolution No. 12.

The following resolution was offered :

By Senator Fletcher :

WHEREAS, A contract has been entered into between the State Board of Education and the Silver Burdett Publishing Co. for purchase of textbooks for use in the elementary schools of California ; and

WHEREAS, In awarding this contract the State Board of Education ignored the recommendations of the State Curriculum Commission, which held the Silver Burdett textbook to be not only inferior to one published by the Sanborn Co., but costing approximately \$48,000 more ; and

WHEREAS, After criticism of the award had been voiced by the press, prominent educators, citizens and a minority of the State Board of Education, a representative of the Silver Burdett Co. at a regular meeting of the State Board of Education held July 10, 1939, intimated his company could be induced to accept a figure approximately \$50,000 lower than the original; and

WHEREAS, The records show that a majority of the State Board of Education nevertheless proceeded to accept the higher figure, over the protests of minority members; and

WHEREAS, The chairman of the State Board of Education, Dr. Lewis P. Clutcher, signed the contract after the State Superintendent of Public Instruction, Walter F. Dexter, had refused to approve it; and

WHEREAS, The Legislative Investigating Committee of 1937, reviewing the textbook controversy, reported: "This committee accepts the recommendation of the Curriculum Commission, and it is our firm opinion that the selection of the Silver Burdett books was either the result of corruption or of carelessness and neglect of a concern for State affairs that is appalling. As to corruption, nothing was brought before this committee that justifies any such conclusion, so we are forced to adopt the unhappy alternative"; and

WHEREAS, There appears to be ample justification for a searching and conclusive inquiry into all of the facts in connection with the Silver Burdett award, now, therefore, be it

Resolved by the Senate of the State of California, That the Assembly Governmental Efficiency and Economy Fact-finding Committee created by House Resolution No. 67 of the first extraordinary session of the Fifty-third Legislature is hereby respectfully requested to proceed at once with an investigation into all phases of the Silver Burdett award and to report the results of its investigation to the Assembly and the Senate when the first extraordinary session of the Fifty-third Legislature reconvenes, to the end that this controversy may be cleared up once and for all

Resolution read, and on motion of Senator Fletcher, adopted

Senate Resolution No. 13.

The following resolution was offered:

By Senator Phillips:

Resolved by the Senate of the State of California, That the State Controller is hereby requested to prepare and transmit to the Senate when it meets on September 21, 1940, a full and complete statement as of the thirteenth day of September, 1940, of the expenditures made from the Emergency Fund created by Item 212 of the Budget Act of 1939 and the balance remaining in that fund as of the thirteenth day of September, 1940; and be it further

Resolved, That the Secretary of the Senate is hereby directed to immediately transmit a copy of this resolution to the State Controller.

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

Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, September 13, 1940.

*To the Members of the Senate and Assembly of the California Legislature,
Sacramento, California.*

GREETINGS: You have been called into special session on this date for purposes set out in a communication which I addressed to each of you when issuing the proclamation. Briefly, they are these:

- (1) To provide further for unemployment relief
- (2) To create and provide for a State Council of Defense

In the matter of Unemployment Relief, the State Relief Administrator reports to me that an immediate appropriation of at least \$1,450,000 is necessary to carry the present unemployment relief case-load from September 11th to September 30th, both dates inclusive, or all unemployment relief payments must be discontinued during that period.

To meet unemployment relief payments from September 11th through September 14th it was necessary for the Director of Finance, with my approval, to authorize incurrence of a deficiency of \$300,000 for that purpose. This amount is the maxi-

imum deficiency allowable according to the Attorney General's opinion, numbered NS 2082-A rendered to the State Controller December 11, 1939.

I was informally advised that the President Pro Tem of the Senate and the Speaker of the Assembly intended to reconvene the Legislature on September 21st for the purpose herein contemplated. I would have preferred this procedure, and would, if possible, have avoided calling you into special session before then.

I understand that your Joint Committee on Unemployment Relief, in fixing September 21st as the date for reconvening, was under the impression that a larger deficiency could be authorized by the Director of Finance and the Governor; an impression caused by the following communication dated September 7th, from Director of Finance John R. Richards to Relief Administrator S. G. Rubinow, which was called to the attention of the committee by Mr. Rubinow.

"Because of prior commitments, it will not be possible to finance unemployment relief out of the Emergency Fund from September 11th to September 21st as recommended by the Legislative Fact Finding Committee on Relief. Resolution of committee should be to the effect that director and Governor authorize relief administration to create a deficiency to be paid from any appropriations to be made by subsequent legislative action. With such a resolution of the committee, you could be authorized to use present cash on hand already committed for other expenditures to continue relief payments until Legislature meets and takes necessary action on September 21st and their action is enacted into law."

Since your joint committee is familiar with the present and prospective relief load under the terms of present law, Chapter 45 of the first extraordinary session, and the present need for action, on your part, to release or appropriate additional funds for immediate use, doubtless, the full advice and recommendation of your joint committee will be immediately available, so that you may readily act upon this emergency, perhaps within one day.

In the matter of State Council of Defense, every consideration of National and local defense warrants your prompt and vigorous action. I have heretofore appointed a State Council of Defense and the Executive Committee thereof. They have been at work since last June 24th with the formulation of plans and program for State and home defense and for civil defense activities, in accordance with advice and instructions received from the Council of National Defense and its Advisory Committee and with the aid and cooperation of a representative of the War Department.

In order to carry on this work, the council should be established and its support funds should be provided through legislative act.

A bill will be presented for these purposes. It will provide for the establishment and organization of this Council of Defense in the Executive Department of the State Government in accordance with the plans of the Council of National Defense and its Advisory Commission and other agencies of the Federal Government, with power to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests, for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort. This bill will provide for participation in the work of the California State Council of Defense by members of the Legislature. And it will appropriate money to the State Planning Board and to the California State Council of Defense for these purposes.

I am sure that we all desire complete unity in matters of home and National defense; and I am sure that we will all agree that the legislative and the executive departments should cooperate and unite in the work of perfecting and carrying forward all defense plans and programs within our State. I recommend that the proposed act provide for a committee of the Legislature consisting of members of the Senate and Assembly who shall be authorized to meet and participate with the State Council of Defense and its Executive Committee, to advise and cooperate in the work of the council, and to recommend such legislation as may be found necessary to the accomplishment and success of the important work which it will be the duty of the State Council of Defense to conduct. I do not believe that any larger appropriation than \$50,000 is necessary at this time and I would recommend that amount.

I ask for and anticipate your cooperation, your prompt and favorable action in the matters here presented.

Since issuing the proclamation for this session I have been urged to include other matters related to National defense. One is a proposal to permit more intensive use of public school occupational training facilities to train artisans and

mechanics. Another is a proposal to set up a Sabotage and Arson Bureau within the State Fire Marshal's office.

It is now my understanding that your previous call to reconvene on the 21st can not be rescheduled and that you will therefore meet then regardless of this present call. This being the case, I shall seek to discuss these proposals with your leaders.

Should it appear to be your wish, and should they appear to be likely of passage, I shall be glad to issue a call to include these items.

Respectfully submitted.

CULBERT L. OLSON,
Governor of California.

CLO:c

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

To the Honorable Members of the Senate, State Capitol,
Sacramento, California.

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Education:

Lois E. Souter, Los Angeles, vice Eleanor Lloyd Smith, appointment not confirmed, for the term ending January 15, 1943;

Alice H. Dougherty, Oakland, vice self, term expired, for the term ending January 15, 1944;

James M. Tadlock, Eureka, vice Henry S. Grossman, appointment not confirmed, for the term ending January 15, 1944.

Very truly yours,

CULBERT L. OLSON,
Governor of California.

CLO:a

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

To the Honorable Members of the Senate, State Capitol,
Sacramento, California.

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Prison Directors:

Chris Merchant, San Francisco, vice John D. McGilvray, removed, for the term ending January 12, 1948;

Dr. W. Earle Smith, San Francisco, vice Ed L. Abbott, removed, for the term ending January 12, 1946;

Hugh Lovett Spears, Grapevine, vice T. N. Harvey, removed, for the term ending January 12, 1944;

George A. Briggs, Los Angeles, vice A. R. O'Brien, removed, for the term ending January 12, 1942.

Very truly yours,

CULBERT L. OLSON,
Governor of California.

CLO:a

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

To the Honorable Members of the Senate, State Capitol,
Sacramento, California.

GREETINGS: Will the Senate advise and consent to the following appointments to the Board of San Diego Harbor Commissioners:

Emil Klicka, San Diego, vice self, term expired, for the term ending September 26, 1940;

Ralph H. Van Deman, vice self, term expired, for the term ending September 26, 1943;

William E. Harper, vice Rufus Choate, term expired, for the term ending September 26, 1941.

Very truly yours,

CULBERT L. OLSON,
Governor of California.

CLO:a

Reports of Special Committees.

The following reports of Special Committees were received:

Senators Myhand, Foley and McBride, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Hollister, Holohan and Fletcher, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senators Phillips, Nielsen, Deuel, Mayo, Seawell, Mixer and Wagy:

SENATE CHAMBER, SACRAMENTO, September 13, 1940

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

An act to add sections 3.2 and 3.8 to the Unemployment Relief Appropriation Act of 1940, relating to the money available for all forms of unemployment relief, declaring the urgency thereof, to take effect immediately.

Respectfully submitted.

SENATOR PHILLIPS AND OTHERS.

Request referred to Committee on Rules.

By Senator Nielsen:

SENATE CHAMBER, SACRAMENTO, September 13, 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 the construction of a viaduct between Sacramento and North Sacramento, California.

Respectfully submitted

SENATOR NIELSEN.

Request referred to Committee on Rules.

Message from the Assembly.

At two o'clock and forty minutes p.m., a committee from the Assembly, consisting of Messrs. Lyon and Salsman and Mrs. Daley, 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.

Reports of Standing Committee.

The following reports of Standing Committee were received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, September 13, 1940.

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

An act to add sections 3.2 and 3.8 to the Unemployment Relief Appropriation Act of 1940, relating to the money available for all forms of unemployment relief, declaring the urgency thereof, 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 placed on second reading file.

Committee membership—5; committee vote: Ayes—5

SEAWELL, Chairman.

SENATE CHAMBER, SACRAMENTO, September 13, 1940.

MR. PRESIDENT: Your Committee on Rules to which was referred the following request for permission to offer a concurrent resolution:

Relative to the construction of a viaduct between Sacramento and North Sacramento, 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 bills were introduced:

Senate Bill No. 1: By Senators Phillips, Nielsen, Deuel, Mayo, Seawell, Mixter and Wagy—An act to add sections 3.2 and 3.8 to the Unemployment Relief Appropriation Act of 1940, relating to the money available for all forms of unemployment relief, declaring the urgency thereof, to take effect immediately.

Senate Bill No. 1 read first time.

Senator Phillips asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1, without reference to committee for purpose of passage.

Senate Bill No. 1 ordered to print, and on file.

Senate Concurrent Resolution No. 1: By Senator Nielsen—Relative to the construction of a viaduct between Sacramento and North Sacramento, California.

Senator Nielsen asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 1, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 1 ordered to print, and on file.

Preliminary Report of the Legislative Advisory Committee on Defense and Employment.

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

The personnel of the Legislative Advisory Committee on Defense and Employment is indicated on the sheet of letter paper hereto attached. Since the committee's appointment and its organization a number of meetings have been held, some in San Francisco and some in Los Angeles. At each of the meetings there were very few absentees, and a very careful discussion was maintained through each meeting relating to possible legislation that might be required in the removal of any legislation that would act as an impediment to the industries that were active in National Defense work. Special committees were appointed to make particular studies and to report at subsequent meetings.

Pipe Lines and Oil Storage Throughout the State.

A plan is in the possession of the committee, indicating the approximate barrelage stored and of the location of such storage. Location of all of the main pipe lines owned by various companies throughout the State was obtained, and a great deal of particular information regarding these items is in the hands of the committee. The possibility of a system of distribution of not only oil storage but of particular pipe lines was discussed. A general idea of the cost of storage tanks remote from the coast was ascertained, both as to underground storage and storage above the ground. In a general way the matter was discussed at the headquarters of the Ninth Corps Area. The statement was made that the War Department has sent a plan to governors of all States, giving a general idea of what the War Department feels the organization of Home Defense should be. Without doubt in this area a proper distribution of oil storage is very vital. The committee has gone as far as it can with the study of this subject and has obtained practically all of the facts which are at the disposal of those who should receive them.

Labor and Employment.

A special committee has been studying this question and has been endeavoring to obtain, in a general way, not only a census of the unemployed, but also an endeavor is being made to so arrange a list so that it will be possible to find out the various capabilities of those who are on the list, thus preparing a reservoir of information for the industries. As the defense program expands, it is felt that this information will be valuable, inasmuch as the industry can augment the number of its employees without having to do a great deal of research work itself. C. J. Haggerty, of Los Angeles, Alexander Watchman, of San Francisco, and

Mrs Prince, of San Francisco, have accumulated a large amount of information which in the very near future it is hoped can be prepared in the form of a complete report.

Housing Adjacent to Defense Industries.

After a number of conferences with Mr. Haydock, of the United States Housing Authority, and with Mr. Strauss on his visit to Los Angeles, it was revealed that a special need for State legislation existed, and it was hoped that this matter could be brought up at any special session of the Legislature for study and enactment. A copy of the bill suggested by the United States Housing Authority was given to the committee and it in turn had copies prepared and sent to every member of the Joint Legislative Committee and to the Governor. A telegram from John C. Austin, chairman, was sent to Governor Olson, requesting that if possible a special call be issued to the legislators requesting action on this item. In the industries devoted to defense work it is found that many of the employees have to travel 20 to 30 miles to their work, and it has been found that in many of the towns close to the industries not a house or an apartment is for rent.

Education.

The question of trade training in the schools and in the industries is being studied, and it has been ascertained that legislative action will be necessary for a number of items before a complete and full defense program can be carried out.

Publicity.

At the beginning of the committee's work it was felt that publicity should be avoided, but as the work expanded it was felt that publicity, both through the press and the radio, would be advisable, so that any and all information regarding the needs of industry and of those desiring employment could be transmitted to the committee and the committee's help obtained in the shortest possible time. Mr. Richard F. Connor was appointed as chairman of this committee, and he has made arrangements for widespread radio publicity immediately it is found to be desirable.

Many other valuable items are now the subject of study, but the foregoing five items will indicate that a large amount of information ready for action is now in the hands of the committee.

| | |
|---------------------------|-------------------------|
| JOHN C. AUSTIN, Chairman. | WALTER A. HASS. |
| HUGO W. OSTERHAUS. | C J HAGGERTY. |
| MRS. MILDRED PRINCE. | WILLIAM GIBBS McADOO. |
| BRYNN BELYEA. | E W. MASON. |
| RICHARD F. CONNOR. | DR. ROBERT A. MILLIKAN. |
| ARTHUR S. CRITES | JOHN H. PIRIE. |
| DONALD W. DOUGLAS. | ALEXANDER WATCHMAN. |
| ALLEN GRIFFIN. | |

Message from the Assembly.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, September 13, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the following named persons constitute the officers of the Assembly for the fifty-third (third 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 |

JACK CARL GREENBURG, Chief Clerk of Assembly.
By FRANK REED, Assistant Clerk.

Recess.

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

Reconvened.

At seven 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.

Message from the Assembly.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, September 13, 1940.

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

Assembly Bill No. 1—An act to add sections 3.2 and 3.8 to the Unemployment Relief Appropriation Act of 1940, relating to the money available for all forms of unemployment relief, declaring the urgency thereof, to take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.
By FRANK REED, Assistant Clerk.

Assembly Bill No. 1 read first time.

Resolution.

The following resolution was offered :

By Senator Phillips :

Resolved, That Assembly Bill No. 1 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.

Call of the Senate.

Pending the announcement of the vote, 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 Biggar, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Hollister, Keating, Kenny, Mayo, McBride, Myhand, Nielsen, Phillips, Quinn, Seawell, Shelley, Slater, and Wagy—20.

The Secretary announced the absentees.

Time, seven o'clock and fifteen minutes p.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 seven o'clock and forty minutes p.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 resolution adopted by the following vote :

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Phillips, 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, Assembly Bill No. 1.

Consideration of Assembly Bill No. 1.

Assembly Bill No. 1—An act to add Sections 3.2 and 3.8 to the Unemployment Relief Appropriation Act of 1940, relating to the money available for all forms of unemployment relief; declaring the urgency thereof, to 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 as such shall take effect immediately. The facts constituting such necessity are as follows:

The money available for unemployment relief is about to be totally expended and it is necessary that additional funds be made available immediately for unemployment relief and the operation of the Federal food stamp plan in connection therewith. Unless this act providing immediate funds takes effect immediately relief operations will have to be suspended at a time when the need is great, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause serious unrest throughout the State.

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, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, 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, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Nielsen, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1 ordered transmitted to the Assembly.

Consideration of Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 1.

Relative to the construction of a viaduct between Sacramento and North Sacramento, California

WHEREAS, The present highway between Sacramento and North Sacramento, California, is subject to flooding during the annually recurring high water period; and

WHEREAS, Such flooding virtually cuts off the Air Corps Supply and Repair Depot at North Sacramento from the San Francisco Bay area during stormy seasons, closes traffic to and from the depot and seriously obstructs the National defense; and

WHEREAS, The Secretary of War of the United States has requested the Governor of the State of California to expedite construction of a viaduct to carry highway traffic from the American River Bridge on Auburn Boulevard to a point beyond the levee protecting North Sacramento in order to eliminate the interference caused by floods to operations at the depot; and

WHEREAS, It is estimated that the cost of a viaduct such as is requested by the Secretary of War of the United States would be in the neighborhood of \$600,000; and

WHEREAS, The Governor and the Director of Public Works of this State are referring the matter to the California Highway Commission with recommendations for favorable action; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission is hereby requested to investigate the possibility of finding ways and means of financing the construction of such a viaduct and to commence the construction thereof at the earliest possible moment and to report its findings and actions to the Senate and to the Assembly at the next regular (fifty-fourth) session of the Legislature, and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the California Highway Commission, through its secretary.

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 Biggar, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

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

Senate Resolution No. 14.

The following resolution was offered:

By Senators Crittenden, Biggar, Gordon and Nielsen:

WHEREAS, The State Civil Service Act provides for the periodic filing of performance reports of State employees subject to the act; and

WHEREAS, The performance report of an individual employee is a matter of great importance to him because his rating upon his performance report is a factor in promotions, salary adjustments, lay-offs, and his continuance in his employment; and

WHEREAS, Under the present law and the rules of the Personnel Board performance reports are prepared by or under the direction of the appointing power, who is usually the person in direct charge of the work of the employee, but the score upon the performance report is determined, not by the appointing power but by the Personnel Board upon the basis of a formula of its own devising; and

WHEREAS, It has been called to the attention of the authors of this resolution that the present system of performance reports is subject to grave abuses both in the manner of making out such reports and in the determination of the final score thereon, and that the Personnel Board under the present system may arbitrarily mark down an employee who has received a high rating from his immediate superior, and that at the same time the appointing power may manipulate the performance report in favor of an inefficient employee for personal reasons; and

WHEREAS, The possibility of arbitrary action either in favor of or against the interest of individual employees is not consistent with the spirit or the purpose of the State Civil Service Act and the merit system in State service; now, therefore, be it

Resolved by the Senate of the State of California, That the Personnel Board is hereby requested to investigate the method of making and scoring performance reports under civil service, and particularly to investigate the existence, if any, of the abuses heretofore referred to; and be it further

Resolved, That the Personnel Board is hereby requested to report to the Senate not later than the first week of the regular session of the Legislature in 1941, the result of its investigation of the matters herein referred to, together with such recommendation as the board deems advisable; and be it further

Resolved, That if any abuses of the type mentioned in this resolution have occurred, this Senate most earnestly condemns them.

Resolution read, and on motion of Senator Crittenden, adopted

Report of Standing Committee.

The following report of standing committee was received:

On Rules.

SENATE CHAMBER, SACRAMENTO, September 13, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the appointments made by the Governor to the State Board of Prison Directors, also the appointments made to the State Board of Education, and also the appointments made to the Board of San Diego Harbor Commissioners, has had the same under consideration and respectfully returns said appointments with the recommendation that the Secretary of the Senate return said appointments to the Governor advising him that the brevity of the session did not permit proper and adequate consideration by the Senate.

SEAWELL, Chairman

Report read, and on motion of Senator Seawell, adopted.

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. Elsie M. Rogers of Los Angeles and Hon. Gustav B. Hjelm, Superior Court Judge of Modesto.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. Donker of Los Angeles and Mrs. John Lea of Roseville.

Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

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

Consideration of Senate Concurrent Resolution No. 2.

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 2, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 2.

Relative to adjournment sine die of the third 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 third extraordinary session of the Fifty-third Legislature of the State of California, which convened at two o'clock p.m. on the thirteenth day of September, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of September 11, 1940, shall adjourn sine die at nine o'clock p.m., September 13, 1940.

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, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Jespersen, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—29.

NOES—None.

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

Senate Resolution No. 15.

The following resolution was offered:

By Senator Garrison:

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 (third extraordinary) session of the Legislature and to ask if His Excellency has any further communications to transmit to the Senate

Resolution read, and on motion of Senator Garrison, adopted

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Garrison, Shelley and Gordon.

Senate Resolution No. 16.

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 (third extraordinary) session of the Legislature 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, Foley and Cunningham.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 13, 1940

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

Senate Concurrent Resolution No. 1.

JACK CARL GREENBURG, Chief Clerk of Assembly.
By FRANK REED, Assistant Clerk

Senate Concurrent Resolution No. 1 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, September 13, 1940.

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

Senate Concurrent Resolution No. 2

JACK CARL GREENBURG, Chief Clerk of Assembly.
By FRANK REED, Assistant Clerk

Senate Concurrent Resolution No. 2 ordered to enrollment.

Message from the Assembly.

At nine o'clock and fifty minutes p.m., a committee from the Assembly, consisting of Messrs. Field, Robertson and Heisinger, appeared at the bar of the Senate, and announced that the Assembly was prepared to adjourn sine die, and had no further communications to transmit to the Senate.

Report of Committee.

Senator Mayo, as chairman of the committee appointed to inform the Assembly of the readiness of the 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 Garrison, 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.

Approval of Minutes.

The minutes of this legislative day, Friday, September 13, 1940, were, on motion of Senator Seawell, approved as corrected by the Minute Clerk.

Final Adjournment.

Whereupon at nine o'clock p m., on motion of Senator Seawell, in accordance with the provisions of Senate Concurrent Resolution No. 2, the President of the Senate declared the fifty-third (third extraordinary) session of the Senate of the State of California adjourned sine die out of respect to the late Senator Benjamin F. Rush.

JAMES BOYD GARRISON, Minute Clerk.