

CALIFORNIA LEGISLATURE
FIFTY-THIRD (FIFTH EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO,
Monday, December 2, 1940.

The Senate met at three o'clock p.m., pursuant to the provisions of the proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated December 2, 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.

Roll Call.

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

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

Quorum present

Prayer.

By invitation of the President, prayer was offered by Alfred Tonness, Executive Secretary, Church Council of Sacramento.

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 Monday, the second day of December, one thousand nine hundred and forty, at three 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 legislation providing the bases, terms and conditions upon which, and in accordance with unemployment experience, the rates of contributions by employers under the Unemployment Insurance Act may be reduced in conformity with the requirements for an additional credit under the Federal Unemployment Tax Act.

2. To consider and act upon legislation making an additional appropriation to The Adjutant General and the California National Guard for construction, improvements and equipment of armories, arsenals, stables, rifle ranges and camp sites, and to make an additional appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 to reimburse the fund to the extent that moneys have heretofore been made available therefrom to The Adjutant General and the California National Guard for the purposes specified herein.

3. To consider and act upon legislation to enable the State of California to establish and maintain military forces and organizations in addition to the California National Guard, as authorized by Federal law.

4. To consider and act upon legislation relating to the use of the tidelands and submerged lands which were granted by the State to the City and County of San Francisco by Chapter 912 of the Statutes of 1933.

5. To consider and act upon legislation authorizing life insurers to make investments in housing projects and providing for the taxation of the projects and of insurers investing in such projects.

6. To consider and act upon legislation to authorize the erection and maintenance and to provide for the use of a wind tunnel and necessary appurtenances on the campus of the San Diego State College.

7. To consider and act upon legislation authorizing counties and sixth class cities to acquire, establish, operate, repair and maintain ferries, landings and appurtenances, and to contract with one another for such purposes.

8. To consider and act upon legislation authorizing county boards of supervisors to exchange real property with the United States Government, or any agency thereof, for use for public purposes.

9. To consider and act upon legislation to authorize the city of Santa Barbara to convey to the United States Government, or any agency thereof, a portion of the lands heretofore granted to the city by the State of California.

10. To consider and act upon legislation to authorize the State of California acting through The Adjutant General to exchange certain real property situated in the county of San Luis Obispo.

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

CULBERT L. OLSON,
Governor of California.

Attest. PAUL PECK, 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 Fifth-third (Fifth Extraordinary) Session.

Resolution read, and on motion of Senator Slater adopted.

Senate Resolution No. 2.

The following resolution was offered :

By Senator Swing :

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, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—30.

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 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 Deuel :

Resolved, That the Standing Rules of the Senate of the Fifty-third (First Extraordinary) Session as the same appear on pages 724 to 730, 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 (Fifth 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, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—30.

NOES—None

Senate Resolution No. 4.

The following resolution was offered :

By Senator Holohan :

Resolved, That the Standing Committees of the Senate, of the Fifty-third (Fourth Extraordinary) Session be and the same are hereby appointed committees of the Fifty-third (Fifth Extraordinary) Session.

Resolution read, and on motion of Senator Holohan adopted.

Senate Resolution No. 5.

The following resolution was offered:

By Senator Nielsen:

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 (Fifth 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 Nielsen adopted

Appointment of Special Committee.

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

Senate Resolution No. 6.

The following resolution was offered:

By Senator Jespersen:

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 (Fifth 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 Jespersen adopted.

Appointment of Special Committee.

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

Senate Resolution No. 7.

The following resolution was offered:

By Senator Mixter:

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 (Fifth 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 Mixter adopted.

Senate Resolution No. 8.

The following resolution was offered:

By Senator Seawell:

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 (Fifth 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	Inyo	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	328	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
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	990	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
Parkman, Harry L	San Mateo	238	11 90
Phillips, John	Riverside	1,094	54 70
Powers, Harold J	Modoc	832	41 60
Quinn, Irwin T	Humboldt	624	31 20
Rich, Wm P	Yuba	104	5 20
Seawell, Jerold 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 I	Kern	638	31 90

Officers	County	Mileage	Total at ten cents per mile
Patterson, Ellis E, President	Los Angeles	894	\$89 40
Beek, J A, Secretary	Orange	990	99 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, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Hays, Holohan, Keating, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, and Wagy—25.

NOES—None.

Senate Resolution No. 9.

The following resolution was offered:

By Senator Powers:

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 Powers adopted.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day elected the following statutory officers for the Fifty-third (Fifth Extraordinary) Session

Hon. Gordon H. Garland.....	Speaker
Hon. Gardner 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.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, December 2, 1940

To the Honorable Members of the Senate and Assembly
of the State of California.

GREETINGS: It is proper upon the convening of this extraordinary session of the Legislature that I should briefly explain to you the subjects which I have placed before you for consideration and the reasons for their inclusion in the proclamation calling the session. Before doing so, I may state that the contents of the message which I sent to you this morning when you were sitting in your Fourth Extraordinary Session, which message was concerned with the necessity of taking action on various subjects prior to the next regular session, are applicable to the subjects of this new session.

The first item concerns clarification of the experience rating provisions of the Unemployment Insurance Act. "Experience Rating" is that provision of the act which, on the basis of favorable employment experience, grants a lower contribution rate to those employers whose experience indicates that a lower rate will be more nearly commensurate with benefit payments to their employees. This provision has been in our law in substantially its present form since the law's inception in 1935, and similar provisions will be found in the laws of many other States.

Under our present law the California Employment Commission is required, as of January 1, 1941, to classify employers with regard to their experience and to levy tax assessments at a rate lower than the general rate of 2.7 per cent if any employer has the required reserve in his bookkeeping account with the commission. The amendments will also assure employers of receiving the additional tax credit offset allowed under applicable sections of the Federal Internal Revenue Code.

Proper amendment at this time will cure apparent defects and clarify the law so as to provide the commission with the necessary machinery and with definite legislative instructions as to how the existing experience rating provisions are to be administered on January 1, 1941.

In considering this matter it should be understood that experience rating in unemployment insurance systems is in an experimental stage. There are many who contend that it has no place in the law. I, personally, and the commission as well, have some doubts as to the soundness of the entire "experience rating" principle. After having had an opportunity to observe actual experience in the administration of the provision, a recommendation may very well be made in the future that these provisions be eliminated entirely. However, at the present time it seems essential that these amendments should be adopted in order that the commission may proceed with the proper administration of the present law in accordance with its expressed legislative intent.

Several months ago it became necessary to make arrangements for the purchase of additional land near the San Luis Obispo Campsite of the National Guard to provide for the leasing to the Federal Government of the necessary area on which the Federal Government was to construct \$5,000,000 of barracks, storehouses and other facilities in connection with the training of the Guard. The improvements on the land will belong to the State when the present emergency is ended. At that time it was thought that it would be necessary to call a special session in order to get the necessary funds. But conferences with a number of the members of the Legislature ended in a plan whereby part of the necessary funds were provided from the Emergency Fund with the understanding that legislation should be passed at

the next special session to provide funds necessary to complete the purchase and to reimburse the Emergency Fund. A \$50,000 appropriation from the General Fund is needed to complete the purchase, and the sum of \$190,000 is needed to reimburse the Emergency Fund, which sum may be obtained by transferring \$110,000 of unneeded moneys from the support appropriations for the National Guard and appropriating \$80,000 from the General Fund. Thus a total new appropriation of only \$130,000 is needed.

Item No. 3 in the proclamation concerns legislation to enable the State to establish a State Guard, as authorized by Federal Law, in addition to the National Guard. The explanation of such legislation and the necessity therefor is contained in the attached copy of a letter from The Adjutant General.

Item No. 4 will permit the enactment of legislation to allow the City of San Francisco to lease portions of Treasure Island to the Federal Government or to the State for defense purposes. Representatives of the City of San Francisco have requested this legislation as the Navy Department has already requested the use of part of the island.

Item No. 5 was included in response to the request of a large number of members of the Legislature. I understand that one of the large life insurance companies has under consideration plans to invest some ten million dollars in a much needed moderate cost housing project, but that the insurance laws do not permit the investment of funds of insurance companies in real estate, except for their necessary office buildings. The reasons urged for this legislation are the defense housing needs and the unemployment in the building trades and allied industries. It would seem that an amendment of the law to permit an investment in a large moderate cost housing project would be proper because of such conditions, provided adequate standards and supervision be set up for the making of such investment. Such legislation should provide that the insurance companies investing in such projects must waive the right to set off against the amounts due from them for gross premium taxes, the amounts of the real estate taxes on such projects.

The next item, concerning a wind tunnel, simply will permit proposed legislation to allow the maintenance of a wind tunnel on the campus of San Diego State College for the study of problems relating to aircraft. I understand that Federal or private funds will completely provide for the erection and maintenance of the proposed wind tunnel, and that this will furnish testing equipment essential in the National Defense Program, and which will also be valuable as equipment used in the educational program of the college.

The seventh item is necessary for legislation to permit the counties of Solano or Contra Costa or the cities of Benicia or Martinez, or either of them, to operate the Martinez-Benicia Ferry. A committee of representatives of various communities interested in the ferry, which committee included several members of the Legislature, requested that this item be included. Immediate action is necessary in order to come within certain time limitations involved in the transfer of the Antioch and Carquinez Bridges.

The eighth item will authorize legislation necessary in order that the County of Kern may complete a transfer of certain of its real property to the Federal Government to be used as the site of a post office, in exchange for the present post-office building, which will be used by the county for a public library.

Item No. 9 is placed before you to authorize legislation which will permit a conveyance to be made to the Federal Government by the city of Santa Barbara of a small plot of ground for use as a naval armory. The land is the result of accretions on tidelands granted to the State by the City of Santa Barbara for specified purposes, and in order to insure the validity of a grant from the City of Santa Barbara further legislation is necessary.

The last item is required to enable the State to exchange a small parcel of land belonging to the State and under the jurisdiction of the National Guard, for another parcel of land necessary for a right of way for the construction of a railroad spur track from the right of way of the S. P. R. R. for transporting building and military supplies to the National Guard Training Camp at San Luis Obispo.

Respectfully submitted,

CULBERT L. OLSON,
Governor of California

CLO :a

STATE OF CALIFORNIA, DIVISION OF MILITARY AFFAIRS.

SACRAMENTO, November 30, 1940

Hon. Culbert L. Olson, Governor of California,
State Capitol, Sacramento California

MY DEAR GOVERNOR OLSON: It is requested that immediate consideration be given to amending the Military and Veterans Code of the State of California to enable the organization of units to be known as the State Guard. This is an urgent matter and is required by reason of the following facts:

a. The entire National Guard of the State of California will have been inducted into Federal service within a short time, whereafter it will not be available for local emergencies.

b. The National Defense Act prohibits the organization of units by States other than the federally recognized National Guard in time of peace. However, Congress has recently passed a law which authorizes the organization of a State Guard during such time as the National Guard of any State is in active Federal service in time of peace.

c. The execution of this law in any State is contingent upon passage by the State of necessary legislation where the State Military Code is not sufficient.

d. The Military Code of California is insufficient in that it does not provide for any organization other than the federally recognized National Guard.

In view of the foregoing, it is necessary to make certain amendments to the Military Code. Several proposed revisions accomplishing this have already been forwarded to you.

Very truly yours,

R. E. MITTELSTAEDT,
Brigadier General,
The Adjutant General.

Messages from the Governor.

The following messages from the Governor were received and read, and ordered referred to Committee on Rules:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, December 2, 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.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, December 2, 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, 1944;

Dr. W. Earle Smith, San Francisco, vice Ed L. Abbott, removed, for the term ending January 12, 1942;

Hugh Lovett Spears, Grapevine, vice T. N. Harvey, removed, for the term ending January 12, 1948;

George A. Briggs, Los Angeles, vice A. R. O'Brien, removed, for the term ending January 12, 1946.

Very truly yours,

CULBERT L. OLSON,
Governor of California..

Privilege of Floor of Senate Extended.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Assemblyman-elect and Mrs. Frank C. Russell.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senators-elect H. E. Dillinger, C. C. Ward and George Luckey.

Introduction, First Reading and Reference of Bills.

The following bills were introduced :

Senate Bill No. 1: By Senator Seawell—An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Senate Bill No. 1 read first time, and referred to Committee on Rules.

Senate Bill No. 2: By Senators Jespersen, Quinn and Hays—An act to authorize the exchange of certain lands of the State in the County of San Luis Obispo for certain other lands required for armory purposes as defined in the Military and Veterans Code, and declaring the urgency thereof.

Senate Bill No. 2 read first time, and referred to Committee on Governmental Efficiency.

Senate Bill No. 3: By Senators Quinn and Hays—An act to amend Sections 253, 254, 255 and 256 of the Military and Veterans Code, relating to the State Guard, to take effect immediately.

Senate Bill No. 3 read first time, and referred to Committee on Governmental Efficiency.

Senate Bill No. 4: By Senators McCormack and DeLap—An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, to take effect immediately.

Senate Bill No. 4 read first time, and referred to Committee on Governmental Efficiency.

Senate Bill No. 5: By Senator Fletcher—An act to add Sections 5.11 and 5.113 to the School Code, relating to the State colleges; 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 Governmental Efficiency.

Senate Bill No. 6: By Senators Jespersen, Quinn and Hays—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

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

Senate Bill No. 7: By Senators Jespersen, Quinn and Hays—An act making an additional appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, and providing that this act shall take effect immediately.

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

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, December 2, 1940.

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

Senate Bill No. 1—An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately;

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

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

SEAWELL, Chairman.

Resolution.

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate 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, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—33.

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. 1.

Consideration of Senate Bill No. 1.

Senate Bill No. 1—An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Bill read second time.

Bill read third time.

The question being on the passage of the bill

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

AYES—Senators Biggar, Breed, Brown, Collier, Cuttenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No 1 ordered transmitted to the Assembly.

Reports of Special Committees.

The following reports of Special Committees were received:

Senators Nielsen, Garrison and DeLap, 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 Jespersen, McCormack and Swing, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

Adjournment.

At three o'clock and forty minutes p.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, December 3, 1940.

JAMES BOYD GARRISON, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (FIFTH EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO,
Tuesday, December 3, 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, Hays, Holohan, Jespersen, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tinkle, and Wagy—32

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, December 2, 1940, the further reading was dispensed with, on motion of Senator Slater

Communication.

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

POSTAL TELEGRAPH
SAN FRANCISCO, CALIFORNIA, December 2, 1940

Joseph Beek,
Senate Chamber, State Capitol, Sacramento.

Have been confined to bed with flu. Doctor's orders are that I not attend session. Please have me excused account illness. Regards.

JACK SHELLEY.

Leave of Absence.

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

Report of Standing Committee.

The following report of standing committee was received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

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

Senate Bill No. 2—An act to authorize the exchange of certain lands of the State in the county of San Luis Obispo for certain other lands required for armory purposes as defined in the Military and Veterans Code, and declaring the urgency thereof;

Senate Bill No. 3—An act to amend Sections 253, 254, 255 and 256 of the Military and Veterans Code, relating to the State Guard, to take effect immediately;

Senate Bill No. 4—An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, to take effect immediately;

Senate Bill No. 5—An act to add Sections 511 and 5113 to the School Code, relating to the State colleges, 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 they do pass

Committee membership—11; committee vote. Ayes—7; absent—4

HAYS, Chairman

Resolution.

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bills Nos. 2, 3, 4 and 5 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 bills 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 Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Kenny, Mayo, McBride, Metzger, Mixer, Michard, Nielsen, Powers, Quinn, Seawell, Slater, Swing, Tickle, 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 Bills Nos. 2, 3, 4 and 5.

Consideration of Senate Bill No. 2.

Senate Bill No. 2—An act to authorize the exchange of certain lands of the State in the county of San Luis Obispo for certain other lands required for armory purposes as defined in the Military and Veterans Code, and declaring the urgency thereof.

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 of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

In aid of National defense and in compliance with the request of the United States Government, the parcel of land herein secondly described as belonging to said Nancy Cheda is immediately required for the construction of a railroad spur track from the right of way of the Southern Pacific Railroad for transporting building and military and other supplies and equipment to the National Guard Training Camp at San Luis Obispo, California, in order to complete said training camp for training mobilization purposes by January 1, 1941.

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, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Wagy—29.

NAYS—None.

The question being on the passage of the bill.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—32.

NAYS—None.

Title read and approved

Senate Bill No 2 ordered transmitted to the Assembly.

Consideration of Senate Bill No. 3.

Senate Bill No. 3—An act to amend Sections 253, 254, 255 and 256 of the Military and Veterans Code, relating to the State Guard, to take effect immediately.

Bill read second time.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. The National Guard which has heretofore been available to the State as a defense organization is being called into the service of the United States and it is necessary that provision be made to make the unorganized militia more readily available for defense in case of necessity. A part of the National Guard of California has already been called into Federal service and it is necessary that provision be immediately made to make available part of the unorganized militia and in order to provide necessary troops and means of defense, and it is therefore necessary that this act take effect immediately.

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, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo,

McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy--29
 NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—32.
 NOES—None

Amendment to the Title.

The following amendment to the title of Senate Bill No. 3, offered by Senator Quinn, was read and adopted:

Amendment No. 1.

In the title of the printed bill, strike out all of line 1, and insert in lieu thereof the following: "An act to amend Sections 553, 554, 555 and 556 of the Muh-".

Title read and approved, as amended.

Senate Bill No. 3 ordered transmitted to the Assembly.

Recess.

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

Reconvened.

At eleven o'clock and ten 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.

Consideration of Senate Bill No. 4.

Senate Bill No. 4—An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, 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 for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the State Constitution and shall therefore go into immediate effect. A statement constituting such necessity is as follows:

Under the terms of the agreement leading to the purchase by the State of the Carquinez Bridge, the seller is obligated to transfer its rights in a ferry operated by it between Benicia and Martinez to any city or county between or within which the ferry operates. This act is designed to implement and facilitate such designation by authorizing the cities and counties affected to acquire and operate ferries for operation over waters within or adjacent to their territorial limits. Until the authority is granted it is possible that the present owner of the ferry may abandon its operation thereof and relinquish existing franchises therefor. Should this happen, it would be impossible for many years to operate a new ferry in the same vicinity, in view of Section 12 of the California Toll Bridge Authority Act, to the detriment

of the public interest and welfare. It is therefore a matter of extreme urgency 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, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Wagý—29.

NOES—None.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Wagý—30.

NOES—None.

Title read and approved.

Senate Bill No. 4 ordered transmitted to the Assembly.

Leave of Absence.

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

Consideration of Senate Bill No. 5.

Senate Bill No. 5—An act to add Sections 5.11 and 5.113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second 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, Article IV of the Constitution, and shall therefore go into immediate effect.

A statement of the facts constituting such necessity is as follows:

The construction and maintenance of a wind tunnel and necessary appurtenances in the immediate vicinity of the industries manufacturing aircraft and aircraft parts located in and near the city of San Diego is of immediate and paramount importance to the National Defense Program. Under existing conditions, the campus of the San Diego State College is the location best suited for such wind tunnel and appurtenances. Unless this act takes effect immediately, the National Defense Program will be adversely affected to a very appreciable degree.

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, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Kenny, Mayo, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Wagý—30.

NOES—None.

Recess.

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

Reconvened.

At twelve o'clock noon, the Senate reconvened.

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

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read

ASSEMBLY CHAMBER, SACRAMENTO, December 3, 1940

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

Senate Bill No. 1—An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

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

Senate Bill No. 1 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 3, 1940.

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

Assembly Bill No. 3—An act to add Sections 5.11 and 5.113 to the School Code relating to the State colleges, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 4—An act to add Article 2.5, comprising Sections 1160.1 to 1160.9, inclusive, to Chapter 2, Part 2, Division 1 of the Insurance Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, to take effect immediately;

Assembly Bill No. 6—An act to add Section 4 to "An act granting certain tide-lands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, authorizing the conveyance of certain lands to the United States Government, or to any agency thereof, to take effect immediately.

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

Assembly Bill No. 3 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 4 read first time, and referred to Committee on Finance.

Assembly Bill No. 6 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, December 3, 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 amend the title of "An act granting certain tide-lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military or naval purposes, and providing that this act shall take effect immediately;

Assembly Bill No 2—An act to add Section 404121a to the Political Code, relating to the powers of boards of supervisors, to take effect immediately.

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

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

Assembly Bill No. 2 read first time, and referred to Committee on Governmental Efficiency.

Recess.

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

Reconvened.

At four 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.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO December 3, 1940.

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

Assembly Bill No 7—An act making an appropriation for the expenses of the Assembly for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

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

Assembly Bill No 7 read first time, and ordered held at desk without reference to committee.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No 1—An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately;

And reports that the same has been correctly enrolled and presented to the Governor on the third day of December, 1940, at four o'clock p.m.

SEAWELL, Chairman.

Recess.

At four o'clock and thirty-five minutes 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.

Report of Standing Committee.

The following report of standing committee was received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, December 3, 1940

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

Assembly Bill No. 1—An act to amend the title of "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military or naval purposes, and providing that this act shall 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.

HAYS, Chairman

Resolution.

The following resolution was offered:

By Senator Seawell:

Resolved. That Assembly Bills Nos. 1 and 7 present cases 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 bills 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 Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Flercher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—32.

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 7.

Consideration of Assembly Bill No. 1.

Assembly Bill No. 1—An act to amend the title of "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military

or naval purposes, and providing that this act shall take effect immediately.

Bill read second time.

Bill read third time.

Urgency Clause.

SLC. 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 of the State of California, and shall therefore go into effect immediately. The following is a statement of the facts constituting such necessity:

The unsettled condition of world affairs has resulted in a situation in this country that can only be met by a prompt and widespread military and naval armament program and by taking all possible measures to secure the peace and safety of this Nation. San Francisco Bay is a key harbor on the Pacific Coast and will be the center of much of the activity in connection with this program. A portion of the land heretofore granted by the State to the City and County of San Francisco is needed by the United States Government for purposes in connection with this program. In order that the program of armament and protection will not be delayed and that adequate provision for the preservation of the peace of this country can be made as promptly as possible it is essential 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, Foley, Garrison, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagv—31.

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, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, and Wagv—31.

NOES—None.

Title read and approved

Assembly Bill No. 1 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 7.

Assembly Bill No. 7—An act making an appropriation for the expenses of the Assembly for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny,

McBride, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—31.
 NOES—None.

Title read and approved.

Assembly Bill No. 7 ordered transmitted to the Assembly.

Consideration of Senate Bill No. 5 (Resumed).

Senate Bill No. 5—An act to add Sections 511 and 5.113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—33
NOES—None.

Title read and approved.

Senate Bill No. 5 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

The following bill was introduced:

Senate Bill No. 8: By Senator Shelley—An act to amend the title of "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military or naval purposes, and providing that this act shall take effect immediately.

Senate Bill No. 8 read first time, and referred to Committee on Governmental Efficiency.

Adjournment.

At five o'clock and forty minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, December 4, 1940

JAMES BOYD GARRISON, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (FIFTH EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

—
IN SENATE
 —

SENATE CHAMBER, SACRAMENTO,

Wednesday, December 4, 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, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swmg, 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 Tuesday, December 3, 1940, the further reading was dispensed with, on motion of Senator Seawell.

Report of Standing Committee.

The following report of standing committee was received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, December 4, 1940

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

Assembly Bill No. 2—An act to add Section 4041 21a to the Political Code, relating to the powers of boards of supervisors, to take effect immediately;

Assembly Bill No. 3—An act to add Sections 511 and 5113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 6—An act to add Section 4 to "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, authorizing the conveyance of certain lands to the United States Government, or to any agency thereof, to take effect immediately;

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

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

HAYS, Chairman

Second Reading of Assembly Bills.

Assembly Bill No. 2—An act to add Section 4041.21a to the Political Code, relating to the powers of boards of supervisors, to take effect immediately.

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

Assembly Bill No. 3—An act to add Sections 5.11 and 5.113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately

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

Assembly Bill No. 6—An act to add Section 4 to "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, authorizing the conveyance of certain lands to the United States Government or to any agency thereof, to take effect immediately.

Bill read second time and ordered on file for third reading

Resolution.

The following resolution was offered

By Senator Seawell

Resolved, That Assembly Bills Nos. 2, 3 and 6 present cases 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 third time 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 Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myland, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Stater, Swing 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 Bills Nos. 2, 3 and 6

Consideration of Assembly Bill No. 2.

Assembly Bill No. 2—An act to add Section 4041.21a to the Political Code, relating to the powers of boards of supervisors, to 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, and as such it shall take effect immediately

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

In these critical times all facilities must be made available to permit the most effective handling of the United States mails. At the present time the United States Post Office in the city of Bakersfield is housed in an old building which is definitely inadequate. The county of Kern owns idle property which will afford a suitable site for a new post office and for which the United States Government is willing to exchange property.

This legislation will enable the United States to obtain the site on which it is ready to erect a new post office which will adequately serve the needs of the community and provide for the more effective handling of the United States mail in that area, will permit construction work to go ahead while the United States still has it in mind, and will provide employment for a large number of individuals many of whom are now on relief rolls. It is therefore necessary in the interest of the public peace, health, safety and welfare that this act be immediately effective.

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, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, and Wagy—28

NOES—None

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

NOES—None.

Title read and approved.

Assembly Bill No. 2 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 3.

Assembly Bill No. 3—An act to add Sections 511 and 5113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall 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 and shall therefore go into immediate effect.

A statement of the facts constituting such necessity is as follows:

The construction and maintenance of a wind tunnel and necessary appurtenances in the immediate vicinity of the industries manufacturing aircraft and aircraft parts located in and near the city of San Diego is of immediate and paramount importance to the national defense program. Under existing conditions, the campus of the San Diego State College is the location best suited for such wind tunnel and appurtenances. Unless this act takes effect immediately, the national defense program will be adversely affected to a very appreciable degree.

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, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, and Wagy—29
 NAYS—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, and Wagy—29.
 NAYS—None.

Title read and approved.

Assembly Bill No. 3 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 6.

Assembly Bill No. 6—An act to add Section 4 to "An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts," approved April 16, 1925, authorizing the conveyance of certain lands to the United States Government, or to any agency thereof, to 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 go into effect immediately. The following is a statement of the facts constituting such necessity:

The unsettled condition of world affairs has resulted in a situation in this country that can only be met by a prompt and widespread military and naval armament program and by taking all possible measures to secure the peace and safety of this Nation. A portion of the land heretofore granted by the State to the city of Santa Barbara is needed by the United States Government for purposes in connection with this program. In order that the program of armament and protection will not be delayed and that adequate provision for the preservation of the peace of this country can be made as promptly as possible it is essential 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, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—30
 NAYS—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo,

McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—32
Nots—None.

Title read and approved.

Assembly Bill No. 6 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Finance.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

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

Senate Bill No. 6—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately;

Senate Bill No. 7—An act making an additional appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, and providing that this act shall take effect immediately;

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

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

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

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

Assembly Bill No. 4—An act to add Article 2.5, comprising Sections 1160.1 to 1160.9, inclusive, to Chapter 2, Part 2, Division 1 of the Insurance Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, to 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—9, absent—2.

TICKLE, Chairman.

Second Reading of Assembly Bills.

Assembly Bill No. 4—An act to add Article 2.5, comprising Sections 1160.1 to 1160.9, inclusive, to Chapter 2, Part 2, Division 1 of the Insurance Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, to take effect immediately.

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

Second Reading of Senate Bills.

Senate Bill No. 6—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

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

Senate Bill No. 7--An act making an additional appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, and providing that this act shall take effect immediately.

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

Resolution.

The following resolution was offered:
By Senator Seawell:

Resolved, That Assembly Bill No. 4 and Senate Bills Nos. 6 and 7 present cases 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 third time, 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 Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, 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, Senate Bills Nos. 6 and 7 and Assembly Bill No. 4.

Recess.

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

Reconvened.

At eleven o'clock and forty-five 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.

Third Reading of Senate Bills.

Senate Bill No. 6--An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, 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 public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The national emergency resulting in the mobilization of the California National Guard and the induction of numerous civilians into military service for training purposes has imposed severe and unanticipated burdens upon the National Guard facilities and has necessitated the immediate expansion and development thereof. It is necessary to provide immediately for additional training facilities and for

housing of large numbers of men on military duty. It is therefore necessary that this measure take immediate effect in order to fulfill the obligations of the State under the National Training Program and so that this program will not be unduly delayed or impeded.

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, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—30.

NOES—None.

Title read and approved.

Senate Bill No. 6 ordered transmitted to the Assembly.

Senate Bill No. 7—An act making an additional appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, 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 public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The inauguration of the National Defense Program in this State has resulted in large and unanticipated demands upon the Emergency Fund to augment normal appropriations for The Adjutant General and the California National Guard resulting in a reduction of the money available for emergencies and contingencies that may arise during the remainder of the ninety-second fiscal year to such a point that the public peace, health and safety of the State might be seriously endangered because of lack of funds to meet emergencies which may reasonably be anticipated. It is therefore necessary that this measure take effect immediately in order that additional moneys may be made available without delay for the effective conduct of the business of 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, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—29.

NOES—Senator Phillips—1.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—29
 NAYS—Senator Phillips—1.

Title read and approved.

Senate Bill No. 7 ordered transmitted to the Assembly.

Statement.

The following statement, offered by Senator Phillips, was ordered printed in the Journal:

The discussion on Senate Bill No. 7 was closed before one feature was discussed and for that reason I voted "no" and asked permission to place the following statement in the Journal. I have no criticism of the purpose for which the money was spent but I contend that we should have had an accompanying report on the condition of the "Emergency Fund" to discover why an original fund of \$1,750,000 has been so depleted that when a genuine emergency presented itself, there was not \$80,000 left in the fund.

SENATOR PHILLIPS

Third Reading of Assembly Bills.

Assembly Bill No. 4—An act to add Article 25, comprising Sections 1160.1 to 1160.9, inclusive, to Chapter 2, Part 2, Division 1 of the Insurance Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, to 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, Article IV, of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such necessity:

Unemployment and the housing shortage arising out of the requirements of National Defense have developed alarming economic and social conditions in this State which have created an immediate need for comprehensive moderate cost housing projects. The immediate adoption of this act will enable comprehensive moderate cost housing projects to be undertaken by life insurers which are not by law permitted to make investments in such projects in this State at this time.

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, Deuel, Fletcher, Foley, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—29.

NAYS—None.

Recess.

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

Reconvened.

At two 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.

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 Cunningham, Deuel, Foley, Garrison, Jespersen, Kenny, Mayo, Metzger, Mixer, Myhand, Seawell, Shelley, and Wagy—13.

The Secretary announced the absentees.

Time, two o'clock and thirty-five 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 two o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

Consideration of Assembly Bill No. 4 (Resumed).

Assembly Bill No. 4—An act to add Article 25, comprising Sections 1160.1 to 1160.9, inclusive, to Chapter 2, Part 2, Division 1 of the Insurance Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, 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. 4 passed by the following vote:

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

NOES—None.

Title read and approved.

Assembly Bill No. 4 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940

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

Senate Bill No. 2—An act to authorize the exchange of certain lands of the State in the county of San Luis Obispo for certain other lands required for armory purposes as defined in the Military and Veterans Code, and declaring the urgency thereof.

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

Senate Bill No. 2 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940.

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

Assembly Concurrent Resolution No. 1—Relative to requesting the Secretary of Agriculture to investigate the possibility of extending the Federal Commodity Stamp Plan

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

Assembly Concurrent Resolution No 1 read, and ordered held at desk without reference to committee.

Message from the Assembly.

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940.

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

Senate Bill No. 4—An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, to take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JACK CARL GREENBURG, Chief Clerk of Assembly.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 4.

Amendment No. 1.

On page 1, line 5, of the printed bill, before "ferry", insert the following: "existing"

Amendment No. 2.

On page 1, line 16, of the printed bill, before "ferry", insert the following: "existing".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 4?

The roll was called, and Assembly amendments to Senate Bill No. 4 concurred in by the following vote:

AYES—Senators Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Kenny, Mayo, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—24.

NOES—None.

Senate Bill No. 4 ordered to enrollment.

President Pro Tempore in the Chair.

At three o'clock p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, in the chair.

Recess.

At three o'clock and five minutes p.m., on motion of Senator Hays, the President pro tempore of the Senate declared recess until three o'clock and twenty-five minutes p.m.

Reconvened.

At three o'clock and twenty-five minutes p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Consideration of Assembly Concurrent Resolution No. 1.**Assembly Concurrent Resolution No. 1.**

Relative to requesting the Secretary of Agriculture to investigate the possibility of extending the Federal Commodity Stamp Plan

WHEREAS, The Secretary of Agriculture, through the Federal Surplus Commodities Corporation and the Federal Surplus Marketing Administration, administers a program of distributing surplus commodities to certain classes of needy persons; and

WHEREAS, Under the recently devised "stamp" plan, recipients of commodity stamps may exchange them at regular places of private business for designated commodities; and

WHEREAS, Those persons eligible to receive such stamps are greatly benefited by the high quality of nourishing food and well-made clothing obtainable; and

WHEREAS, Farmers and manufacturers are benefited by the plan as they are thereby enabled to widen their market and dispose of their surpluses; and

WHEREAS, Many persons who are ill-fed and ill-clothed are not now included in the program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Secretary of Agriculture is hereby urged and requested to study the feasibility of extending the benefits of the commodity stamp program to additional low income groups; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Secretary of Agriculture, the Federal Surplus Commodity Corporation, and the Federal Surplus Marketing Administration in San Francisco

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 Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Shelley, Slater, and Wagy—27.

NOES—Senators Seawell, and Tickle—2.

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

Recess.

At three o'clock and thirty minutes p.m., on motion of Senator Metzger, the President pro tempore of the Senate declared recess until five o'clock and fifty minutes p.m.

Reconvened.

At five o'clock and fifty 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.

Introduction, First Reading and Reference of Bills.

The following bill was introduced:

Senate Concurrent Resolution No. 1: By Senator Seawell—Relative to adjournment sine die of the Fifth Extraordinary Session of the Fifty-third Legislature of the State of California.

Consideration of Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 1.

Relative to adjournment sine die of the Fifth 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 Fifth Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at three o'clock p.m., on the second day of December, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of December 2, 1940, shall adjourn sine die at two o'clock p.m., December 5, 1940.

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, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, McBride, McCormack, Metzger, Mixer, Myland, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—31

NOES—None.

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

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940

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

Senate Bill No. 3—An act to amend Sections 553, 554, 555 and 556 of the Military and Veterans Code, relating to the State Guard, to take effect immediately;

Senate Bill No. 6—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately

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

Senate Bills Nos. 3 and 6 ordered to enrollment

Adjournment.

At five o'clock and fifty-five minutes p.m. on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, December 5, 1940.

JAMES BOYD GARRISON, Minute Clerk.

CALIFORNIA LEGISLATURE
FIFTY-THIRD (FIFTH EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO.

Thursday, December 5, 1940.

The Senate met at eleven o'clock a.m.
Senator Nielsen of the Ninth District 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, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, 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 Wednesday, December 4, 1940, the further reading was dispensed with, on motion of Senator Slater

Approval of Journals.

The Senate Journals of the Fifty-third (Fifth Extraordinary) Session of Monday, December 2, 1940; Tuesday, December 3, 1940, and Wednesday, December 4, 1940, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940

MR. PRESIDENT. Your Committee on Rules has examined
Senate Bill No. 2—An act to authorize the exchange of certain lands of the State in the county of San Luis Obispo for certain other lands required for armory

purposes as defined in the Military and Veterans Code, and declaring the urgency thereof;

Senate Bill No. 4—An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, to take effect immediately.

Senate Bill No. 6—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled and presented to the Governor on the fifth day of December, 1940, at eleven o'clock a.m.

SEAWELL, Chairman.

Recess.

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

Reconvened.

At one o'clock and forty-five 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.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 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 adjournment sine die of the fifth 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 Concurrent Resolution No. 1 ordered to enrollment

Messages from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day remains without further action.

Senate Bill No. 5—An act to add Sections 5.11 and 5.113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of the resolution suspending the Constitution to consider:

Senate Bill No. 7—An act making an additional appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, and providing that this act shall take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

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

Senate Bill No. 8—An act to amend the title of "An act granting certain tide-lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military or naval purposes, 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.

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

HAYS, Chairman

Senate Resolution No. 10.

The following resolution was offered:

By Senator Seawell:

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 (Fifth Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 1 and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Seawell adopted.

Appointment of Special Committee.

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

Senate Resolution No. 11.

The following resolution was offered.

By Senator Breed:

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 (Fifth Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 1 and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Breed adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Nielsen, Jespersen and Breed.

Approval of Minutes.

The minutes of this legislative day, Thursday, December 5, 1940, were, on motion of Senator Seawell, approved as corrected by the Minute Clerk.

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. 1, reported that they had performed their duty.

Report of Committee.

Senator Nielsen, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die, as provided in Senate Concurrent Resolution No. 1, reported that they had performed their duty.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3—An act to amend Sections 553, 554, 555 and 556 of the Military and Veterans Code, relating to the State Guard, to take effect immediately;
Senate Concurrent Resolution No. 1—Relative to adjournment sine die of the Fifth 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 fifth day of December, 1940, at one o'clock and fifty minutes p.m.

SEAWELL, Chairman.

Final Adjournment.

Whereupon, at two o'clock p.m., on motion of Senator Seawell, in accordance with the provisions of Senate Concurrent Resolution No. 1, the President of the Senate declared the Fifty-third (Fifth Extraordinary) Session of the Senate of the State of California adjourned sine die.

JAMES BOYD GARRISON, Minute Clerk.