

CALIFORNIA LEGISLATURE

FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, December 19, 1941

The Senate met at 11 a.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated December 16, 1941, 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-fourth 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; Robert G. Alderman, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by the Chaplain, Rev. H. W. Opperman, Chaplain of the Senate of the Fifty-fourth Session.

COMMUNICATIONS

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

MARICOPA, CALIFORNIA, December 17, 1941

*Mr. Joseph Beek, Secretary of the Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: I have just received a telegram from Governor Olson advising me that he is calling a Special Session of the Legislature to be convened Friday, December 19th, and this is to advise that, being still confined to my bed, I will be unable to attend.

Very truly yours,

J. I. WAGY

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the balance of the extraordinary session:

Senator Wagy, on motion of Senator Seawell.

Senator Hays, on motion of Senator Rich.

PROCLAMATION OF THE GOVERNOR

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

Whereupon the Secretary read the following Proclamation:

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

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

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, By virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation augmenting the appropriation for the operation, maintenance, and organization of the State Guard during the Ninety-third and Ninety-fourth Fiscal Years, and amending Sections 321, 340, 395, and 555, of the Military and Veterans Code, with respect to the pay, privileges, allowances, and rights for the State Guard.

2. To consider and act upon legislation augmenting the appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941.

3. To consider and act upon legislation authorizing the use of public funds by counties, cities, and cities and counties, to meet emergencies caused by war or other public disaster.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest:

PAUL PEEK, Secretary of State

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m., of said day; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, By virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on December 19, 1941, do issue this my Proclamation supplementing my Proclamation dated December 16, 1941, convening the Legislature to meet and assemble on December 19, 1941, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

4. To consider and act upon legislation authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations. This fourth subject is a modification of the third subject in the original call, and is added in order that legislation may be enacted under either of them, as may be deemed wise.

5. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under Sections 6, 8 and 8½, or any of them, of Article XI of the Constitution; to approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under Section 7½ of Article XI of the Constitution; and to approve or reject amendments to the charter of the City and County of San Francisco submitted to, approved and ratified by the electors of the city and county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this nineteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest:

PAUL PEEK, Secretary of State

RESOLUTIONS

The following resolutions were offered:

By Senator Slater:

Senate Resolution No. 1

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

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

By Senator Deuel:

Senate Resolution No. 2

Resolved, That Senator Wm. P. Rich 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 Robert G. Alderman be and he is hereby elected Minute Clerk of the Senate; that Rev. H. W. Opperman be and he is hereby elected Chaplain of the Senate.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Wm. P. Rich, President pro tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; Robert G. Alderman, Minute Clerk; and Rev. H. W. Opperman, Chaplain, appeared at the bar of the Senate where the constitutional oath of office was administered to them by the Honorable Raglan Tuttle, Justice, Third District Court of Appeal, and they subscribed to the same.

RESOLUTIONS

The following resolution was offered:

By Senator Rich:

Senate Resolution No. 3

Resolved, That the Standing Rules of the Senate at the Fifty-fourth Session as they appear in the official Handbook of the Legislature of that session as amended in the Senate March 11, 1941, be and the same are hereby adopted as the Rules of the Senate for this extraordinary session, except that Rule 26 be stricken out and that Rules 13, 14, 16, 24 and 47 shall read as follows:

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall also have the duty of making recommendations designed to promote, improve and expedite the business and procedure of the Senate, and of proposing any amendments to the Rules deemed necessary to accomplish such purposes.

The Committee on Rules will constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except in so far as these functions are delegated to the Secretary of the Senate, and of attaches unless a Committee on Attaches is appointed.

The rooms, passages and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for their confirmation, shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority, during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Introduction of Bills

24. Whenever a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly be considered at this session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 27 votes:

1. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
2. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
3. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
4. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
5. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
6. To change rate of taxation for State purposes—(Constitution, Art. XIII, Secs. 14, 16).
7. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16½).

8. To remove Railroad Commissioners—(Constitution, Art. XII, Sec. 22).
 9. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
 10. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
 11. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
 12. To suspend the Rule against lobbying in the Senate Chamber.
- The following actions require 21 votes:
13. To amend or suspend the Rules.
 14. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
 15. To adopt a concurrent resolution approving a county or city charter or amendments thereto—(Constitution, Art. XI, Secs. 7½ and 8).
 16. To adopt joint and concurrent resolutions.
 17. To reconsider bills, joint and concurrent resolutions.
 18. To confirm appointments by the Governor or to reconsider the same.
 19. To recall a bill from committee.
 20. To concur in Assembly amendments or to adopt a report of a Committee on Conference.
- Actions requiring 14 votes:
21. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

By Senator Rich:

Senate Concurrent Resolution No. 1

Relative to Joint Rules of the Legislature

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Joint Rules of the Senate and the Assembly adopted at the Fifty-fourth Session of the California Legislature be and the same are hereby adopted as Joint Rules of this extraordinary session.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Ward—34.

NOES—None

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Mixter:

Senate Resolution No. 4

Resolved. That the Standing Committees of the Senate at the Fifty-fourth Regular Session be and the same are hereby retained as the standing committees for this extraordinary session.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
 NOES—None.

By Senator Judah:

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of Three Senators to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and unanimously adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Judah, Kenny and Cunningham.

By Senator Mayo:

Senate Resolution No. 6

Resolved, That the President of the Senate appoint a Special Committee of Three Senators to notify the Assembly of the organization of the Senate, and that the Senate is now duly organized and is ready to receive any communication it may have to make.

Resolution read, and unanimously adopted.

Appointment of Special Committee

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

By Senator Kenny:

Senate Resolution No. 7

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers:

President pro tempore.....	Wm. P. Rich
Secretary of the Senate.....	Joseph A. Beek
Sergeant-at-Arms.....	Joseph F. Nolan
Minute Clerk.....	Robert G. Alderman
Chaplain.....	H. W. Opperman

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

At 11.35 a.m., a committee from the Assembly, consisting of Messrs. Maloney, Lyon and Dills, appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of the State.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators Judah, Kenny and Cunningham, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported that they had performed their duty.

Also:

Senators Mayo, Breed and McBride, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

MESSAGES FROM THE ASSEMBLY

At 11.45 a.m., a committee from the Assembly, consisting of Messrs. Desmond, Call and Michael J. Burns, appeared at the bar of the Senate

and invited the Senate to meet in Joint Convention with the Assembly to hear the message of Governor Culbert L. Olson.

RESOLUTIONS

The following resolutions were offered:

By Senator Rich:

Senate Resolution No. 8

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:

Senators	Town	Mileage	Total at 5 cents per mile
Biggar, George M	Covelo	480	\$24 00
Breed, Arthur H, Jr	Oakland	180	9 00
Brown, Charles	Shohone	1,072	53 60
Carter, Oliver J	Redding	330	16 50
Collier, Randolph	Yreka	556	27 80
Crittenden, Bradford S	Stockton	94	4 70
Cunningham, R R	Hanford	436	21 80
DeLap, T H	Richmond	164	8 20
Deuel, Charles H	Chico	202	10 10
Dillinger, H E	Placerville	100	5 00
Fletcher, Ed	San Diego	1,032	51 60
Garrison, J C	Modesto	152	7 60
Gordon, Frank L	Suisun	110	5 50
Jespersen, Chris N	Atascadero	602	30 10
Judah, H R	Santa Cruz	336	16 80
Keating, Thomas F	San Rafael	204	10 20
Kenny, Robert W	Los Angeles	776	38 80
Kuchel, Thomas H	Anaheim	834	41 70
Luckey, E George	Brawley	1,178	58 90
Mayo, Jesse M	Angels Camp	156	7 80
McBride, James J	Ventura	908	45 40
McCormack, Thomas	Rio Vista	98	4 90
Metzger, D Jack	Red Bluff	280	14 00
Mixter, Frank W	Exeter	444	22 20
Myhand, Peter P	Merced	226	11 30
Parkman, Harry L	Millbrae	222	11 10
Phillips, John	Banning	944	47 20
Powers, Harold J	Eagleville	744	37 20
Quinn, Irwin T	Eureka	624	31 20
Rich, W P	Marvisville	106	5 30
Seawell, Jerrold L	Roseville	38	1 90
Shelley, John F	San Francisco	182	9 10
Slater, Herbert W	Santa Rosa	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E	San Bernardino	894	44 70
Tickle, Edward H	Carmel	424	21 20
Ward, Clarence C	Santa Barbara	854	42 70

Officers	Town	Mileage	Total at 10 cents per mile
Patterson, Ellis E, President	Los Angeles	776	\$77 60
Beek, J A, Secretary	Balboa	864	86 40
Nolan, Joseph F, Sergeant-at-Arms	Los Angeles	776	77 60
Alldeman, Robert G, Minute Clerk	Berkeley	170	17 00

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

By Senator Cunningham :

Senate Resolution No. 9

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

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly elected the following officers for the Fifty-fourth (Extraordinary) Session :

Hon. Gordon H. Garland	Speaker
Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

RECESS

At 12 p.m., on motion of Senator Rich, the President of the Senate declared a recess for the purpose of meeting with the Assembly in Joint Convention.

IN JOINT CONVENTION

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

At 12.05 p.m., the Senate and Assembly met in Joint Convention for the purpose of receiving the message of Governor Culbert L. Olson.

Hon. Gordon H. Garland, Speaker of the Assembly, directed that Lieutenant Governor Ellis E. Patterson, and President pro tempore of the Senate, Wm. P. Rich, be escorted to the platform.

ROLL CALLS DISPENSED WITH

Hon. Gordon H. Garland, Speaker of the Assembly, and Lieutenant Governor Ellis E. Patterson, President of the Senate, directed that roll calls of the Assembly and of the Senate be dispensed with.

PRESENTATION OF GOVERNOR CULBERT L. OLSON

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

Governor's Message to Legislators

Members of the Senate and the Assembly of the California Legislature

Protection of life and property in California by agencies of the State Government in the present serious state of emergency required the calling of this special session of the Legislature. The need of funds to support the State Guard, a large portion of which is now in service, and for augmentation of the State Emergency Fund, is so urgent that I did not dare risk delay in calling you into extraordinary session to appropriate funds for these emergency needs.

State Guard: Your Act of June 17, 1941, directed the Governor "to organize and maintain a State Guard with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe." This act was passed in recognition of the fact, as stated in its urgency clause, that "An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. A large rearmament program is also under way, in which the manufacturing, airplane, shipbuilding and other plants of this State are taking their part. The National Guard, which has heretofore been available to this State as an organization for the defense and for the guarding of

such plants and other places of strategic and Military value is being called into the service of the United States and many units thereof have already left the State in such service. It is therefore necessary that steps be taken to provide troops to take their place and to make the unorganized Militia more readily available for defense in this emergency and for the guarding of such plants and places of Military and strategic value." And under Section 554 of the Military and Veterans Code, the Guard may be called into active service of the State for the causes and purposes for which the Governor could call the National Guard into service before it was inducted into the Federal Army.

Pursuant to direction of the Act of June 17, 1941, I caused the State Guard to be organized with volunteer enlistments until its numerical strength exceeded 10,000 persons. On the seventh of this month, the date our Country was drawn into actual war by the Japanese attack, the numerical strength of the Guard was approximately 15,000 persons. On that same day I was requested by the War Department of the United States to call the Guard into service to provide troops for the guarding of plants and places of Military and strategic value in this State. At the same time I called for volunteers of 10,000 additional men, and within a week that additional number had enlisted in the Guard, and applications made by additional thousands for enlistment. The present strength of the Guard is, therefore, now 26,500 officers and men. Guard troops have been furnished, and a large portion of the personnel of the Guard is now on duty in the protection of plants and places of Military and strategic value, and resources and utilities vital to civilian welfare and public safety. Such requests for Guard protection have come not only from United States Army and Navy sources, but also from local governments for the protection of vital municipal utility supply plants. Response to these emergency calls for the services of the State Guard may, for an indefinite period, require the calling of all of its present personnel to active duty. Whether the full present strength of the Guard will be required on duty throughout the next year or during the rest of this biennium, or when, if at all, the Federal Government may make provision for guard duty at plants and places of Military and strategic value in this State, I do not know. Nor could anyone know definitely at this time. But it is certain that plants and places of Military and strategic value are also plants and places of great value to the State, as well as are other plants and places requiring protection from destruction.

I have called upon The Adjutant General to furnish me a budget of the financial requirements for the maintenance of the Guard and he has furnished me with such a budget, predicated on activation of the full present strength of the Guard for a period of one year. The total amount of this budget is \$37,090,881; \$5,478,000 of which is predicated upon amendments to the Sections of the Military Code mentioned in Item 1 of your call to this special session. Under the present Military Code, officers of the Guard, while on duty, are entitled to the same pay and allowance as officers of equal rank in the Army and Navy of the United States. All other personnel, including noncommissioned officers, as well as privates, are entitled to receive \$2 per day while on duty. Proposed amendments of these sections of the Military Code, would provide a step up in the pay allowances to the ranks of noncommissioned officers above that allowed privates, ranging from \$720 per year to privates, to \$1,080 per year for first sergeants, and would provide for allowances to dependents, measured by that provided for dependents of enlisted men in the United States Army.

I am hoping and anticipating that the full present strength of the Guard may not be required on full-time duty throughout the coming year. I am hoping and anticipating, too, that the Federal Government will realize, before the end of the year, that it would be calling too severely on the financial resources of California to provide a military guard for all our resources, plants and utilities, and that as we settle down to continuing war conditions, provision may be made by the Federal Government for a large part of such guarding service. I have already taken this matter up with the War Department and the President, and it is receiving their attention.

Therefore, I recommend that at this time the Legislature appropriate, for pay allowances and maintenance to the State Guard, while in service, and for any substantial allowance that may be provided by amendments to the Military Code of the sections mentioned in the call, and for equipment, a total of at least \$17,500,000, to be used as may be needed during the rest of the current biennium.

An appropriation for active duty by the Guard is in the nature of emergency appropriation, because the Guard is in no sense to be maintained as a standing Army. It is an organized part of the State Militia, ready to be called to active duty as emergencies require, and to receive allowances for maintenance only while on active duty.

And I recommend that you also appropriate the further sum of \$9,250,000 to the regular State Emergency Fund. The appropriation to this fund for the current biennium in Item 216 of Section 2 of the Budget Act of 1941, was \$1,000,000 of which \$750,000 remains unexpended or unallotted.

It is impossible at this time to state the exact amounts required by any department or office of the State to meet war emergency needs for an expansion of its

services. Provision must be made to purchase items of equipment which will require time to fabricate. The exact volume of such equipment can not be determined precisely at the moment. The element of time and the readiness required to act, providing for the needs of this type as they become manifest, do not allow for delay in making funds available.

Some of the more important emergency needs, now known to exist or which seem probable to suddenly develop, but which can not be measured by any specific appropriation and which are in excess of the provisions of the 1941-1943 Budget, are as follows:

Department of Natural Resources: The Division of Forestry has imposed upon it by the conditions of war an emergency duty of the very first order and importance; namely that of fire prevention and suppression in the State's unincorporated area outside of National forests and parks. Experience abroad and, during the First World War, in this County teaches us to expect a marked increase in the incidence of fires in forest, grain and brush lands as a result of sabotage attempts during war conditions. It may be anticipated, therefore, that the task of the Division of Forestry in suppressing many fires on scattered fronts will be substantially increased and greatly complicated. Additional equipment and manpower over and above the present budget will undoubtedly be required. In accordance with the State Fire Disaster Plan, approved by the State Council of Defense, this division has been called upon to man its 250 fire trucks throughout the winter months with a minimum crew of two, and to bring such equipment down out of the mountains into areas of higher hazard where it can serve as a highly mobile force of trained fire fighters and equipment. It is intended, under the plan, that the Division of Forestry facilities will be used as a standby force to replace city and suburban fire departments which may be called upon to suppress "disaster" fires, and actually to assist in the suppression of such fires when local facilities prove inadequate. It may also become necessary to place the division's fire dispatching service on a 24 hour basis, and to extend dispatching service to areas not now served, if rural fire fighting equipment is to be mobilized and controlled on a State-wide basis in meeting the fire disasters which, according to competent Military and fire fighting authorities, may be anticipated during war time.

Department of Public Health: The activities of this department are planned as an important part of the Civilian Defense Program in public health and welfare services, and for that reason the Director of Public Health was, by the State Council of Defense Act, made a member of that council. Funds must be made available to the Department of Health when needed for its services in epidemics, for any large evacuations of civilian populations. Its activities must be intensified in the protection of water supplies through the prevention of stream pollution, supervision of sewage disposal, inspection of food and drugs, rodent control and mosquito abatement, and general regulation of sanitation conditions. The vast expansion of industrial plants for defense production in California has increased the volume of work required of the Bureau of Industrial Hygiene. An increasing volume of work is being placed upon the Division of Laboratories and the Division of Vital Statistics. An increasing amount of services will be required by this department in the diagnosis of communicable diseases and in providing blood tests for the Selective Service. It may be necessary to extend the facilities of its laboratories, the manufacture of vaccines, and the examination of water supplies, chemical analysis of food products, and other laboratory services that will safeguard public health in wartime.

The Division of Vital Statistics is now being flooded with requests for birth certificates for men entering the Army or Navy, war industries, and communication services. It must search its files for certificates for American-born Japanese required to prove their citizenship.

State Department of Agriculture. Under the present "Food for Defense Program" as promulgated by the United States Department of Agriculture, the importance of greater production of foodstuffs and agricultural commodities is stressed. Every bureau within the State Department of Agriculture may be called upon for increased services in the attainment of the heavy production goals established by the United States Department of Agriculture for this State. Estimates of the amount of funds which may be needed to meet such requirement obviously can not be made at this time.

Department of Industrial Relations. Increase in employment generally in the State, as a result of the Defense Program and the war, has greatly exceeded all expectations upon which the budget for the Department of Industrial Relations was based. There have been increases in the occurrences of accidents in the war defense industries, and the necessity of providing additional safety engineers and inspectors in the Accident Prevention Bureau of the Division of Industrial Accidents and Safety, as may be required, may properly call upon allocations from the State Emergency Fund. And the Division of Fire Safety is being called upon for extraordinary work, far exceeding the capacity of the present staff.

Floods. The occurrence of floods during the high water periods always presented needs for emergency assistance from the Division of Water Resources, which now has no funds for that purpose. Many parts of California are threatened by and

suffer from flood conditions each year, for the relief of which emergency funds have been properly allocated.

Social Welfare: In the event it should become necessary to remove civilian populations from coastal defense areas to interior points, emergency services would be required of the Department of Social Welfare in providing care for evacuees.

State Council of Defense: The State Council of Defense must be placed upon an adequate basis as to technical staff, personnel and equipment. This council, which has been engaged in the formulation of Civilian Defense Plans in cooperation with the National Office of Civilian Defense, and for the organization of local defense councils, is now required to carry those plans into effect and to supervise and direct a multitude of tasks incident thereto, involving a large amount of detailed work on the part of its staff. It has already been necessary to make allotments to the work of this council from the existing Emergency Fund. Additional funds are now required, a budget for which can not be immediately and fully determined upon by the council. The necessary staff can not be presently predicted. It must be based upon actual need as the work of the council progresses.

The State Budget for 1941-1943, as drafted and approved, contemplated our Nation at peace during the two-year period which it covered. Now we are at war, and California has become a domestic front in this conflict.

A cursory review of the State Budget for 1941-1943 indicates that in some items, expenditures will be less than the amounts anticipated, while in other State services, emergency expenditures in excess of the appropriations now authorized will be required. Certain school costs will be less than the amounts estimated a year ago. Attendance at State colleges, junior colleges, and the University has fallen markedly below the budget estimates, and there has been some increase in high school enrollment. Although special vocational courses have been expanded in practically all schools as a result of the Defense Training Program, the increased cost for these classes will be more than offset by curtailed enrollment in regular secondary schools. State expenditures for aid to the needy aged, blind, and children will be below the budget estimates, to the extent of at least \$2,500,000.

On the other hand, the emergencies of war will make imperative expansions of certain services of other State governmental agencies. The safety and welfare of the civilian population of this State demands that moneys be made available to meet every emergency that may arise in the changed and still changing conditions resulting from a state of war.

In peace time, as much as \$8,545,000 has been appropriated as emergency funds in a biennium. Surely in war time, fraught with its perils to the safety of life and property in the State, an Emergency Fund of at least \$10,000,000 should be provided.

Supplementing my recommendation for appropriation of funds for the State Guard, it is further recommended that legislation be adopted to provide that enlisted men in the State Guard, when called into active service, shall receive an allowance for the support of their actual dependents.

It is also recommended that no change be made in the provisions concerning officers and that the private or apprentice seamen continue to receive \$2 per day but that for each step in rank above private or apprentice seamen, enlisted men shall receive a 10 per cent increase in base pay.

Section 340 of the Military and Veterans Code now provides that where members of the National Guard or Naval Militia not in active service of the United States are killed or injured in active service, such member or his dependents shall be entitled to receive benefits under the Workmen's Compensation Act. Section 395 of such code now provides that public officers or employees who are members of the National Guard or Naval Militia and who are called into active duty as such members shall be entitled to absent themselves while engaged in the performance of ordered Military or Naval duty. Such provisions should be made applicable to members of the State Guard, and I so recommend.

Doubt exists as to the authority of counties, cities, and cities and counties, to expend public fund either unbudgeted or budgeted for other purposes to meet expenses necessarily arising during a state of war. In order to provide ample authority to make needed expenditures, the third item of the original Proclamation for this session of the Legislature was made. Conferences concerning legislation to be adopted in regard to such subject revealed the fact that there was also a doubt as to the authority of various local districts and other local public agencies to make expenditures for war purposes, and that there was also doubt as to the authority of all local public agencies to use or permit the use of their property for war purposes. Such public agencies are being continually requested to make various of their facilities and property available for the use of the Army and other defense forces, and so, prior to the convening of this extraordinary session of the Legislature a Supplementary Proclamation was issued to permit legislation granting the authority mentioned to all such public agencies, and I recommend that you adopt such legislation.

I have also included in the call, as amended, the consideration of ratification of charter amendments of local governments.

Your State Council of Defense joins me in making these recommendations.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 12.40 p.m., the Speaker of the Assembly declared the Joint Convention adjourned.

IN SENATE**RECONVENED**

At 12.45 p.m., the Senate reconvened
Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

RECESS

At 12.47 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

SAN FRANCISCO, December 19, 1941

*Honorable Ellis E. Patterson
The Senate, Sacramento, California*

At a meeting of State Defense Council yesterday the council passed a resolution recommending that the Senate appropriate an undesignated amount of money to be given to cities and counties without adequate sums for the purchase of fire fighting, air raid warden service, hospital equipment, etc. and to be used by them wherever deemed necessary in the defense effort. It is not necessary to impress upon you that the California West Coast faces the possibility of immediate enemy attack. Nor should it be necessary to point out that the cities and counties involved can not, with the money now available to them, prepare for civilian defense adequately. We must do our utmost in preparation for any eventuality and take every step necessary to protect the lives and property of our citizens. May I respectfully, therefore, ask your favorable consideration of the above-mentioned motion, and in so doing, ask it both as Mayor of San Francisco and Director of Defense for the Metropolitan Bay Area.

ANGELO J. ROSSI

HUNTINGTON PARK, CALIF., December 19, 1941

*Lieutenant Governor Ellis Patterson
State Senate, Sacramento, California*

The City of Huntington Park urges aid to cities in the National defense emergency. However, any aid rendered should be on a basis of direct grant. We oppose any lend lease or other arrangement for the repayment over a period of years. We believe it much better to pay as we go rather than jeopardize future financial structures of cities. Reconstruction problems of cities will be great. Cities must plan now for financial help when it will be most needed. Most of the defense effort now expected of cities fall within State functions. The financial responsibility should be shared by the whole State. The effort will be made for State benefit.

MAYOR ELMER E. COX
City of Huntington Park

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Concurrent Resolution No. 2: By Senator Phillips—Relative to the use of the State Relief Administration properties by The Adjutant General.

Without reference to committee.

Senate Concurrent Resolution No. 3: By Senator Phillips—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Without reference to committee.

Senate Concurrent Resolution No. 4: By Senator Shelley—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Senate Concurrent Resolution No. 5: By Senators Swan, Jespersen, Gordon, Breed, Biggar, Garrison, Fletcher, Carter, Brown, Collier, DeLap, Cunningham, Crittenden, Dillinger, Deuel, Kenny, Kuchel, Metzger, McCormack, Keating, Judah, Mayo, Luckey, McBride, Ward, Swing, Tickle, Myhand, Mixter, Rich, Quinn, Phillips, Parkman, Slater, Seawell, Shelley and Powers—Expressing regret at the illness of the Honorable J. I. Wagv.

Without reference to committee.

Senate Joint Resolution No. 1: By Senator Fletcher—Relative to the adoption of daylight saving time.

Without reference to committee.

Senate Joint Resolution No. 2: By Senators Kenny, Shelley and Phillips—Relative to memorializing Congress to enact the Price Control Bill in its original form.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1: By Senators Quinn, Swing and Garrison—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 2: By Senators Quinn, Swing, Keating, Seawell, Slater, McBride and Powers—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 3: By Senators Quinn, Swing, Garrison, McBride and Slater—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend,

use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 4: By Senators Quinn, Swing, Keating, Seawell and Slater—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 5: By Senators Quinn, Swing, Seawell, Garrison, Slater, Keating and Powers—An act to amend Section 555 of, and to add Sections 555.5, 555.6 and 555.7 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 6: By Senators Quinn, Swing, Seawell, Keating and Slater—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 7: By Senator Seawell—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

MOTION TO SUSPEND RULES

Senator Rich moved that the Rules be suspended to permit Senate Bills Nos. 4, 5, 6 and 7 to be referred to the Committee on Finance instead of to the Committee on Military and Veterans Affairs.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS. Will the Senate advise and consent to the following appointments to the California State Council of Defense for the term at the pleasure of the Governor:

Archibald Young, Pasadena, President, California Council of Social Work.

Jesse W. Tapp, San Francisco, Vice President, Bank of America.

W. J. Cecil, Sacramento, Director, State Department of Agriculture.

Colonel F. E. Foster, Los Angeles, General Manager, California Oil and Gas Association.

James Musatti, San Francisco, General Manager, California State Chamber of Commerce.

C. J. Haggerty, Los Angeles, State President, American Federation of Labor

John Despol, Los Angeles, representing Congress of Industrial Organization.

Harry See, San Francisco, State Representative, Brotherhood of Railroad Trainmen.

Dr. Ray Lyman Wilbur, Palo Alto, President, Stanford University.

Dr. Robert Milliken, Pasadena, California Institute of Technical Research.

Baldwin M. Woods, Berkeley, Consultant and Professor of Mechanical Engineering, University of California.

John B. Long, Los Angeles, General Manager, California Newspaper Publishers Association

Major Milton T. Dean, Los Angeles, representing Negro groups.

Harold Kennedy, Los Angeles, Assistant County Council of Los Angeles County.

Dr. Samuel C. May, Berkeley, Chairman, State Planning Board.

E. F. Scattergood, Los Angeles, Los Angeles Department of Water and Power.

William Farrell, San Francisco, State Commander, American Legion.

H. T. Gustafson, Emeryville, State Commander, Veterans of Foreign Wars.

Mrs. Thomas Richards, Chico, Past President, California Federation of Women's Clubs

Frank W. Clark, Sacramento, Director, State Department of Public Works.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the appointment of Judge P. J. McLaughlin to the State Board of Prison Directors, for the term ending January 12, 1944, vice Chris Merchant, deceased.

Judge P. J. McLaughlin is a native son of California, having been born 45 years ago in San Francisco. He received his education in the public schools of San Francisco, after which he entered into private business.

He has served in law enforcement work since October, 1925, when he became associated with the Special Agent's Department of the Southern Pacific Railroad Company as a criminal investigator. He was engaged in that capacity for eight years, after which he served as an investigator for the District Attorney's Office in Mendocino County for two and one-half years.

For the past six years Judge McLaughlin has served as Police Judge in the City of Salinas. He was appointed to the Board of Prison Directors, has been serving since July, 1941, and has devoted considerably more than the average amount of time to his board work since his appointment.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate,
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the appointment of Judge Allen M. Saery of Willits to the Board of Managers of the Mendocino State Hospital, for the term ending August 7, 1945, vice Arthur Butzbach, failed to qualify.

Judge Saery is the City Judge of Willits, and in addition is serving as city clerk for that community. He is also Secretary of the Willits Chamber of Commerce, Secretary of the Fraternal Order of Eagles, and active in all community affairs of his city and county. He, therefore, has taken an interest in the management of the Mendocino State Hospital, to which Board of Managers he was appointed on August 7, 1941.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, for consideration.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Wagdy.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

Senate Concurrent Resolution No. 5

Expressing regret at the illness of the Honorable J. I. Wagdy

WHEREAS, At this Extraordinary Session of the Fifty-fourth Legislature the Senator from Kern County is unable to be in attendance through illness; and

WHEREAS, His Colleagues desire to express their deep regret for the temporary absence of their esteemed friend and the consequent loss of his valued advice and assistance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That warmest sympathy and highest hopes for the speedy and complete recovery of the Honorable J. I. Wagdy, of Kern County, are hereby expressed; and be it further

Resolved, That the Secretary of the Senate be hereby directed to forward a suitably prepared copy of this resolution to the Honorable J. I. Wagdy.

Resolution read, and unanimously adopted.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 1

Senate Joint Resolution No. 1—Relative to the adoption of daylight saving time.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 1, at this time, for consideration.

Senate Joint Resolution No. 1—Relative to the adoption of daylight saving time.

Motion to Table

Senator Deuel moved that the above resolution be laid on the table.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 2

Senate Joint Resolution No. 2—Relative to memorializing Congress to enact the Price Control Bill in its original form.

Motion to Refer Resolution

Senator Metzger moved that the above resolution be referred to the Committee on Governmental Efficiency.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 6: By Senators DeLap, Phillips, Tickle, Breed, Ward and Kuchel—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time, for consideration.

Senate Concurrent Resolution No. 6—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 7: By Senator Swing—Relative to the enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Relative to enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, and Swing—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 3: By Senator Kenny—Relative to sporting events held in the State of California.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 3, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 3

Senate Joint Resolution No. 3—Relative to sporting events held in the State of California.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 10

Relating to the completion of the levee on the west side of the Sacramento River in the vicinity of Ord.

WHEREAS, Federal moneys are no longer available, due to present war conditions, for the completion of the levee on the west side of the Sacramento River in Levee District No. 1; and

WHEREAS, The original survey and plans called for the construction of the levee to the vicinity of Ord, and since it has only been completed as far as Glenn, approximately seven miles remain to be finished; and

WHEREAS, The work already taken in hand will be of no avail unless carried through to its termination, since when the river overflows its banks about Glenn it will inundate the country not only to the north of that point but also as far to the south as Princeton; now, therefore, be it

Resolved by the Senate of the State of California, That the present state of said levee be called to the attention of the Reclamation Board and that said board be requested to make sufficient funds available for the completion of the levee; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the State Reclamation Board

Resolution read, and unanimously adopted

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

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

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., December 20, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Saturday, December 20, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

WESTERN UNION

LONG BEACH, CALIFORNIA, December 19, 1941

*Honorable Ellis Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

Absorption plants, refineries, shipbuilding, aircraft manufacturing and oil production, all essential instruments of war are located in Long Beach. Municipal resources inadequate provide proper protection against enemy action due to strain already on finances. State assistance necessary therefore we appeal to you for legislative appropriation of \$900,000 for additional fire, police and public service personnel and equipment to safeguard these basic industries.

CARL R. ERICKSON, City Manager

WESTERN UNION

LOS ANGELES, CALIFORNIA, December 20, 1941

President California State Senate

Following resolution to you urgent and unanimous tonite from Seventeenth District (Los Angeles metropolitan 50 posts) American Legion. "Be it resolved by the Seventeenth District American Legion Department of California in its meeting December 19th, that the State Legislature be petitioned to pass the necessary appropriation for shore facilities for the California Maritime Academy and the Governor be urged to sign such legislation as being in the interest of the National wel-

fare during this war and in accordance with action of American Legion Department of California Convention at Sacramento in August, 1941." Please read to Senate. It represents Legion stand.

HAROLD F. BERGAN
Seventeenth District Commander

OAKLAND, CALIFORNIA, December 19, 1941

*Honorable Ellis E. Patterson, President of the Senate
Senate Chamber, State Capitol, Sacramento, California*

DEAR MR. PRESIDENT: I have been instructed by the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California to transmit to you for consideration the enclosed resolution concerning the National Emergency.

Very truly yours,

JAMES T. DREW
Secretary of the Peace Officers' Association of the State of California

Resolution

WHEREAS, The existence of a State of War between the United States Government and the Axis Powers has created an emergency in the State of California and made it necessary to have comprehensive plans for civilian defense of our entire State; and

WHEREAS, Said plans call for mutual aid and assistance on the part of the police, fire, and health services throughout the State; and

WHEREAS, These plans call for the use of an abnormal amount of police and fire equipment as compared with the ordinary requirements of the communities of the State; and

WHEREAS, Most of the counties and cities of the State are unable, because of budgetary requirements and statutes pertaining to the spending of public moneys, to purchase such equipment; now, therefore, be it

Resolved by the unanimous vote of the Executive Committees of the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California, That the Governor and the Legislature of California be and they are hereby urged to adopt such legislation as will immediately provide the necessary means to adequately equip them and their auxiliaries for the important task of protecting our State and its political subdivisions from the dangers of fire, disorder and physical suffering which might otherwise result from widespread sabotage or bombing attacks; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor, to the Lieutenant Governor, the President pro tempore of the Senate, the Speaker of the Assembly, the Speaker pro tempore of the Assembly and to each individual member of the Legislature.

Adopted this seventeenth day of December, 1941.

Very truly yours,

JAMES T. DREW, Secretary

OFFICE OF THE STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 19, 1941

*Honorable Ellis E. Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

MY DEAR ELLIS. You will, I am confident, be interested in the attached progress report which I am making to the Members of the Legislature concerning the application of California sales, use and gasoline taxes with respect to transactions involving cost-plus-a-fixed-fee contractors engaged in construction of National defense facilities.

As a result of my successful negotiations with Federal officials at Washington, D. C., earlier this month, materialmen supplying these contractors will no longer be required to certify that reimbursement for the taxes has been excluded from the purchase price of the tangible personal property furnished. Thus, contractors, whether engaged in business on a lump sum or cost-plus-a-fixed-fee basis, are extended equal treatment under the laws and a situation which threatened to be a most disturbing factor in the effectiveness of the National Defense Program has been averted.

Estimates made by Federal officials indicate that additional revenue accruing to California on the basis of existing contracts or those immediately contemplated will be at least \$9,000,000. Consequently, not only does the agreement on the part of Federal officials that our original position was sound effect a more equitable tax incidence among our industries, but a substantial flow of revenue to the State will result.

Sincerely yours,

FRED E STEWART

OFFICE OF STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 17, 1941

To the Members of the California Legislature

RE. Progress made in application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors

Believing that you would be interested in a brief account of what has occurred since enactment of Senate Bill No. 484 (Chapter 831, Statutes of 1941), and Assembly Bill No. 1433 (Chapter 836, Statutes of 1941), relating to the taxable status of transactions with government contractors under the sales, use, and motor vehicle fuel tax laws, I am pleased to submit this progress report

Board's View Upheld by Supreme Court

On November 10, 1941, the United States Supreme Court held that Alabama sales and use taxes applied with respect to sales to and use of materials furnished to cost-plus-a-fixed-fee contractors engaged in performance of construction of National defense facilities (*State of Alabama vs. King and Boozer*, 62 Sup. Ct. 43, 86 L. Ed. (Adv. Op.) 1, and *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6). It was ruled that purchases of tangible personal property made by such a contractor were his own and not those of the United States, so that they were subject to the Alabama sales tax. It was also held that materials bought by the contractor were used by him and not by the United States, so that the Alabama use tax was applicable. You will recall that this was precisely the position urged by the State Board of Equalization when similar questions with respect to California taxes were being considered by you at the last legislative session

Application of Supreme Court Decisions to California

What the Supreme Court decided seemed controlling as to California taxes. Realizing, however, that large amounts were involved and that the Federal authorities would not concur in this view unless thoroughly convinced as to its soundness, I proceeded to Washington, D. C., shortly after the decisions were announced. I am happy to report that after several days of lengthy negotiations with numerous Federal authorities concerned, I was able to secure rulings from the United States Maritime Commission and the War and Navy Departments to the effect that the United States Supreme Court decisions above cited are applicable here. Copies of these memoranda are attached for your convenient reference.

Tax Moratorium Terminated on Current Transactions

Such action on the part of the Federal administrative agencies is deemed to have terminated the deterrent under Chapters 681 and 836, Statutes of 1941, applying to the payment of sales, use, and gasoline taxes. The moratorium remains effective only when sellers have refrained from securing tax reimbursement because of the insistence of those representing the United States. That insistence has now been withdrawn. As to all current deliveries made to cost-plus-a-fixed-fee contractors, tax reimbursement may be included. This means that from now on tax returns and payments will be made in the usual way.

How This Benefits California

You will, I know, be as gratified as I am by the results of these negotiations, which may be summarized thus

1. We shall enjoy the immediate benefits of the Alabama decisions without the necessity of further litigation and its attendant delays, uncertainties and cost
2. Our industries which are furnishing materials and supplies to the contractors are relieved of any further anxiety as to the status of current and future transactions.
3. The contractors are relieved of such anxiety and know that they will now be reimbursed by the Government for costs incident upon the application of State sales, use, and gasoline taxes
4. The way is left open for amicable and equitable adjustment of taxes accrued with respect to past transactions and in view of the fairness of the attitude of the Federal authorities, we may anticipate a satisfactory answer to the problems involved.
5. The discrimination which would otherwise have existed between contractors engaged in construction work on a cost-plus-a-fixed-fee basis and those doing such work on a lump sum basis has been removed, to the end that all are required to secure their materials and supplies on the same basis, viz., at prices which are inclusive of sales, use, and gasoline tax reimbursement.

Substantial Revenues Involved

It is impossible to state accurately at this time how much revenue will accrue to California as a result of the agreement by the Federal authorities that the decisions on the Alabama taxes are controlling. It will be noted that the memoranda issued by the War and Navy Departments have specific reference to our State. United States officials have estimated that on the basis of existing contracts or those def-

nately contemplated, additional revenue of not less than \$9,000,000 should accrue to California. When the possibility of collection of taxes on transactions already closed is taken into consideration, it will be seen that most substantial revenues are involved.

Moratorium Legislation of Material Aid

You are to be congratulated upon your foresight in enacting the moratorium provisions found in Chapters 681 and 836, Statutes of 1941. Without these, my task of securing the cooperation of the Federal authorities as evidenced by the attached memoranda would have been impossible or accomplishment. Our position was materially strengthened by the provisions of the acts. The fair attitude of the State as demonstrated by the waiver of penalties and interest, as well as the deferment of tax collections, did much to impel the Federal authorities to recognize the validity of our taxes without further controversy.

Legislative Support and Cooperation Appreciated

May I take this opportunity to thank you personally for your support in these matters and for the confidence expressed by your acceptance of our recommendations as to the desirability of legislation of this kind. Through your cooperation we have been enabled to secure large revenues to which the State is justly entitled and have avoided hardship on individual taxpayers which might otherwise have resulted. At the same time, we have preserved most friendly relations with the Federal Government with whom we now have common cause against those who are attempting to assault our Democracy.

Sincerely yours,

FRED E STEWART

December 2, 1941

MEMORANDUM FOR: The Chief of the Air Corps, The Chief, Chemical Warfare Service, The Chief of Coast Artillery, The Chief of Engineers, The Chief, National Guard Bureau, The Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General

COPY TO: The Judge Advocate General

SUBJECT: California State Taxes

1. A number of inquiries have been received from cost-plus-a-fixed-fee contractors and from contracting officers supervising the administration of such contracts on projects in the State of California, concerning the reimbursable character of invoices presented by materialmen to cost-plus-a-fixed-fee contractors, where the materialman includes in the price of his goods retail sales, and/or use taxes imposed by the Statutes of California upon the vendor or materialman.

2. Pending further instructions, and subject to the provisions of applicable directives concerning direct purchases in relation to State taxes, contracting officers will inform fixed-fee contractors that such taxes, imposed with respect to purchases made on or after the date of this memorandum, will be reimbursed to the fixed-fee contractor in cases where such taxes have formed a part of the price paid by the fixed-fee contractor. Reimbursement will also be made to cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them for gasoline purchases made after the date of this memorandum.

3. Retail sales and/or use taxes, although forming part of the total price of the goods, must be separately listed on the materialman's or supplier's invoice. The statement now required to be stamped or otherwise placed upon all vendor's invoices, "State or local sales taxes are not included in the amounts billed," should be deleted, and there will be added in its place the following:

"In case it shall ever be determined that the foregoing tax was not required to be paid by the vendor, the vendor agrees to make prompt application for the refund thereof, to take all proper steps to procure the same, and when received, to repay the same to the United States."

4. Contracting officers will require that fixed-fee contractors take advantage for the benefit of the United States of all statutory tax exemptions and refunds, including among others, the exemption of or refund of the tax on gasoline used elsewhere than on the highways.

By direction of the Under Secretary of War:

JOHN W. N. SCHULZ, Brigadier General, U. S. Army
Director of Purchases and Contracts

FROM: The Secretary of the Navy

To: All Bureaus and Offices, The Compensation Board, and Commandants of the Eleventh and Twelfth Naval Districts

SUBJECT: California State Sales or Use Taxes

1. The United States Supreme Court Decisions of November 10, 1941, in the cases of the *State of Alabama vs. King and Boozer* and the *State of Alabama vs.*

Curry,¹ have necessitated the modification of existing instructions with regard to State and local taxation which may be required in connection with cost-plus-a-fixed-fee contracts.

2. The California State Board of Equalization contends that the California sales and use taxes are applicable to certain purchases or uses, as the case may be, by cost-plus-a-fixed-fee contractors. While there are a few legal questions to be determined in connection with the application of the California tax, it appears that there is sufficient justification at the present time for allowing some taxes as reimbursable items of cost. In order to prevent delays in the acquisition of needed materials by cost-plus-a-fixed-fee contractors, and controversies with State tax officials, contracting officers are hereby advised that cost-plus-a-fixed-fee contractors should be informed that they will be reimbursed for the amount of sales or use taxes that have been added to the purchase price, or levied on account of the use of material or property purchases or used by such cost-plus-a-fixed-fee contractors on or subsequent to November 10, 1941, if a certification in the form set forth in paragraph 3 is obtained, and provided that such material or property has not been purchased directly by the United States for the account of a cost-plus-a-fixed-fee contractor or by the cost-plus-a-fixed-fee contractor in the name of and for the account of the United States.

3. Cost-plus-a-fixed-fee contractors, on requests for bids, are now required to obtain on the bids and on invoices, a certificate stating that in the prices set forth therein "State or local taxes are not included." This statement on the certificate may be deleted, and cost-plus-a-fixed-fee contractors are authorized to pay invoices, if otherwise correct, containing the following statement:

"The amount of State or local sales, use, occupational, gross receipt, or other similar taxes or license fees imposed on the vendor or vendee by reason of this transaction is \$----- The vendor or vendee, as the case may be, agrees upon direction of the United States to make appropriate claim for refund and in the event of any refund, to pay the amount thereof to the United States."

4. Rule No. 73 of the California State Board of Equalization, effective October 1, 1937, requires that retail sales or use taxes, although forming part of the total price of the goods must be separately listed on the material man's or supplier's invoice.

5. Taxes claimed due on transactions prior to November 10, 1941 shall not be paid by contractors, but in each instance a complete statement of circumstances in the nature of a claim shall be forwarded by the cost-plus-a-fixed-fee contractor through regular channels to the Secretary of the Navy for disposition.

6. Materials and supplies purchased for shipment to points outside the State of California, or passing through the State of California are not subject to California taxes, and invoices should clearly indicate that no California tax is included thereon.

7. Reimbursement will also be made to the cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them.

8. Contracting officers will require that cost-plus-a-fixed-fee contractors take advantage, for the benefit of the United States, of all statutory exemptions and rights for refund. In the case of gasoline used elsewhere than on the highway, this refund represents the difference between the gasoline tax and the sales tax.

9. Necessary instructions shall be issued to field forces to put the foregoing into effect.

10. Specific instructions regarding the tax situation in other States will be issued separately.

State Taxation of Cost-Plus-a Fixed-Fee Contractors

In a letter to the General Counsel, Maritime Commission, dated November 17, 1941, Samuel O. Clark, Jr., Assistant Attorney General, stated the position of the Department of Justice in connection with State Taxation of Cost-Plus-a-Fixed-Fee Contractors in the light of *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.*, decided by the Supreme Court of the United States on November 10, 1941.

"On Monday, November 10, 1941, the Supreme Court of the United States reversed the decisions of the Supreme Court of Alabama in the two cases, *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.* In both cases the court held that the relationship between cost-plus-a-fixed-fee contractors and the War Department was not such as would entitle the contractors to share the constitutional immunity of the United States from State taxation. Specifically the court held in the former case that purchases of materials made by the cost-plus-a-fixed-fee contractor were purchases made by the contractor and not by the United States and therefore were subject to the Alabama sales tax imposed upon purchases made within the State. In the latter case the court held that materials purchased by the contractor outside of the State for use

¹No doubt the intended citation is *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6.

in construction work under the contract were used by the contractor and not by the United States, and that such use was subject to the Alabama use tax.

In appraising the extent to which these decisions settle the question of immunity as to cost-plus-a-fixed-fee contractors with other departments or agencies of the Government, whose contracts may differ in some particulars from the War Department contract which was before the court, it should be noted that the contract in question contained broad provisions that title to all articles should vest in the Government upon delivery at the site, and upon inspection and acceptance; that the purchase orders directed the supplier to ship the material to the United States Quartermaster; and that in the former case the inspection of the materials was made and title vested in the Government at the supplier's mill, rather than at the site of the work. The factor considered by the court as determinative was that the contractor, rather than the United States was liable for the cost of the materials. Accordingly, it appears that no constitutional immunity attaches to purchases made through the medium of contractors. This does not mean, and the court did not decide, that purchases of materials which are purchased and paid for directly by the United States are subject to State taxation.

The court expressly refused to consider the question whether such sales or uses would be constitutionally immune from State taxation if consummated upon a Federal reservation over which the United States had acquired exclusive taxing jurisdiction through cession of such jurisdiction by the State and acceptance by Congress. This question was raised by the pleadings in *John C. Curry vs. United States and Dunn Construction Company, Inc.*, but was not considered by the Alabama courts, since their decisions were based upon broader grounds. The Supreme Court remanded the case to the Supreme Court of Alabama for further consideration of this point. It is expected that the Supreme Court of Alabama will in turn remand it to the trial court. However, it is probable that Public No. 819, c. 787, 76th Cong., 3d Session, permits taxation of the contractors by the State on and after January 1, 1941.

With respect to motor fuel taxes, our study indicates that the acts in more than three-fourths of the states contain exemptions or provisions for refund, in one form or another, where consumption occurs off the highways. These exemptions can be made the basis for very substantial savings and it is therefore suggested that contractors or distributors be instructed to file appropriate claims."

Respectfully,

(Signed)

For the ATTORNEY GENERAL,
SAMUEL O. CLARK, JR.
Assistant Attorney General.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Concurrent Resolution No. 1
Senate Concurrent Resolution No. 4
Senate Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

RECESS

At 11.35 a.m., on motion of Senator Deuel, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:
Senate Bill No. 3

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 17 to 20, inclusive; and on page 2, strike out lines 1 to 4, inclusive, and insert:

"(c) The governing board of such city, county, city and county, district or other public agency, by a four-fifths vote of all the members of such governing board at any regular or special meeting, may act on behalf of the city, county, city and county, district, or other public agency, in carrying into effect the powers conferred by the preceding subsections of this section"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 7

Assembly Joint Resolution No. 1

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Without reference to committee.

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service.

Without reference to committee.

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Without reference to committee.

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Morris Bedford Harris.

Without reference to committee.

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Without reference to committee.

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Without reference to committee.

REQUEST FOR UNANIMOUS CONSENT

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Morris Bedford Harris.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Metzger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 2

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Motion to Amend

Senator Metzger moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 22, of the printed bill, strike out "an absolute necessity", and insert "absolutely necessary".

Amendment No. 2

On page 2, line 22, of the printed bill, strike out "do".

Amendment No. 3

On page 2, line 23, of the printed bill, strike out "so", and insert "curtail such activities herein mentioned".

Amendments read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Metzger moved a call of the Senate.

Motion carried. Time, 3.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 3—Approving amendment to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senators Garrison and Slater:

Senate Resolution No. 11

Since the last regular session of the State Senate, Lafayette J. Maddux, of Modesto, closed his Life Book.

Many of us remember him when he was a member of the State Senate some years ago and also remember his constant connection with State affairs in which his counsel was frequently sought in recognition of his distinguished ability and his knowledge of government.

Senator Maddux came of early pioneer ancestry in California. As a lad of three years he crossed the plains from Missouri, his birthplace, to California, and soon thereafter his parents settled in Sonoma County. There his boyhood days were spent and after attending the public schools he entered the Pacific Methodist College—then located in Santa Rosa and from which institution he graduated. He then went to Harvard University and studied law, graduating with high honors. He returned to California and soon thereafter located in Modesto where he practiced his profession for over half a century. He was deeply interested in education and served as a school trustee and also as President of the Stanislaus Board of Education. His counsel was sought in the organization of many irrigation districts, being recognized as learned in irrigation law. He served his county as district attorney for many years and then resumed the private practice of law.

He was elected State Senator of his district and served for four years, refusing reelection and desiring to devote his full time to his profession. He was appointed to the Superior Court Bench of Stanislaus County and served with distinction for several years. Later he was appointed a member of the State Industrial Accident Commission and gained State-wide attention by his decisions on many points involved in the administration of workmen's compensation and the other units combined in the Department of Industrial Relations.

He died at the age of 87 and up to within a short time of his passing was well equipped mentally and physically and thoroughly alive to all that was going on in the world about him. Throughout the State came many acknowledgments of appreciation of the distinguished pioneer citizen who had served the public in so many capacities and always held aloft the tenets of the Golden Rule.

Therefore, in appreciation of a life of devotion to duty and in token of the fact that he once served in the Senate of the State of California, be it

Resolved by the Senate of the State of California. That when it adjourns this day it do so out of respect to the memory of Lafayette J. Maddux; and be it further *Resolved*, That the Secretary of the Senate be and he is hereby, directed to have suitably engrossed copies of this resolution forwarded to the members of the family of the late Senator Maddux

Resolution read, and unanimously adopted by a rising vote.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.40 p.m., on motion of Senator Metzger, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the amendments to Assembly Joint Resolution No. 2 were adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—22.
NOES—None.

Resolution ordered printed, and transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 8: By Senator Phillips—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—23.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 12

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning December 19, 1941, and the Con-

troller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
John Lea, Chief Assistant Secretary-----	\$9 00
Walter J. McLaughlin, Assistant Secretary-----	7 00
N. L. Levering, Assistant Secretary-----	7 00
Arthur R. Hughes, Assistant-at-desk-----	5 00
Mrs. Hazel Blackwell, Chief Stenographer-----	6 00
Marguerite Bridges, Stenographer-----	5 00
Thomas A. Wright, Assistant Sergeant-at-Arms-----	5 00
H. Perry Smith, Assistant Sergeant-at-Arms-----	5 00
Tony DeLap, Page-----	2 50
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00
Belle Tomasini, Stenographer-----	5 00

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—24.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Powers, Shelley, Slater, Swan, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 4: By Senator McBride—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

WHEREAS, Through enactment of Chapters 681 and 836, Statutes of 1941, payment of sales, use and motor vehicle fuel taxes arising out of transactions with contractors engaged in construction of National defense facilities on a cost-plus-a-fixed fee basis has been deferred, pending a final decision in a court of last resort that such taxes are applicable; and

WHEREAS, The United States Supreme Court, in decisions pertaining to taxes imposed by the State of Alabama, held on November 10, 1941, that such contractors were not the purchasing agents of the United States and, accordingly, that the transactions enjoyed no constitutional immunity from State taxation; and

WHEREAS, These decisions of the Supreme Court sustained the position advanced before this Legislature at its last session by the State Board of Equalization, as the administrative agency for the assessment and determination of California sales, use and motor vehicle fuel taxes; and

WHEREAS, It became of vital importance to the State of California to secure agreement from the Federal authorities that full force and effect should be given to these decisions in California, thereby terminating the deferment of tax liability arising out of deliveries of commodities to such contractors; and

WHEREAS, Marked initiative was shown by Honorable Fred E. Stewart, Member of the State Board of Equalization from the Second District, in proceeding to Washington, D. C., for the purpose of conferring with Federal officials and securing their agreement, as evidenced by memoranda issued by the War and Navy Departments and the Maritime Commission, confirming the application of California sales, use and motor vehicle fuel taxes in these transactions; and

WHEREAS, Honorable Fred E. Stewart, under date of December 17, 1941, has made a comprehensive report of his activity on behalf of the State of California in obtaining recognition from Federal authorities of the right of the State to these taxes which are substantial in amount; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That Honorable Fred E. Stewart be hereby commended for his outstanding service to the State in pointing out to the members of this Legislature the need for laws such as Chapters 681 and 836, Statutes of 1941, as well as for his initiative, resourcefulness, and perseverance in assuring local application of the doctrines enunciated in the United States Supreme Court decisions of November 10, 1941, upholding the imposition of Alabama taxes, thereby putting to an end any further uncertainty as to the payment of California taxes arising out of similar transactions, to the benefit not only of the State Government, but to all persons therewith concerned

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 20, 1941

Members of the Senate and Assembly

GREETINGS. For your information, in connection with the matters submitted to you for consideration in my call of the present extraordinary session, and for the information of the public as to the serious need for action on the part of the Legislature as recommended in my message to you yesterday, I respectfully call your attention to the attached communications which I have just now received from Lieutenant General J. L. DeWitt, Commanding General, Western Defense Command, Headquarters at the Presidio, San Francisco, California.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Confidential

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY

PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

*Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California*

DEAR GOVERNOR: I can not emphasize to you too strongly the very real menace at this time to the National safety which arises from the presence in the States comprising the Western Defense Command, in which the State of California is included, of the considerable number of enemy aliens and possible fifth columnists.

Already, since the beginning of hostilities against this country, proof has mounted of fifth column activity and sabotage, particularly in Hawaii and the Philippines, which have caused serious property and Military damage and have contributed to the loss of many American lives.

Conditions which favored those activities and produced those results, exist within your State, and the opportunity for hostile activity of the kind here mentioned is increased during times when the people generally are occupied and their attention diverted by fairs, fiestas and public gatherings and occasions such as the Christmas and New Year's holiday season which is now at hand.

It is vital to the safety and well-being of all our people, as well as to the accomplishment of the mission of the Military Forces engaged in protecting them and their activities that you, through every means at your command, bring the actual and potential sources of such activities under the closest possible surveillance, and that you promptly furnish, or cause to be furnished to the Federal Bureau of Investigation or to the nearest Military authorities, information of suspicious aliens or other persons and of all suspicious activities whatsoever of the kind in question. In addition, all enemy aliens and others believed to be actually or potentially dangerous as fifth columnists or saboteurs should, as far as practicable, be denied entrance or access to sensitive areas such as oil fields, refineries and oil storage facilities, railroad and highway bridges, docks, essential utilities and industrial plants.

Specifically, and in addition to such other measures as may suggest themselves, I request that you give the widest publicity to the situation now existing through a Proclamation, reciting the existing facts, declaring the existence of an unlimited emergency, and if you have not already done so, authorizing the voluntary enrollment of State Guards and such other and additional protective forces as may be authorized by the laws of your State; that you designate some responsible and competent State official to coordinate, supervise and direct the activities of all regular peace and other law enforcement officers of your State in all matters, to coordinate all measures for State and civilian defense in cooperation with the Armed Forces of the United States, to direct and complete the Voluntary Civilian defense organization of your State and to expedite the enrollment and training of personnel for civilian protection services; and, finally, that you enjoin upon the people prompt compliance with the directives of duly constituted Military and civilian authorities.

I assure you that the measures above outlined, if promptly put into operation and carried through with energy and resolution, will immeasurably assist the protection of our people and the accomplishment of the Military mission assigned the undersigned as Commander of the Western Theatre of Operations (Western Defense Command).

I am taking all practicable steps with the troops and means under my command to insure the nonimpairment of those resources and activities essential to the National defense within the Western Theatre of Operations which comprises the States of California, Oregon, Washington, Nevada, Utah, Idaho, Arizona and Montana.

The accomplishment of the Military mission assigned, in all its ramifications, does not permit the assignment of troops for the protection of every possible place, facility or industry that is subject to sabotage and fifth column activity. The people in every State and every community of the Western Theatre of Operations have a definite responsibility in this regard; and it is in order to insure that they realize it and bring to bear every possible means for combating this insidious danger that I ask you to take the action requested herein.

I am furnishing a copy of this letter to the Military commanders responsible for the application of Military measures within your State with direction that they contact the municipal authorities within their areas to insure full cooperation and coordination between the action of the troops under their command and the civil authorities.

A letter similar to this one is being sent to the Governors of the other States named above as comprising the Western Theatre of Operations.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDENT OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California

DEAR GOVERNOR: Referring to my letter to you of this date concerning measures for the prevention of fifth column activities and sabotage, I have today received a copy of the Proclamation issued by you on December 14, 1941, reciting the existence of a state of war between the United States and Japan, Germany, and Italy.

This Proclamation substantially complies with the pertinent suggestions contained in my letter above mentioned.

Your prompt and vigorous action in thus proclaiming the existing state of war and in setting in motion the defense forces of your State is a source of much gratification.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

(COPY—TELETYPE)

7 Sac 12-15-41 2.30 p.m., Emergency—All Points Bulletin

Proclamation**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

WHEREAS, A state of war now exists between the Government of the United States of America and the governments of Japan, Germany and Italy; and

WHEREAS, With a thousand miles of coast line along the Pacific, the geographical position of the State of California places it in the first line of defense against invasion, and this State may at any time become a Theatre of War. Already enemy reconnaissance, it not bombing, planes are known to have passed along our coast and to have covered a part of the interior areas. Our great natural resources, our huge oil supplies, our enormous agricultural and industrial production, our numerous air craft factories, shipbuilding yards, and other facilities needed to sustain our Nation in the winning of the war, are the natural objectives of attempted aggressions of our enemies; and

WHEREAS, California is thus confronted with numerous and immediate problems arising out of the existing state of war, including the need for full cooperation of its citizens in carrying out plans and directions of the Army and the Navy and other war and civilian defense agencies of the Government of the United States and of the State and local governments in the successful prosecution of the war, and for home and civilian defense and protection of the life and property and the health and welfare of the civilian population; and

WHEREAS, The State of California has within its borders numerous extensive Military and Naval reservations and bases dependent upon its transportation and communication facilities, its port facilities, its bridges, dams, levees, utilities, essential to the successful prosecution of the war and to civilian protection, requiring in that protection the services of State and local governments, and

WHEREAS, The welfare and safety of the people of this State and the protection of its resources, utilities and facilities against sabotage and subversive activities calls for emergency actions on the part of State and local governments; and

WHEREAS, Plans are adopted by the State Council of Defense, in cooperation with the office of civilian defense of the Nation and of local councils of defense, for the purpose of meeting these requirements and responding to the needs of the people in any emergency, disaster or threat of disaster, in any part of the State; and

WHEREAS, The present emergency must be recognized by State and local governments and by the people in order that the plans and purpose of the State Government and its Council of Defense and the several local governments and their councils of defense may be successfully effectuated; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, Under and by virtue of the authority vested in me as Chief Executive of the State of California, and in accordance with the Constitution and laws of the State, do hereby proclaim and declare that a state of emergency exists throughout the State of California, and I hereby designate the duly constituted officers of the State and of each city and of each city and county and of each county, as the officers to take charge of this emergency in their respective jurisdictions, and to carry into effect plans for civil protection adopted by the State Council of Defense and by local councils of defense in accordance therewith, in cooperation with the duly constituted authorities of the Government of the United States in the prosecution of the war and in provisions for civilian protection

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourteenth day of December, A. D., nineteen hundred and forty-one.

[SEAL]

CULBERT L. OLSON,
Governor of California
PAUL PEEK, Secretary of State

Attest:
(THE GREAT SEAL OF THE
STATE OF CALIFORNIA)

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—30.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 8: By Senator Seawell—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Bill No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 15, of the printed bill, after "(e)", insert "needed or engaged in defense industry or work (f)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kennv, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 9: By Senator Ward—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance

Senate Bill No. 11: By Senators Swan and Swing—An act to add Chapter 10, comprising Sections 475 to 496 to Part 1, Division 2 of the Military and Veterans Code, relating to the suspension of the enforcement of certain civil liabilities of persons in the Military Service of the State, and to the reemployment of such persons upon completion of such service, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 10: By Senator Tickle—An act to amend Section 555 of the Military and Veterans Code, relating to the organization and government of the State Guard, to take effect immediately.

Referred to Committee on Finance.

Senate Joint Resolution No. 5: By Senators Breed and Shelley—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 5, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kennv, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Bill No. 8

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

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

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Concurrent Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Concurrent Resolution No. 9

Assembly Concurrent Resolution No. 10

Assembly Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were offered:

Assembly Concurrent Resolution No. 9—Relative to distribution of legislative publications by the State Printer.

Without reference to committee.

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war.

Without reference to committee.

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942.

Without reference to committee.

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

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

AYES—Senators Biggar, Breed, DeLap, Denel, Dillinger, Kenny, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—15

NOES—Senators Carter, Collier, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—21.

RECESS

At 7.15 p.m., on motion of Senator Rich, the Senate recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REQUEST FOR UNANIMOUS CONSENT

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Relative to distribution of legislative publications by the State Printer.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 13

Relative to expressing the regrets of Members of the Legislature on the death of Harry Caro

WHEREAS, Word has come to the Members of this Legislature of the passing away on December 10th of Harry Caro; and

WHEREAS, Harry Caro served the Government of this State, faithfully and well, for over a decade as an Assistant Sergeant-at-Arms and Bookkeeper to the Sergeant-at-Arms of the Senate; and

WHEREAS, Harry Caro was well known and well loved by the older Members of this Legislature for his ever present kindness, loyalty, and devotion to duty; now, therefore, be it

Resolved by the Senate of the State of California. That the Members of this Legislature express their sorrow at the passage from this life of Harry Caro, and be it further

Resolved, That the Secretary of the Senate be directed to transmit suitable copies of this resolution to the family of Harry Caro.

Resolution read, and unanimously adopted by a rising vote.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 6: By Senator Metzger—Relative to flood control on the Sacramento River.

Request for Unanimous Consent

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Slater, Swan, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 14

Resolved, That the following named person he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning December 19, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same.

*Seven days
per week*

Ruth Hopkins, Stenographer----- \$5 00

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Concurrent Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Joint Resolution No. 3

Assembly Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Without reference to committee.

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery.

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature;

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941;

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Waggy;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of December, 1941, at 6 p m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3

Senate Bill No. 8

Senate Bill No. 4

And reports the same correctly engrossed.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

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

Assembly Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Without reference to committee.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 3

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bills Nos. 8, 3 and 4 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills 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 roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended

CONSIDERATION OF SENATE BILL NO. 8

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the rights of members of the State Guard

called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Bill read second time.

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the rights of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 4

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

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

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, and Ward—26.

NOES—Senators Carter, Dillinger, Garrison, Keating, Kenny, Luckey, Shelley, and Swan—8.

Resolution ordered transmitted to the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Bill No. 6

Senate Bill No. 7

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

SENATE CHAMBER, SACRAMENTO, December 20, 1941

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

Senate Bill No. 1

Senate Bill No. 2

Senate Bill No. 5

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

MIXTER, Chairman

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

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

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

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

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out line 3, and insert: "ten million dollars (\$10,000,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5, 555.6 and 555.7 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 2 of the title of the printed bill, strike out "555.6 and 555.7", and insert "and 555.6".

Amendment No. 2

On page 1 of the printed bill, strike out lines 25 and 26; and on page 2, strike out lines 1 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

MOTION TO SET SPECIAL ORDER

Senator Breed moved that Senate Bill No. 1 be made a special order of business for Sunday, December 21, 1941, at 10.30 a.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 12: By Senators Shelley, Kenny, Keating, Fletcher, Crittenden and Parkman—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Committee on Local Government.

ADJOURNMENT

At 11 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., December 21, 1941, out of respect to the memory of former Senator Morris Bedford Harris, and former Senator Lafayette J. Maddux.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Sunday, December 21, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 2

Senate Bill No. 5

Senate Bill No. 6

Senate Bill No. 7

And reports the same correctly engrossed.

RICH, Chairman

CONSIDERATION OF SPECIAL ORDER

The hour of 10.30 a. m. having arrived, Senate Bill No. 1 was taken up.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 5

On page 1 of the printed bill, before line 12, insert
"No money appropriated by this act to the Emergency Fund shall be transferred therefrom or made available for expenditure without the unanimous consent of the Attorney General, the Controller and the Governor."

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being upon the adoption of Amendment No. 5.

Roll Call Demanded

Senators Garrison, Crittenden and Jespersen demanded a roll call.

The roll was called, and Amendment No. 5 adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Tickle, and Ward—19.

NOES—Senators Brown, Carter, Cunningham, Deuel, Dillinger, Garrison, Jespersen, Keating, Luckey, McBride, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—18.

Further Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "declaring the urgency hereof,".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "ten million dollars (\$10,000,000)", and insert "five million dollars (\$5,000,000)".

Amendment No. 3

On page 1 of the printed bill, strike out lines 8 to 11, inclusive.

Amendment No. 4

On page 1 of the printed bill, after line 11, insert

"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of Chapter 662 of the Statutes of 1929 relating to the State Emergency Council."

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 12 to 25, inclusive, and insert

"SEC. 2 This act inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 13: By Senators Seawell, Collier, Carter, Biggar, Keating, Powers, Deuel, Mayo, Metzger, Dillinger, Brown—An act augmenting the Emergency Fund to provide money for the support

of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred, Senate Bill No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred: Senate Bill No. 9

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MINTER, Chairman

Above reported bill ordered to second reading

RECESS

At 12.20 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Senate Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Senate Concurrent Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion;**Senate Concurrent Resolution No. 6**—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 12 m.

RICH, Chairman

SECOND READING OF SENATE BILLS**Senate Bill No. 9**—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 2 of the printed bill, strike out all of lines 43, 44, 45 and line 46 up to and including "Chapter."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Assembly Joint Resolution No 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Assembly Concurrent Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Assembly Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read :

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Without reference to committee.

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Without reference to committee

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

REMARKS

Senator Cunningham read the following telegram addressed to Senator Frank W. Mixer, which, on motion of Senator Swing, was ordered printed in the Journal:

LINDSAY, CALIFORNIA

DEAR GRANDPA: I arrived at 3.30 today. Mother and I doing well.

(Signed)

WILLIAM FRANCIS WARE

REQUEST FOR UNANIMOUS CONSENT

Senator Mixer asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 5

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny,

Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Resolution read, and unanimously adopted by a rising vote.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 14: By Senator Seawell—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senators Breed, Shelley, Kenny and DeLap:

Senate Resolution No. 15

WHEREAS, The several States along the Pacific Ocean are separated from the populous portion of our Nation by nearly 1,500 miles of sparsely settled territory of mountains, deserts and plains across which are few railroads and few highways and all of which are vulnerable to enemy attack; and

WHEREAS, The State of California embraces three-fifths of the Pacific Coast line of the United States and contains seven-tenths of the population of all of the States bordering on the Pacific Ocean; and

WHEREAS, California's immense natural resources include 12,000,000 acres of crop lands and 24,000,000 acres of grazing lands which constitute the only area of the entire Western Hemisphere facing the Pacific Ocean that is capable of sustaining a population of many millions independent of food importation; together with untold oil, natural gas, hydroelectric energy, timber and mineral wealth, and gigantic industrial power and potentialities; and California is that area bordering the Pacific shores of the Western Hemisphere most vital to and most worth the cost to the enemies with whom we are at war to endeavor to attack, destroy, invade, or conquer, or to have and to hold; and

WHEREAS, California, an empire in itself, and occupying the most strategic position on the Pacific Coast, provides an inviting objective for enemy military and naval operations; and by reason of its remoteness from eastern sources of supplies and materials, men and equipment, is vulnerable to a marked degree; and

WHEREAS, The building of certain rock walls, ship locks, ship channel, and the filling in of certain lands in the shoal waters of San Francisco Bay to construct what is known as "San Francisco Bay Project" or The Reber Plan would create two impregnable all-land crossings of San Francisco Bay and would connect both the Marin and the San Francisco peninsulas with the mainland; would create fresh water lakes of five-sixths of San Francisco Bay and thereby provide the only indestructible fresh water supply for domestic, industrial, and irrigation needs of the San Francisco Bay Area; create sites for a main naval base, submarine and torpedo boat base in San Francisco Bay with added shipbuilding expansion and adequate dry-dock facilities; create sites for three new airports of 900, 1,200 and 2,000 acres, respectively, in the heart of the San Francisco metropolitan area;

create impregnable underground storage depots in solid rock for the storing of all munitions and implements of war for the Army, Navy and air forces, together with similar impregnable storage in solid rock for aviation gasoline, fuel and lubricating oils; create huge impregnable underground hangars in solid rock for the safe housing of thousands of fighting planes; magnify the deep-water harbor facilities of the San Francisco Bay Area manyfold and aid navigation throughout all of San Francisco Bay; connect all fortifications and all defense areas of the San Francisco Bay Region with impregnable all-land transportation for trains, all types of motor vehicles and military equipment, together with carrying all gas mains, electric power lines, telephone and telegraph cables across the bay on all-land routes; advance the industrial, agricultural, residential, recreational and cultural growth of California and aid in solving the salinity, pollution, commuting and flood problems of this State; reclaim hundreds of thousands of acres of marsh lands and supply irrigation water thereto and to additional hundreds of thousands of acres of fine agricultural lands and create adequate acreage for the growing of guayule or other rubber-producing flora; and provide the physical requisites for making the San Francisco Bay Area of California the strongest-fortified area in the Western Hemisphere and thus add to and aid the defense of all of California and the West Coast of America; now, therefore, be it

Resolved by the Senate of the State of California. That the President of the United States, as Commander in Chief, and the Congress thereof are hereby respectfully urged to cause an immediate study of the project to be made by the appropriate defense authorities, and to consider favorably the building of the aforesaid defense project; and be it further

Resolved. That the Secretary of the Senate forward a copy of this resolution to the President of the United States and to the California Members of the Congress and to the members of the Military and Naval Affairs Committees of the Congress.

Resolution read, and unanimously adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 7: By Senators Powers and Tickle—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Request for Unanimous Consent

Senator Tickle asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 7

Senate Joint Resolution No. 7—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Sheller, Slater, Swan, Swing, Tickle, and Ward—36

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—Senator Biggar—1.

Motion to Reconsider

Senator Kenny moved to reconsider the vote whereby Senate Bill No. 2 was passed.

Reconsideration Waived

Senator Kenny moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 2 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5 and 555.6 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman,

Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 21, 1941

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

Senate Bill No. 13

Has had the same under consideration, and reports the same back without recommendation, except that it be placed on inactive file.

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

MIXTER, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take Senate Bill No. 13 from the inactive file for the purpose of consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 13 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 13

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Bill read second time.

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, December 21, 1941

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

Senate Bill No. 12

Has had the same under consideration, and reports the same back with amendments without recommendation, except that the amendments be adopted.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and cities and counties", and insert "cities and counties, districts, or other public agencies".

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "or city and county", and insert "city and county, district, or other public agency".

Amendment No. 3

On page 1 of the printed bill, strike out lines 13 and 14.

Amendment No. 4

On page 1, lines 18 and 19, of the printed bill, strike out "twenty million dollars (\$20,000,000)", and insert "five million dollars (\$5,000,000)".

Amendment No. 5

On page 2, line 5, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 6

On page 2, line 8, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 7

On page 2, lines 20 and 21, of the printed bill, strike out "executive committee or executive director or both", and insert "State Council".

Amendment No. 8

On page 2, lines 27 and 28, of the printed bill, strike out "through the executive committee".

Amendment No. 9

On page 2, line 30, of the printed bill, strike out "through the executive committee".

Amendment No. 10

On page 2, line 33, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 11

On page 2, line 35, of the printed bill, strike out "through the executive committee".

Amendment No. 12

On page 2, lines 41 and 42, of the printed bill, strike out "through the executive committee".

Amendment No. 13

On page 2, line 44, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 14

On page 3, line 2, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 15

On page 3, line 12, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 16

On page 3, line 14, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 17

On page 3, line 21, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 18

On page 3 of the printed bill, strike out lines 24 to 28, inclusive, and insert "Sec. 16 At any time any agency which has secured equipment from the State pursuant to this act and which desires to purchase the equipment from the State may acquire the equipment upon such terms and conditions as the State Council may prescribe."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO RESCIND ACTION ON ASSEMBLY CONCURRENT
RESOLUTION NO. 15**

Senator Deuel moved that the action whereby Assembly Concurrent Resolution No. 15 was refused adoption, be rescinded.

The roll was called

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 5 50 p m

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MOTION TO PRINT EDITORIAL IN JOURNAL**

Senator Kenny moved that an editorial appearing in the Long Beach Independent on December 21, 1941, be printed in the Journal.

Motion carried.

Editorial, Long Beach Independent, Sunday, Dec. 21, 1941

California's State Guard

Thousands of patriotic, duty inspired Californians have undergone intensive training of a Military nature in the ranks of the California State Guard. These men purchased their own uniforms, donated their time and services without stint in order to equip themselves for the protection of life and property in the event of insurrection, catastrophe or hostile incursions into this State.

Since the Nation has entered into the war the Legislature has been called into session and will undoubtedly appropriate money with which to pay the Guard when it is called into actual service.

As it now stands the Guard offers possibilities for designing politicians and office seekers to utilize it as an instrument for political purposes. The Legislature should provide safeguards against misuse of the Guard by individuals or groups of a political nature.

Governor Olson owes it to the people of this State to return at once the *signed undated resignations* of every officer in the Guard which were required of these officers at the time they volunteered for service. If an officer does not perform his duty he can be called upon and court-martialed by duly constituted authority. To leave discipline open to whim or to caprice or to political manipulation is not democratic and is not ethical.

This system of unsigned resignations has tended to place into the hands of a chosen few the possibility of removing any officer they choose without the formality of investigation or court-martial. It offers an opportunity for political cliques to control the personnel and officers of the Guard. That situation must not be allowed to maintain and the Legislature should demand that it be corrected.

The people of this State do not propose to allow the State Guard to be an instrument of political policy and the Governor as Commander-in-Chief can set this to rights now if he sincerely believes in the Guard as a nonpolitical State security force.

There should also be stringent provisions against membership in the Guard of elective officeholders or those campaigning for such offices. There should be prohibitions against the enrollment in the Guard of peace officers or law enforcement officials and employees of State, county and city political subdivisions engaged in

any of the emergency, law enforcement or vital civilian activities of the State, county or city.

Above all else, Military organization and decentralization of commands into definite areas should be maintained. There is no reason for instance why Los Angeles should set the policy for the organization of the Long Beach Guard units who operate in a distinct area with distinct and individual problems of its own. Regimental Headquarters should be maintained and operated from area command centers and not from group commands centralized in certain metropolitan areas. Regimental Commanders should have the authority and power to operate in their own areas according to their better judgment and not be forced to report elsewhere for debates and meetings as to what they should do as determined by opinion generated elsewhere. That is to say he should of course obey the commands of his superiors but strictly on a basis of sound Military organization. Plans should be carried out from the top down and the initiative and peculiar requirements of definite areas be recognized.

The Guard is dedicated to the service of the people of the State and not to the service of political leaders and that policy must be established now.

MOTION TO PRINT STATEMENT IN JOURNAL

Senator Quinn moved that his statement in answer to the editorial appearing in the Long Beach Independent be printed in the Journal.

Motion carried.

Statement by Senator Irwin T. Quinn

The editorial that appeared in the Long Beach Independent today to the effect that Governor Olson has exacted undated resignations from all commissioned officers in the California State Guard is untrue. For the benefit of the record and in explanation of the accusation that appeared in this editorial certain officers in a certain local section did ask the officers, including themselves, to sign resignations addressed to the Governor, but absolutely unknown to the Governor or The Adjutant General or his office and immediately upon The Adjutant General learning these facts The Adjutant General telephoned to the Executive Officer of that section and directed that all of these resignations be immediately destroyed. This order was later corrected to tell them to hold those resignations until The Adjutant General arrived in person in Los Angeles so that he could, himself, personally destroy all of these resignations. This happened shortly before the attack on Pearl Harbor and The Adjutant General arrived in Los Angeles on that day with considerable turmoil and business to take care of and these resignations were placed in the safe where they now rest and are awaiting The Adjutant General's personal disposition, which will be their destruction upon his arrival on his next trip to Los Angeles. Since then his duties have not permitted him to go to Los Angeles. The officer who proposed this procedure is no longer associated in an active capacity with the State Guard. This is the only section in which this occurred.

The Adjutant General gave me this information, as well as the Governor.

The Adjutant General informs me that he has never made such a request and never will, that he is entirely opposed to such un-Military and undemocratic methods.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly engrossed

RICH, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 6 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the action whereby Assembly Concurrent Resolution No. 15 was refused adoption was rescinded by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metz-

ger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, and Ward—27.

NOES—Senators Carter, Cunningham, Garrison, Jespersen, Keating, McBride, Seawell, Shelley, Slater, and Swan—10.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of Home Guard units, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 9.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, and Ward—29.

NOES—Senators Dillinger, Keating, Kenny, Quinn, Shelley, and Swan—6.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 6.30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., December 22, 1941, out of respect to the memory of the late Myrtle Venelia Murray.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, December 22, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenting, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Rupert Hughes, Col. Lewis Stone, Col. Jack Hastie, Major Frank Nolan and Major Karl W. Marks, of Los Angeles.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 12

And reports the same correctly engrossed.

RICH, Chairman

RECESS

At 10.17 a.m., on motion of Senator Rich, the Senate recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Senate Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Assembly Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

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

Assembly Bill No. 4
Assembly Bill No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Assembly Bill No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Concurrent Resolution No. 18—Relative to the purpose and function of the State Guard.

Without reference to committee.

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to

the State Guard, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Call of the Senate

Senator DeLap moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 16

Relating to the death of Frank Bottaro, Senior

WHEREAS, The members of the Senate are deeply grieved to learn of the sudden death of Frank Bottaro, Senior, a distinguished citizen of this State, at the age of 91 years; and

WHEREAS, His passing has brought sorrow not only to his children, John J. Bottaro, Fred Bottaro, Mrs. Teresa De Costa and Mrs. Julia Gabrielli, and his grandchildren, Frank Bottaro, Jr., and Mrs. Evelyn Oliver, but to a multitude of friends throughout California; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate hereby expresses its profound regret and sympathy to the members of the family of the late Frank Bottaro, Senior; and be it further

Resolved, That the Secretary of the Senate be hereby instructed to forward suitably prepared copies of this resolution to the family of the deceased.

Resolution read, and unanimously adopted by a rising vote.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 15: By Senator Scawell—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

**Report on National Defense Aspects on the Areas Subject to Floods
in the Sacramento and San Joaquin Valleys**

By COLONEL A. M. BARTON, Chief Engineer and General Manager,
State Reclamation Board

Submitted at the request of SENATOR BRADFORD S. CRITTENDEN,
Chairman Joint Interim Committee on Water Problems

December 10, 1941

*Colonel A. M. Barton, Chief Engineer and General Manager
California State Reclamation Board, Sacramento, California*

DEAR COLONEL BARTON: As you are fully aware, the Sacramento River Flood Control Project, with its by-passes, levees and reclamation districts constitutes a

protection to the vast agricultural areas of the Sacramento Valley, the products of which are vitally necessary to our National defense in the present emergency. If damage occurs to the levees of the Sacramento and San Joaquin Rivers through sabotage or subversive activities of enemy groups, irreparable damage and possible loss of life will result therefrom.

I have been requested by the chairman of this committee, Senator Bradford S. Crittenden, to ask you to furnish this committee with complete and full information on the following subjects.

(1) What measures and precautions are, or should be taken, to protect the Sacramento River Flood Control Project from damage by sabotage.

(2) What will be the probable cost of such protective measures.

(3) Are sufficient funds available at present to repair any damage or destruction to the levees of the Sacramento and San Joaquin Rivers in the event the same occurs, or will additional funds be required to be appropriated in the event of a special session of the California Legislature.

(4) What measures will be taken to patrol the levees of the Sacramento River.

Will you also provide this committee with a map of the Sacramento River Flood Control Project showing the location of highways and railroads that traverse the areas subject to floods, together with air fields, transmission lines of the utility districts, pipe lines conducting natural gas, water and other utilities that might be affected by the destruction of levees resulting in floods, and any other information pertinent to this subject that, in your opinion, should be called to the attention of this committee.

Chairman Crittenden and the members of the committee will appreciate your furnishing the above information at the earliest possible moment.

Very truly yours,

FRANK REED, Executive Secretary

December 18, 1941

*Joint Committee on Water Problems, California State Legislature
Room 413, State Capitol, Sacramento, California*

ATTENTION: Frank Reed, Executive Secretary

GENTLEMEN: Reference is made to your letter of December 10, 1941, requesting certain information and comments on the problem of furnishing flood and sabotage protection to the large agricultural area protected by the levee systems of the Sacramento and San Joaquin Valleys. Protection of these areas is, as stated in your letter, of vital importance to National defense both from an economic and Military transportation standpoint, and every effort should be made to establish a thoroughly workable and complete plan for the protection of levee systems.

With respect to sabotage, an effort should be made to secure definite information from proper authority such as the Federal Bureau of Investigation or the Military Intelligence, U. S. Army, as to whether an actual danger exists from this source and to what extent. It is apparent that until authoritative information is obtained in this regard, neither an intelligent protective program nor an estimate of cost for such a program, can be formulated.

From a practical standpoint, however, the problem of sabotage and ordinary flood patrol are so closely related that they can not be separated. Effective sabotage of the levees and related works could be prosecuted only during flood periods, at which time it has been customary in the past to maintain maintenance patrols on the levees. It is believed if any plan is developed, it should endeavor to expand the past organization rather than to set up an entirely new agency to handle sabotage protection.

The following comments are offered in response to the queries contained in your letter:

1. As stated above no direct measures or precautions are being taken at the present time other than the ordinary patrol of the levees as the matter of protection against sabotage. There are some 1,600 miles of levees within the Sacramento and San Joaquin Valleys which will require protection in varying degrees. It is readily apparent that due to the magnitude of the problem any new protection which is furnished will have to be done on a priority basis. It appears desirable that that portion of the levee system which protects urban concentrations and transportation arteries of major importance should be patrolled by an armed guard. The remainder of the levee system should be protected as required by an amplification of the existing civilian patrol organizations. At present there has been established a committee formed by Mr. Edward Hyatt, Chief of the Division of Water Resources and member of the State Reclamation Board, Mr. Jesse Cave, member of the Reclamation Board, and Mr. O. H. Hart, of the U. S. Army Engineers, which committee is attempting to coordinate patrol activities and develop plans for the betterment of flood fighting operations. The activity mentioned above could well be taken care of by this committee.

2 It is difficult to give an accurate estimate of the cost of prosecuting the activities described under 1 above. These costs will be a function of the magnitude of the floods experienced during any particular winter season and may vary within a very wide range. The cost of adequately patrolling 800 miles of vital levee locations for a period of 60 days in the Delta Area and 20 days in the Upper Sacramento Regions would perhaps be the prime factors to be considered in arriving at a final estimate.

3. At this time sufficient funds are not available to either the State of California or the Federal Government to effect immediate repair of any damage or destruction to the levees of the Sacramento or San Joaquin Rivers, which might occur from either sabotage or extreme floods. A revolving fund established for the purpose of repairs would be very desirable and could well be administered by a designated agency.

The amount of money which should be made necessary for such emergency repairs can not be accurately estimated at this time due to the wide scope of indeterminate factors which would affect such expenditures. An estimate is indicated, however, in the amounts of moneys expended by the State and Federal Governments during the years of 1938-1939-1940 for flood damage repair and repair to project levees in the Sacramento Valley:

	State	Federal Government
1938	\$682,600 00	{ \$330,400 00
1939		{ 58,100 00
1940		{ 182,000 00
1941		{ 70,300 00
Totals	\$949,200 00	\$640,800 00

In addition, the State expended for such emergency repairs in the San Joaquin Valley, \$650,000 during the years 1938-1939, and \$7,700 in 1940. It is well to point out that the Winter of 1937-1938 and the Spring of 1940 were extreme flood periods throughout the Sacramento River Project area and repair expenditures made following those periods would more nearly approximate an estimate of funds necessary for such an emergency.

4. Levee patrol activities are imperative. However, it is evident that in so far as practical to insure the safety of the public as a whole, the cost of this work should be made a responsibility of local districts and communities. The State of California or other governmental agencies should, if possible, act in a consulting status and direct and coordinate activities rather than actually engage in patrol and protective activities. At present whatever patrol there is, is in almost all cases being handled by local reclamation districts. In the main, this protection is satisfactory, although some districts are financially hampered in their efforts. The committee mentioned under 1, above will, it is believed, endeavor to improve the existing patrol and will recommend the adoption of such measures as are required to provide satisfactory maintenance and patrol of levees during flood period.

In summary, it should be understood that sabotage protection, if found necessary, and ordinary flood protection can not be separated and should be worked in conjunction with each other. In order that the financial resources of the State may be conserved, concentrated effort should be made to get all existing local organizations to patrol those levees and protection works in which they are particularly interested. It is believed that if the State Legislative Committee will attack the general problem along the lines outlined above, both an organization and very necessary appropriations may be set up on a workable basis during the approaching emergency session of the State Legislature.

For your information there is appended herewith a memorandum briefly setting forth National defense aspects of the areas subject to floods in the Sacramento and San Joaquin Valleys, together with a map showing the area subject to flood with location of all transportation and general utilities that might be adversely affected.

We would appreciate the return of this map after its purpose has been served with the committee.

Very truly yours,

A. M. BARTON, Chief Engineer and General Manager
The Reclamation Board

National Defense Aspects of the Areas Subject to Floods in the Sacramento and San Joaquin Valleys
General—Area—Population—

The Sacramento River Flood Control Project is a comprehensive improvement to protect the Sacramento Valley, California, from floods of the Sacramento River and its tributaries. The primary concern of this project as originally conceived is the protection of agricultural and urban areas and the reclamation of productive overflow lands. The completed project will afford protection to about 1,100,000 acres

of highly productive agricultural land. Located within this area are several urban concentrations, the industrial activities of which are primarily founded on serving the surrounding agricultural area. It is estimated that the area protected by this project is inhabited by about 265,000 people, 140,000 of whom reside in the above urban concentrations (As of February, 1941)

The floor of the Sacramento and San Joaquin Valleys is traversed by through highways of prime Military importance, running east, west, north and south. These are interconnected by high types of improved secondary highways and county roads. Failure of project works would impede or entirely halt traffic at numerous points on these transportation lanes and would result in a definite breakdown of highway transportation facilities.

Railroads—

Three transcontinental railroads, the Southern Pacific, Santa Fe, and the Western Pacific traverse the floor of these valleys, and in addition, the Southern Pacific runs a main line on each side of the Sacramento Valley leading to the Pacific Northwest.

The Southern Pacific has approximately 50 miles of main line right-of-way on the west side and approximately 30 miles on the east side of the Sacramento Valley, subject to inundation in the event of levee failure. The Western Pacific Railroad Company has some 19 miles and the Sacramento Northern Railway, a subsidiary, approximately 91 miles in the same category. All of these railroads maintain division points and extensive yards and shops at the City of Sacramento, which is located at the junction of the American and Sacramento Rivers, and these facilities as well as the maintenance of traffic on the above mentioned stretches of main line track, are dependent upon the proper control of floods in the Sacramento Valley.

Defense Areas—

McClellan Field, Mather Field, the Sacramento Municipal Airport in the vicinity of Sacramento, and Marysville Airport are all served by main trunk highways, telephone lines and other general utilities that must be protected from inundation from flood waters of the Sacramento, American and Feather Rivers held back by project levees. The Stockton Airport is served by the main trunk highways crossing the San Joaquin River Delta and levee-protected lowlands, leading from Oakland to Stockton.

Utilities—Power—

Main transmission lines of the Pacific Gas and Electric Company from hydro-electric power plants of the central Sierras cross the levee-protected areas of both the San Joaquin and Sacramento River levee systems, and inundation of these lands might seriously cripple the continuous supply of power necessary to the San Francisco and Oakland industrial area.

Gas—

Natural gas main pipe lines of the Pacific Gas and Electric Company leading to Sacramento and to Marysville traverse levee-protected areas and a sustained submergence of these areas might cause destruction to these facilities or render them useless. Lack of gas fuel would seriously affect both industry and the urban population of the valley towns and cities now served by natural gas.

Water—

The main water conduit of the East Bay Municipal Utility District (Oakland) traverses miles of levee-protected lands in the San Joaquin Delta and a continued submergence might result in serious damage to this vital pipe line at a time when repair would be impossible. The main pipe lines and electric transmission line of the Hetch Hetchy Project of the City of San Francisco traverse a small section of the levee protected San Joaquin Delta Area south of Stockton.

Communication—

Main trunk lines of the Pacific Telephone and Telegraph Company traverse levees and levee-protected areas of both the Sacramento and San Joaquin Rivers.

Interruption of communication would be highly probable if the protected suburban areas were inundated, and would be absolutely disrupted if urban areas were flooded to the extent of rendering switchboards and central facilities useless.

Investment in Project Works—State and Local Interests, Federal Government—

To date the State and local interests have expended in excess of \$52,000,000 in the protective works of the Sacramento River Flood Control Project which must be protected by the safeguarding of those works, and the Federal Government has spent approximately \$19,000,000 on new works and maintenance therein.

Investment in Highways—

Investments by the State and Federal Governments in highway construction and maintenance within eight counties of the Sacramento River Flood Control Project as of November, 1941, amount to approximately \$42,000,000.

Reclamation Districts—

In addition to the investment of the State and Federal Governments, there is the vast expenditure of 140 separate reclamation districts embraced in the vital valley areas, for the protection of high type farm and agricultural lands. The production of food supplies by these lands must not be curtailed during the emergency. During the war of 1914-1918, prosecution of work on the project was sponsored by the Food Administration as an aid to agricultural production and as a stimulus to the economic preparedness of the Nation.

*MAINTENANCE OF THE PROJECT AT PRESENT**Districts—State—Federal Government—*

The present law provides that local interests maintain project works within their districts after completion. This means that local reclamation districts are responsible for maintenance over the greater portion of the area. For areas where no reclamation districts exist, the State of California has assumed such responsibility for specified portions of the project lying outside the boundaries of local reclamation districts. This work is performed by the Department of Public Works through the Division of Water Resources. It is believed that the California Debris Commission has, or will have, money available for the maintenance of those portions of the project now under construction.

Danger from Sabotage—

Adequate protection of the primary levee works of the Sacramento and San Joaquin River Systems from possible sabotage presents a major problem. An advantage, however, is that the duration of flood danger period is short. Only at extreme high water stages would it be practical to destroy the main levees which would cause irreparable damage to life, property, utilities and transportation routes by minor sabotage operations.

However, at high water stage in both the upper and lower reaches of these rivers, a small breach in any unprotected section of levee could cause enormous damage to farm lands and interior improvements and paralyze communication systems and utilities vital to National defense. Such a breach under these conditions would be possible from a small sabotage operation and could not be effectively checked by any maintenance crew once it had started.

In the Delta Region of the Sacramento and San Joaquin Rivers there is considerable peat land and many levees in this area have been constructed from this material. Peat is vulnerable to fire and extremely difficult to extinguish and it is recognized that during dry periods much damage could be caused by incendiary fires in the peat levees protecting Delta Island areas.

Danger Periods—

The danger periods or periods of extreme high water are relatively short above Sacramento, being usually a matter of two to six days. But in the Delta Region, due to the relatively lower elevations and tidal conditions, the danger periods extend over 90 days in the entire Delta and extend over the whole year in tidal reclamation areas.

Length of Levees—

Approximately 800 miles of levees protect the Delta Area, of which some 350 miles protect areas traversed by all types of general utilities. In addition, there are some 122 miles of by-pass levees and approximately 660 miles of main river levees which would require patrol for their protection against acts of sabotage. The total length of the above levees requiring such guard during the short periods of extreme water stages approximates some 1,300 miles.

Protection by Patrol—

A solution to the problem of patrol could probably best be found in an intense and well organized patrol during extreme high water periods. Assuming adequate patrol personnel could be made available, a coordinated and systematic patrol during these periods appears to be the most practical manner in which to form a complete safeguard. To effectively guard 1,300 miles of levee would require at least 7,800 men, or six men per mile per day. Areas in the vicinity of municipalities could be patrolled by local authorities. An estimated 800 miles of levee in vital locations would require armed patrol, and in the event of extreme emergency which might endanger National defense, Military forces might be made available.

The cost of a paid patrol would vary greatly with flood conditions, both as to duration and to magnitude of flood flows present in flood channels to be guarded.

Any extension of patrol or existence of long sustained flood periods would add to the cost of a patrol, whereas a limited patrol of only very vital areas for the times of extreme flood and imminent sabotage danger would decrease patrolling costs.

However, it is to be noted that the value of utilities, highways, crops, and lives to be protected must be given not only a cash value but, in the present emergency, must be evaluated from a Military point of view as to their value in defense efforts of this State and Nation.

A rough estimate of the cost per day per post of from one-eighth to one-half mile is as follows:

1 Local organization using local labor and transportation facilities:

	<i>Cost per day</i>
Labor, at \$4 per day (3-8 hr shifts)-----	\$12 00
Autos, at \$5 per day (24 hrs.)-----	5 00
Overhead—25% of labor cost-----	3 00

Cost per day—Total (1)-----\$20 00

2. State labor forces:

Labor, at 60c per hr. (24 hrs.)-----	\$14 40
Autos, at \$5 per day-----	5 00
Overhead—10% of labor cost-----	1 50

Cost per day—Total (2)-----\$20 90

It is problematical if sufficient local or State labor forces could be assembled or properly directed and coordinated without an extensive enlargement of the overhead costs above estimated.

Civilian Patrol in Urban Areas—

Civilian patrol of protective works in urban areas is both feasible and possible. These areas could include Sacramento, Stockton, Marysville and levees opposite Yuba City and opposite Colusa. In all other farm or suburban areas sufficient men and equipment might be inadequate for an intensive patrol.

River Boat Patrol—

There are numerous small privately owned river craft of the cruiser type located in the Stockton and Sacramento areas which could no doubt be made available and advantageously utilized for river patrol in the Delta Region and in the lower areas of the Sacramento and San Joaquin Rivers, augmenting land patrols of levees in those regions, and assist in distributing these patrols at their respective posts, in areas that can not be reached by other means of transportation.

Flood Losses 1937 to 1940—

Prior to 1937 no accurate estimate of losses due to floods can be given, but a conservative estimate of \$15,000,000 may be assumed for those floods prior to 1937.

Within the existing Flood Control Project the flood of December, 1937, inundated 180,000 acres of land with a direct damage of \$2,270,000; \$1,476,000 of this total was due to failure or lack of completion of the existing project works. The damage to project levees was \$350,000, and to the lands of Butte Basin Area which is not reclaimed, approximated \$440,000.

Had the existing levees been completed to the standards adopted by the California Debris Commission and the State Reclamation Board, it is highly probable that damage would have been confined to Butte Basin. The Spring flood of 1938 which was caused from melting of the maximum snowfall of record, accompanied by rains, caused long sustained flows at more than bankful stages and resulted in seepage which caused an estimated damage of four and one-half million dollars on an area of about 114,000 acres of agricultural land within the project. The flood of 1940 is estimated to have resulted in damage exceeding \$4,200,000.

Direct damage is estimated within the area protected by the existing Sacramento River Flood Control Project due to floods from December, 1937, to be about \$11,000,000. Indirect damages have not been estimated, but they would probably amount to a large percentage of the direct losses. Many intangible damages, such as inability to obtain farm loans and the loss of eight lives can be attributed directly to these floods.

Summary—

The protection of the flood control works of the Sacramento River Project and adjacent areas from possible sabotage and the prevention of levee breaks due to flood conditions is vital to the National defense from a standpoint of safeguarding transportation facilities, protection of all types of public utilities operating within or traversing the affected areas, also preserving and insuring agricultural developments vital to National defense located within the valley floor which are subject to inundation from flood waters.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.12 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Seawell, Shelly, Slater, Swan, and Swing—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—31.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, strike out "required to register", and insert "registered".

Motion to Table

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

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Slater, and Swing—23.

NOES—Senators Cunningham, Deuel, Judah, Kenny, Shelley, and Swan—6.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Swing—29.

NOES—Senator Kenny—1.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 22, 1941

Members of the Senate and Assembly

GREETINGS: Please permit me to emphasize the importance of your remaining in session now and without any recess until you shall have adequately provided, and as speedily as possible, for the maintenance of the State Guard and moneys to the State Emergency Fund, for the consideration of which this session, in our present, unprecedented state of emergency, was called. As stated in my message to you at the opening of this session, I did not dare delay calling it for your action on the items providing for the maintenance of the State Guard and for the Emergency Fund in view of the perilous situation of this State, requiring immediate protection of its resources, plants and places vital to the safety and welfare of the civilian population, as well as to the strategic needs of Federal forces. Failure to take prompt action in providing ample funds for these emergency purposes might result in tremendous loss and disaster, against the possibility of which immediate measures should be taken, requiring equipment purchases and other preparations, which take time to accomplish. It would delay and hamper putting into effect the plans of the State Council of Defense and of other State agencies in preparation to guard against perils which now threaten life and property in California, and in providing to meet serious exigencies that may occur any day or night, if you make only an inadequate appropriation at this time and then recess your session to a future date. Since the enemy has already brought the war to the California coast, I desire to make it clear that any serious consequences of delayed action on your part will be your responsibility, not mine.

I again call your attention to the communication to me from General DeWitt of the Western Defense Command of the United States Army, which I transmitted to you on Saturday, December 20, 1941.

Respectfully submitted,

CULBERT L. OLSON

Governor of California

THIRD READING OF SENATE BILLS

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, cities and counties, districts or other public agencies through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—30.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 12 POSTPONED

Senator Shelley postponed further consideration of Senate Bill No. 12 in order that Assembly amendments to Senate Bill No. 1 might be considered.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Senate Bill No. 1

And respectfully requests your honorable body to concur in said amendments

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt Assembly Amendment No. 2 as follows (including the urgency clause) to Senate Bill No. 1, pursuant to the provisions of Joint Rule No. 27?

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

"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 United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National defense effort and other usual Emergency Fund expenses."

Amendment read.

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 2 to Senate Bill No. 1.

Amendment read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dullinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—36.

NOES—None.

Further Consideration of Assembly Amendments

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt the following Assembly amendment to Senate Bill No. 1?

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "Years.", insert "Of the sum appropriated by this act, not less than five hundred thousand dollars (\$500,000), if and when expended, shall be expended only for the support, maintenance, operation, and equipment of the State Guard, the legislative intent being that provision should be made for the State Guard from this appropriation."

Amendment read.

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

AYES—Senators Biggar, Breed, Brown, Collier, DeLap, Deuel, Dillinger, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, and Ward—22.

NOES—Senators Carter, Crittenden, Cunningham, Fletcher, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Quinn, Shelley, Slater, and Swan—14.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt the following Assembly amendment to Senate Bill No. 1?

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)," and insert "one million dollars (\$1,000,000)".

Amendment read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Deuel moved a call of the Senate.

Motion carried. Time, 4.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.42 p.m., on motion of Senator Deuel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Amendment No. 1 to Senate Bill No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, and Ward—25.

NOES—Senators Carter, Crittenden, Garrison, Jespersen, Keating, McBride, Shelley, Slater, Swan, and Swing—10.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENTS

The question being: Shall the Senate concur in the Assembly amendments to Senate Bill No. 1?

The roll was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 1 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, DeLap, Deuel, Dillinger, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—27.

NOES—Senators Carter, Crittenden, Cunningham, Fletcher, Jespersen, McBride, Metzger, and Swan—8.

Above bill ordered enrolled.

Explanation of Vote by Senator Fletcher

In explanation of my vote this day on Senate Bill No. 1, will say my reason for voting "No" is that we have the greatest emergency in the history of this Country confronting us. This appropriation of a million is ridiculously low. I feel we

should not adjourn this Legislature until our work is completed. Three weeks' delay may be too late. Anything may happen. An ounce of prevention is worth a pound of cure.

ED FLETCHER

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 4

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 26

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 15

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bills Nos. 4 and 26 and Senate Bill No. 15 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills 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, considered engrossed, and placed upon their passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 26

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 2 of the printed bill, between lines 14 and 15, insert

"In case any employer fails or refuses to comply with the provisions of this section the superior court of the county in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the district attorney of the county in which such employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person so applying for such benefits."

Amendment read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF ASSEMBLY BILL NO. 4

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect

Bill read second time.

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 15

Senate Bill No. 15—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 15—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—32

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—Senators DeLap, and Deuel—2.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Senate Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating,

Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Senate Bill No. 3

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 3?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 2

On page 1, line 4, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 3

On page 1, line 18, of the printed bill, as amended, strike out "district or other public agency", and insert "or district".

Amendment No. 4

On page 2, line 1, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 1

On page 1, line 11, of the printed bill, after "city and county," insert "or".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "or other".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "public agency".

Amendments read.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 3 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Ward—31.

NOES—Senators Keating, Metzger, Swan, and Tickle—4.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other

privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Bill No. 12, at this time, for further consideration.

FURTHER CONSIDERATION OF SENATE BILL NO. 12

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, cities and counties, districts or other public agencies through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read.

Motion to Re-refer Senate Bill No. 12

Senator Myhand moved that Senate Bill No. 12 be re-referred to Committee on Finance.

Roll Call Demanded

Senators Garrison, Biggar and Crittenden demanded a roll call.

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

AYES—Senators Myhand, Rich, and Tickle—3.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, and Swan—32.

NOES—Senators Collier, Rich, Tickle, and Ward—4.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Fletcher, ordered printed in the Journal:

WASHINGTON, D. C., December 22, 1941

Hon. Ed. Fletcher, State Capitol, Sacramento, California

The President has referred to me your telegram of December 18th concerning the proposed State appropriation for the State Guard. The Federal Government has given a great deal of thought to civilian defense and is providing protection to the utmost of its ability.

While there are no Federal funds which can be made available for State Home Guards, the Senate Friday passed a Bill S-1936 to provide protection of persons and property from bombing attacks and a similar bill is now on the House Calendar. These bills were introduced at the President's request some time ago. The Senate bill authorized to be appropriated such sums as may be necessary to enable the Director of Civilian Defense to provide facilities, supplies, and services for the adequate protection of persons and property from bombing attacks in such localities as may be determined by the director to be in need of and unable to provide such protection. When this authorizing bill has been approved by the Congress, the President expects to request an appropriation which will provide the necessary moneys to carry out the provisions of the authorizing act. It is contemplated that such facilities as fire-fighting apparatus, gas masks, and protective clothing for the civilian population will be provided for in the appropriation for distribution to political subdivisions unable to provide such protection. While the Federal Government has been active in the field of civilian defense, this assumes that the States and localities will carry out their supplementary responsibilities.

(Signed)

HAROLD D. SMITH, Director
Bureau of the Budget

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 3 and 4, of the printed bill, strike out "1 o'clock p.m. on the twenty-first", and insert "6 o'clock on the twenty-second".

Amendment read.

Substitute Amendment

Senator Fletcher offered the following substitute amendment:

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 6 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the fifth day of January, 1942."

Amendment read.

Motion to Table

Senator Rich moved that the substitute amendment offered by Senator Fletcher be laid on the table.

Motion lost.

Previous Question

Senator Fletcher moved the previous question.

The question being on the adoption of the substitute amendment offered by Senator Fletcher to Assembly Concurrent Resolution No. 15.

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

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Fletcher, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—19.

NOES—Senators Breed, Brown, DeLap, Deuel, Dillinger, Gordon, Jespersen, Kuchel, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Swing, Tickle, and Ward—17.

Further Amendment to Assembly Concurrent Resolution No. 15

Senator Phillips offered the following amendment to Assembly Concurrent Resolution No. 15:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "fifth", and insert "seventh".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Breed, DeLap, Deuel, Gordon, Kuchel, McCormack, Myhand, Parkman, Phillips, Powers, Rich, Tickle, and Ward—13.

NOES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Quinn, Seawell, Shelley, Slater, Swan, and Swing—24.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Swing, Tickle, and Ward—22.

NOES—Senators Carter, Collier, Cunningham, Dillinger, Fletcher, Garrison, Jespersen, Luckey, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—15.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 5.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

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

Assembly Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By F. H. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 15. of the printed bill, after "Senate", insert "to the".

Amendment read and adopted.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, and Ward—31.

NOES—Senators Garrison, Shelley, and Swan—3.

Resolution ordered printed, and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 15

And reports the same correctly engrossed.

RICH, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.30 p m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

APPROVAL OF JOURNALS

The Senate Journals of Friday, December 19, 1941, Saturday, December 20, 1941, and Sunday, December 21, 1941, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 17

WHEREAS, The Legislature of the State of California assembled in extraordinary session will be at recess beginning December 23, 1941; therefore, be it

Resolved, That all employees of the Senate be stricken from the pay roll at the completion of work on Monday, December 22, 1941, except as hereinafter provided.

WHEREAS, Pursuant to adjournment it will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions

adopted by the Senate and to employ certain necessary assistants incident thereto; therefore, be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luekey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

By Senator Shelley:

Senate Resolution No. 18

Relative to the passing of Bernard W. Horne

WHEREAS, Mr. Bernard W. Horne, affectionately known to the members of this Senate as "Benny" Horne, passed away between the end of the regular 1941 Session and the beginning of this special session of the Legislature; and

WHEREAS, Bernard W. Horne was a veteran of the First World War, during which he served with distinction, and for many years served as political editor of the San Francisco Daily News, was recently connected with the San Francisco Examiner, and is affectionately remembered by many persons now serving in the Senate; and

WHEREAS, The termination of the life and activities of Bernard W. Horne constitute an irreparable loss, not only to his family, his friends, and to the members of the Senate, but also to the people of the State of California to whom he was so well known; now, therefore, be it

Resolved by the Senate of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former friend, "Benny" Horne, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Senate adjourns this day, it do so out of respect to the memory of the late Bernard W. Horne; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the widow of our departed friend, Mrs. Bernard W. Horne, and to his children.

Resolution read, and unanimously adopted by a rising vote.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried. Time, 5 34 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.35 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

RECESS

At 5.36 p.m., on motion of Senator Rich, the Senate recessed until 6 p.m.

REASSEMBLED

At 6 p.m., the Senate reconvened

Hon. Ellis E. Patterson, President of the Senate, presiding.

RECESS

At 6.01 p.m., on motion of Senator Kenny, the Senate recessed until 6.06 p.m. to hear from: Adjutant General J. O. Donovan, Col. Rupert Hughes, Col. Lewis Stone, Col. Jack Hastie, Major Frank Nolan and Major Karl W. Marks.

REASSEMBLED

At 6.06 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 6 07 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;

And appointed Messrs. Lyon, Desmond and Field as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Committee on Rules announced the appointment of Senators Mayo, Ward and Crittenden as a Committee on Conference concerning Assembly Concurrent Resolution No. 15.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General;

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense;

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River;

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately;

Senate Bill No. 3—An act authorizing any city, county, city and county, or district to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately;

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 6 p.m.

RICH, Chairman

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;
Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in and that the resolution be further amended as follows.

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 11 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the twelfth day of January, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and to the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said twelfth day of January, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such Member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the Members as herein provided shall be conclusive evidence of the facts therein stated."

MAYO
WARD
CRITTENDEN

Senate Committee on Conference

LYON
DESMOND
FIELD

Assembly Committee on Conference

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

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Tickle, and Ward—21.

NOES—Senators Carter, Collier, Cunningham, Garrison, Keating, Luckey, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—13

APPOINTMENT OF COMMITTEE

President Pro Tempore Wm. P. Rich announced the appointment by the Rules Committee of the following additional members to serve on the Joint Legislative Budget Committee: Senators Kenny, Parkman, Phillips, Myhand, Ward and Mayo.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10 p.m., on motion of Senator Deuel, further proceedings under the call of the Senate were dispensed with.

PRESIDENT PRO TEMPORE PRESIDING

At 10.01 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

Senate Resolution No. 19

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn for the recess provided by Assembly Concurrent Resolution No. 15 and to ask the Assembly if it has any communication to submit.

APPOINTMENT OF SPECIAL COMMITTEE

The President pro tempore announced, in accordance with the above resolution, the appointment of Senators McBride, Collier and Metzger.

By Senator Gordon:

Senate Resolution No. 20

Resolved, That the President of the Senate appoint a committee of three to notify the Governor that the Senate is ready to adjourn for the recess provided by Assembly Concurrent Resolution No. 15, and to ask His Excellency if he has any communication to submit to the Senate.

Appointment of Special Committee

The President pro tempore announced, in accordance with the above resolution, the appointment of Senators Gordon, McBride and Collier.

MESSAGES FROM THE ASSEMBLY**ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By **FRANK REED**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 26.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By **H. F. LEWRIGHT**, Assistant Clerk

PRESIDENT OF THE SENATE PRESIDING

At 10.25 p.m., Lieutenant Governor Ellis E. Patterson, President of the Senate, presiding.

REPORT OF COMMITTEES

Senator Gordon, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15, reported that they had performed their duty.

Senator McBride, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15, reported that they had performed their duty.

MESSAGE FROM THE ASSEMBLY

At 10.50 p.m., a committee from the Assembly consisting of Messrs. Maloney, Lyon and Stream appeared at the bar of the Senate and announced that the Assembly was ready to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15.

APPROVAL OF MINUTES

The minutes of this day, Monday, December 22, 1941, were read, and on motion of Senator Swan, approved as read.

ADJOURNMENT

Whereupon at 11 p.m., on motion of Senator Rich. in accordance with the provisions of Assembly Concurrent Resolution No. 15, the President of the Senate declared the Fifty-fourth (Extraordinary) Session of the Senate adjourned until Monday, January 12, 1942, at 11 a.m., out of respect to the memory of the late Bernard W. Horne.

ROBERT G. ALDERMAN, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 12, 1942

Pursuant to Assembly Concurrent Resolution No. 15, providing for the reconvening of the Legislature after the recess, the Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of the session:

Senator Hays, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Patrick J. Maher, Mayor of Santa Barbara.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Turner, Louie Fragil, Lloyd Rowe and Tony Ferrara, all of Merced.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter G. Drysdale and Carl Visman, of Placerville.

RESOLUTIONS

The following resolutions were offered:

By Senator Shelley:

Senate Resolution No. 21

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened the Fifty-fourth (First Extraordinary) Session, pursuant to Assembly Concurrent Resolution No. 15, and is now ready to receive any communication he may have to make.

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

Appointment of Special Committee

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

By Senator Biggar:

Senate Resolution No. 22

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened the Fifty-fourth (First Extraordinary) Session, pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

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

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Biggar, Cunningham and Ward.

By Senator Tickle:

Senate Resolution No. 23

Resolved, That the following statutory officers of the Senate elected on Friday, December 19, 1941, Joseph A. Beek, Secretary of the Senate; Robert G. Alderman, Minute Clerk; Joseph F. Nolan, Sergeant-at-Arms; and Rev. H. W. Opperman, Chaplain; be and the same are hereby restored to the pay roll of the Senate as of this day at the various rates of compensation provided by law, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said amounts, and the Treasurer is hereby directed to pay the same.

Resolution read.

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

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Rich, Slater, Swan, Swing, and Tickle—27.

NOES—None.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators Shelley, Seawell and Phillips, 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 Biggar, Cunningham and Ward, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported they had performed their duty.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Concurrent Resolution No. 10: By Senators Swan and Kenny—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Concurrent Resolution No. 11: By Senators Swan, Breed and Quinn—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Concurrent Resolution No. 12: By Senators Myhand and Gordon—Relative to closing and delaying the opening of public schools.

Without reference to committee.

MESSAGE FROM THE ASSEMBLY

At 11.30 a m., a Special Committee from the Assembly, consisting of Messrs. Clarke, Thorp and Pelletier, appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of State.

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

Motion to Set Special Order

Senator Swing moved that Senate Resolution No. 24 be made a special order of business for Monday, January 12, 1942, at 3 p.m.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 12, 1942

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am withdrawing the names of H. T. Gustafson and William Faircliff, heretofore nominated by me to be members of the California State Council of Defense, who have since resigned in order to take up other duties for the Defense Council; and in their stead ask the Senate to advise and consent to the following appointments for the term at the pleasure of the Governor:

L. G. Taggart, Bakersfield, State Commander of the Veterans of Foreign Wars.

Robert F. Garner, Jr., San Bernardino, State Commander of the American Legion.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

REPORT

The following report was received and read, and on motion of Senator Kenny, ordered printed in the Journal:

January 12, 1942

*To the Honorable W. P. Rich, Chairman, and the Members of the
Joint Legislative Budget Committee*

Your Subcommittee of Two, consisting of the undersigned, appointed to go to Washington, D. C., for the purpose of conferring with Members of Congress, and officials of the United States Government on the matters pending before the present Special Session of the California Legislature, respectfully begs to report as follows.

Four days were spent by your subcommittee in Washington, D. C., January 5, 6, 7 and 8, 1942, during which time it conferred with the War Department, United States Senator Sheridan Downey, Representatives Lea, Buck, Welch, Leland Ford, Hinshaw, Voorhis, Rolph, Carter, Tolan, Costello, Englebright, Sheppard, Johnson, Anderson and Kramer, and called upon the office of Senator Hiram Johnson for special assistance. Two Congressional Delegation meetings were called during your committee's stay in the Capitol. The first meeting included only the California Delegation, but at the second meeting representatives of Washington and Oregon were invited and attended.

It was at once apparent that the matters before our Legislature have also been a matter of lively concern in Washington. Proposals have been made in the form of bills introduced, and they were all thoroughly discussed in our meetings.

As the outgrowth of these discussions, your subcommittee found that the consensus of opinion of our Congressional Delegation was that:

First: A National policy on auxiliary guard forces should be immediately established and conferences with the War Department be had at once on the following proposals now pending before Congress, to wit:

(a) H. R. 3345 introduced by Representative Costello of Los Angeles and Representative Anderson of Santa Clara providing for an Army-supervised Home Defense Reserve Corps of 1,000,000 men to be completely financed by the Federal Government

(b) H. R. 6348 introduced by Representative Kramer of Los Angeles for a Home Defense Corps drawn from the ranks of regular and reserve retired Army officers and men unqualified for active combat service. This Corps would consist of men trained, disciplined, and able to use effectively United States Army weapons, equipped uniformly by the Army. These men would come under the authority of the local sector, district, or other Army commander. There would be an over-all uniformity of controls when the mobile forces as organized into combat divisions should leave a particular area to come into actual contact with the enemy. The Home Defense Corps would remain to guard the plants, bridges, or other important areas considered vital and of general Military and civilian importance.

(c) The proposal of Representative Welch of San Francisco for a State Guard in the various States, which would be subject to Federal supervision with the United States supervising the State units and paying them a 50 per cent subsidy.

All of the authors of the proposals agreed that their aim was to see that from their ideas, a single bill be evolved which would be best adapted to Pacific Coast needs and the plans of the War Department.

Second: That the protection of the vital resources, utilities, and industries of the Pacific Coast States is a matter of National concern and one in which the whole Country should help bear the burden of expense.

Third: That since it is to the interest of National defense to relieve combat-trained troops of Guard duties, the War Department should at once outline a Uniform National Plan to utilize for this duty men of Military training unable to go into active combat.

Fourth: That California and the other Pacific Coast States be given a generous and proper share of the \$100,000,000 voted to aid local defense as soon as the bill providing for it (H. B. 5727) becomes law. The bill is expected to be before the President this week. Your subcommittee informed the delegation of the \$50,000,000 total requests presented to your committee by California counties and cities, and this material will be used in urging adequate allowances to this State under the bill.

Fifth: That Pacific Coast communities be given priorities in defense and protection equipment which they desire to purchase, and that Congressional representations to that end be promptly made to the Office of Production Management.

Senator Downey also informed your subcommittee that he is planning to seek financial assistance from the Federal Government for the maintenance of State forces on the Pacific Coast.

Hon. J. J. McCloy, Assistant Secretary of War, informed your subcommittee that as far as California is concerned, an important problem of the Army is the combating of possible sabotage, and that additional State legislation in this field will undoubtedly be necessary.

Representative Lea, dean of the California Delegation, has requested our committee to furnish him with a detailed statement on the precise situation in California which he may use in discussions with the War Department in urging them to work out a National policy for State troops.

Respectfully submitted.

GORDON H. GARLAND
ROBERT W. KENNY

RECESS

At 12.02 p.m., on motion of Senator Rich, the Senate recessed until 2 30 p.m.

REASSEMBLED

At 2 30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: The Rules Committee hereby grants permission that all the bills hereunto attached may be introduced.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 16: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 17: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 18: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 19: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 20: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 21: By Senator Parkman—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Without reference to committee.

Senate Bill No. 22: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 23: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 24: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 25: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 26: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Without reference to committee

Senate Bill No. 27: By Senators Mayo, Seawell, Rich, Breed, Phillips, Parkman, Tickle, Myhand, DeLap, Kenny, Ward, Carter, Powers, Biggar, Collier, Brown, Dillinger, Luckey, Metzger and Mixter—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 28: By Senators Quinn, Swing, McBride, Garrison, Slater, Carter, Shelley and Dillinger—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

Senate Bill No. 29: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act to

amend Sections 553 1, 555 and 556 1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowance and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowance, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately

Without reference to committee

Senate Bill No. 30: By Senators Crittenden and Deuel—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Resolution read

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

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, and Ward—26

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO SET SPECIAL ORDER

Senator Rich moved that Senate Bill No. 29 be made a special order of business for Tuesday, January 13, 1942, at 11 a.m.

Motion carried.

REPORT

The following report was received, and on motion of Senator Crittenden, ordered printed in the Journal:

**Preliminary Report to Joint Interim Committee on Water Problems
California State Legislature on Dams, Flood Control and Water
Supply Works as Related to National Defense Activities**

January 10, 1942

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

SACRAMENTO, January 10, 1942

Honorable Bradford S. Crittenden

Chairman, Joint Interim Committee on Water Problems

California State Legislature, State Capitol, Sacramento, California

DEAR SENATOR CRITTENDEN: There is transmitted herewith a Preliminary Report to your committee on dams, flood control and water supply works as related to National Defense activities and Military operations.

This report has been prepared by the Division of Water Resources, under the direction of the State Engineer and is in response to your written request, dated December 24, 1941.

Due to the limited time available for its preparation, the report is necessarily general in character and lacking in certain details. However, if the division were

provided with funds, a comprehensive study of the subject could be made and a more detailed report prepared thereon.

Respectfully submitted,

EDWARD HYATT, State Engineer

Approved: FRANK W. CLARK, Director of Public Works

By FRANZ R. SACHSE, Assistant Director

Introduction

This report has been prepared in response to the written request, dated December 24, 1941, of the Joint Interim Committee on Water Problems to the Director of Public Works. A copy of that letter is appended.

In connection with the total war that is being waged by the United States against Japan and the other Axis countries, the State of California occupies a most critical geographical position within and adjacent to a designated zone of combat. It contains within its borders many important Military establishments, strategic communication facilities, war and other industries, metropolitan and agricultural developments, and a large civilian population potentially exposed to attacks of enemy forces.

In the conduct of the war, either offensive or defensive, *water* is a most important and essential factor, both as to supply and control thereof. Military forces and establishments, war and other industries, and the civilian population must be provided at all times with an adequate and potable water supply for domestic, industrial, fire suppression, and other uses. If such supply, through subversive activities of the enemy, or other causes, should fail, prove inadequate in amount, or become undrinkable, a dire situation would result and disaster could easily follow. The operations of the Military Forces and the allied activities of war would be critically hampered by the lack of an adequate, safe and potable water supply. Also the maintenance of agricultural production necessitates adequate water supplies for irrigation, adequate drainage, and flood protection.

Furthermore, these Military operations and activities would be delayed, interrupted or disrupted by any failure of works controlling, storing or conveying waters for various useful purposes. The failure of hydraulic structures and works of water supply and flood control systems in many instances, would not only disrupt water service to the Military establishments and war industries but also play havoc with communication lines and Military establishments necessary for the operation of the Military Forces. The prevention of sabotage or failure by any cause and the continuous and uninterrupted operation of those facilities to the fullest extent possible by protective and other measures is imperative. It is a matter of grave concern to which the State Legislature should give careful and serious consideration with the view of enacting legislation necessary to obtain that objective.

Scope and Purpose

This report has been prepared for the purpose of assisting the Joint Interim Committee on Water Problems and the State Legislature in their deliberations and actions on legislation in the interest of National defense at the special session scheduled to reconvene on January 12, 1942.

The report contains data and information concerning hydraulic structures and works in California utilized to control floods and to supply water for various purposes related to National defense activities and Military operations. It sets forth the results of preliminary studies of the effect of the failure of dams and of flood control and water supply works on Military communication facilities and establishments required for Military operations. It also deals with the services rendered by these water facilities and the necessity for continuous and uninterrupted maintenance of these services. Because of the limited time available for its preparation, the report is of necessity brief and general in character and lacking in details.

The matters are presented and discussed under six main subject headings; i.e., dams, flood control works, water supply and drainage works; protective measures required; and funds required. A summary is given with conclusions and recommendations. In the appendix are included such detailed data and information on certain features of the report as are now at hand.

Dams

The destruction of life and property which might be caused by the failure of any dam behind which is stored an appreciable quantity of water was recognized by the Legislature in Chapter 766, Statutes of 1929, which placed all except minor dams as to safety under the supervision of the State Engineer.

There were, as of July 1, 1941, 632 dams under the jurisdiction of the State, many of which are structures of considerable magnitude and which offer a serious potential hazard to public safety. The aggregate storage capacity of these dams

is approximately 7,300,000 acre-feet and the total cost about \$173,000,000. On an accompanying map the locations of these are shown.*

In addition to those under the jurisdiction of the State there are some 20 dams constructed or under construction by the Federal Government having an aggregate storage capacity of about 7,500,000 acre-feet. The total cost of these is about \$175,000,000.

Some of the Federal dams and about 340 of those under State supervision are of vital importance to Military operations, because their failure would disrupt Military establishments, strategic highways, railroads and other communication systems. Their failure also would jeopardize water supplies for Military establishments and metropolitan areas endangering large populations; the principal war industries; agricultural supplies, and hydro-electric power supplies.

In the Appendix to this report is a list of dams containing those subject to supervision by the State Engineer and those Federally owned. Included in the list are 12 small State-owned dams with a storage capacity of 2,175 acre-feet, 10 of which were constructed to be utilized as institutional water supply sources. In this list the dams are arranged by location in the respective counties of the State. Also shown in the table for each dam are the ownership, height, type of dam and the storage capacity of the reservoir when full.

Flood Control Works

The flood control works in California comprise levee systems with by-pass channels and weirs, conveyance channels and flood detention dams. The major systems are in the Sacramento and San Joaquin Valleys and in Southern California. A preliminary survey shows that there are 46 counties of the State having flood control works of some character and extent. The areas protected in varying degrees by levees and other flood control works are delineated on the accompanying map.*

Counties having areas protected by major flood control works include 10 in the Sacramento and San Joaquin Valleys and Delta Area, and three in Southern California. The Sacramento River Flood Control Project provides protection for areas in the seven counties as follows: Butte, Glenn, Sacramento, Solano, Sutter, Yolo and Yuba. Lands protected with major flood control works in the San Joaquin Valley and delta are situate in the three counties as follows: Contra Costa, San Joaquin and Kings. Other areas in the Great Central Valley with some levee protection are situate in Placer and Tehama Counties in the Sacramento Valley and in Stanislaus, Merced, Madera, Fresno, Tulare and Kern Counties in the San Joaquin Valley.

The major flood control works in Southern California are found in Los Angeles, Imperial and Orange Counties. Other areas in Southern California protected by flood control works are situate in Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties.

Minor flood control works are located in 18 counties as follows: Alameda, Alameda, Del Norte, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma and Trinity.

A preliminary survey indicates that there are more than 3,000 miles of flood control levees and 30 flood control dams in California. The protection and maintenance of many of these levees and dams are vital to the National defense and Military operations because of the protection they afford to highways, railroads and other communication facilities, Military establishments, airports, metropolitan areas and industrial centers and important agricultural centers and food processing plants.

The principal flood control works of Los Angeles County include more than 20 dams and approximately 300 miles of levees which have been constructed by the county and the Federal Government at a total cost of approximately \$150,000,000. Other expenditures for flood control works in Southern California, exclusive of major storage reservoirs, aggregate several millions of dollars. Areas of the Sacramento and San Joaquin Valleys and delta are protected by levees aggregating 2,000 miles in length of which 1,200 miles are included in the Sacramento River Flood Control Project. Investment in levees and other flood control works within the Sacramento River Flood Control Project by the United States, State and local interests total approximately \$100,000,000. The expenditures for flood control works in other parts of the State are not presently available.

The works of the Sacramento River Flood Control Project are designed to protect 1,000,000 acres of developed agricultural land and important towns and cities including the City of Sacramento. The population residing within the area is approximately 260,000. Flood control works in Los Angeles County alone protect a highly industrialized and densely settled area with a population of nearly 3,000,000 people.

* Map between pp. 102 and 103

Water Supply Works

The water used by the cities, metropolitan areas and irrigated lands of the State is supplied in the main by publicly-owned systems. A much smaller part is supplied by privately-owned public utilities.

The municipal systems range in size downward from the two supplying the San Francisco Bay Region and the two supplying the Los Angeles Metropolitan Area and Southern California in which two regions dwell more than two-thirds of the population of the State and in which are located most of the principal industries supplying Military equipment and material. The irrigation systems range downward in size from that supplying the 515,000 developed acres in Imperial Valley to those supplying only a few hundred acres.

The drainage works of the reclamation districts while not technically water supply works are in some cases just as important as irrigation systems in that they serve the same general purpose of making land productive.

The water supply works of the most important areas are the most vulnerable because such works are complicated and in many cases the requisite amount of water must be secured from far distant points. Failure of such works would not only be disastrous to the population centers and industrial activities served but in some cases because of the magnitude of the conduits and the nature of the terrain traversed by them their failure is a hazard to highways and other facilities important to Military operations.

There follows a list showing the number of water supply systems owned by different classes of public organizations and also the privately-owned utilities. The total is approximately 2,500. Many out of this total serve communities of little importance from the defense standpoint or supply irrigation water for only a few hundred acres but from preliminary examination, between 40 and 50 are of large importance and the investment in these probably comprises the larger part of the total cost.

Publicly-owned Systems

Irrigation Districts	94
Mutual Water Companies	about 1300
County Water Districts	about 150
County Water Works Districts	about 100
Metropolitan Water Districts ¹	1
Municipal Utility Districts	1
Municipal Water Districts ²	1
Public Utility Districts	2
Water Conservation Districts	2
Water Storage Districts	2
Municipalities	282
Reclamation Districts	182

about 2120

Privately-owned Utilities

(Mostly Service to Municipalities) ----- 380

Grand Total ----- about 2500

¹ Southern California Metropolitan Water District

² Marin Water District.

Protective Measures Needed

As previously stated the data in this report concern 'hydraulic structures and works in California utilized to control floods and to supply water for various purposes related to National defense activities and Military operations.' Under this heading come dams, flood control works, water supply and drainage works. The extent and importance of these hydraulic structures in California in relation to National defense have been outlined in earlier sections hereof. Their importance to the war effort is such that maintenance, repair and extension as necessary is imperative.

Protective measures needed are, first, adequate guarding and patrolling to prevent sabotage or damage from floods or other causes. Next, all necessary facilities should be available for immediate repair should damage occur. Third, in the case of important public water supplies arrangements should be made for extension of service and emergency alternate supplies as found necessary.

As to what agency should undertake, finance and be responsible for these protective measures, the primary responsibility is believed to lie with the owners of the hydraulic structures, which include the Federal and State Governments, cities, districts, public utilities, corporations and individuals. While it may become necessary or advisable for the State to undertake or to assist in this work in some cases, at present it is believed that the State should not go beyond a competent supervision

of the execution of such protective measures by the owners of the structures. The proper State agency should however undertake and be responsible for such supervision.

The hydraulic structures listed in this report are those falling within the legal authority or the general field of information of the Division of Water Resources and as to which the division may be the proper State office to accept responsibility in this connection.

With respect to dams, the Division of Water Resources has police power jurisdiction over safety of all dams other than Federal. The law governing supervision of dams apparently, however, does not contemplate war conditions. It authorizes the State Engineer to supervise construction, enlargement, alteration, repair, maintenance and operation of dams "for the protection of life and property." It is designed to safeguard against structural weaknesses which might occur through faulty design, construction or deterioration or through lack of adequate maintenance. Prevention of sabotage or other acts of war do not appear to be contemplated in this law.

While jurisdiction exists over some dams in various Federal departments, and the State Railroad Commission has regulatory powers over privately-owned public utilities owning dams, the Division of Water Resources is the only governmental agency with State-wide jurisdiction, and is undoubtedly the best equipped State agency in this field.

As to levees and flood control works on a State-wide basis, many of the levee systems have been built privately or by local agencies. The division has general supervisory powers over the levees of the Sacramento River Flood Control Project and is responsible for maintenance and operation, including patrolling during high water stages, of certain fixed portions of that project. These works may be summarized as follows:

Levees -----	65 miles
By-pass channels (83,000 acres) -----	91 miles
Weirs (14,200 lineal feet) -----	5
Collecting canals -----	16 5 miles
Seepage ditches -----	32 miles
Pumping plants (13 units) -----	3
Aggregate motor capacity -----	1960 H.P.
Aggregate discharge capacity -----	1235 sec. ft.
Portions of river channels to the extent of the State's liability therefor -----	300 miles
Miscellaneous outfall and control structures.	

In addition, the division is given supervisory powers over the maintenance and operation of the flood control works of some 80 reclamation, levee and drainage districts, municipalities and other public agencies within this Project.

There are, however, more than 1,000 miles of important levees in California over which there is no State supervision. The Army Engineer Corps is responsible for the maintenance of some. The State Reclamation Board has general powers governing the approval of plans for the construction or alteration of levees in the Sacramento-San Joaquin Drainage District. In the absence of a comprehensive plan of reclamation these powers can not be effectively administered in areas outside of the Sacramento River Flood Control Project.

Under Section 8 of the Department of Engineering Act and by reason of being the engineering department of the State, the department (division) would appear to be authorized to perform such emergency construction or enlargement of flood control works as may be provided for out of the Emergency Fund. Practically all flood control construction work heretofore performed by the State has been assigned to the department. Following the disastrous floods of 1937-1938, which caused State-wide damage totalling over \$100,000,000, the Department of Public Works through the Division of Water Resources carried out a \$5,000,000 program of flood damage repairs through an Emergency Fund appropriation made by a special session of the Legislature. Work was done in 51 counties of the State and included repairs to dams, levees, water supplies, sewer systems, roads and bridges.

However, there is no general authority in any State agency which empowers that agency to force districts, wherever they may be, to adequately maintain or patrol their levees or other flood control works.

The Legislature is well aware of the results of this lack of adequate protection in the past. Without the additional danger from acts of sabotage or war, breaks have occurred during periods of high water causing millions of dollars in damage. In some cases the levees themselves were inadequate. In others, lack of a comparatively small amount of maintenance work has been responsible for the failure. In still others, proper patrolling would have given sufficient warning that emergency measures might have been taken which would have saved the levee.

It is evident that some general authority should be established which would provide for the safeguarding of levee systems and reclamation works considered vital.

On the subject of public water supplies the State Railroad Commission has regulatory powers over privately-owned public utilities serving water. Cities, irrigation districts and other public agencies which provide their own water supply do not come under this jurisdiction. The Department of Public Health has supervisory powers in connection with the prevention of the pollution of water supplies.

The Division of Water Resources has limited jurisdiction over irrigation districts and some other types of districts, and has available a large fund of information on the general subject.

Few, if any, of these agencies have local police forces adequate for the prevention of wilful damage to their physical works or sufficient resources with which to provide substitutional service in the event of the destruction of existing facilities. It is, therefore, evident that the Legislature should concern itself with setting up machinery for the general supervision of these vitally important water supplies.

Funds Required

It is not possible to estimate the cost of work to be performed on the repair and reconstruction of dams and hydraulic structures of flood control and water supply systems in the State in the event of their damage or destruction by flood, sabotage or other cause, until such damage or destruction has occurred. However, in connection with the Sacramento River Flood Control Project the aggregate cost of repair of flood damage and of reconstruction resulting from the floods of 1937, 1938 and 1940 amounted to many thousands of dollars on State-owned levees alone. Expenditures during that period for these purposes on the entire Sacramento River Flood Control Project by the State and Federal Governments amounted to approximately \$2,000,000. Over \$150,000 were expended in effecting the closure of one serious levee break.

For supervision alone by the proper State department, of defense activities in connection with hydraulic structures discussed in this report, funds will be required for the following purposes:

1. To collect, compile and analyze the necessary data and information on flood control and water supply systems pertinent to the National defense and classify, both as to hazard and service, the hydraulic structures of these systems.

2. To supervise the protection of dams, levees and other physical works of water supply and flood control systems and their repair and reconstruction if made necessary by the exigencies of an emergency.

If this supervision be delegated to the Division of Water Resources, it is estimated that the work to be performed in carrying out these activities will amount to \$100,000 per year.

In addition, funds should be available to repair and reconstruct the levees and other physical works of the Sacramento River Flood Control Project which are owned, operated and maintained by the State, in the event of their damage or destruction by flood, sabotage or other cause. As previously explained, the amount of money needed for this purpose can not be estimated with any accuracy whatever, however, money should be available as required in this connection.

Conclusions

As a result of a preliminary examination and study of existing dams, flood control and water supply systems and works in California as related to National defense activities and Military operations, it is concluded that

- 1 Dams 632 in number and storing, in the aggregate, 7,300,000 acre-feet of water, under the jurisdiction of the State as to safety, and 20 Federal dams, not under State jurisdiction, with storage capacities aggregating 7,500,000 acre-feet present a potential hazard to Military communication lines, Military establishments and important industrial and metropolitan areas. These dams should be adequately protected from subversive and Military actions of the enemy and from damage from floods, and should be promptly repaired in case of damage from any cause.

- 2 Many flood control works, comprising levees, weirs and dams and furnishing flood protection to large populated and agricultural areas with important Military communications and establishments should be guarded from enemy action and be competently patrolled and maintained during times of high water and promptly repaired in case of damage from any cause.

- 3 Important public water supplies which serve areas containing war industries and establishments should be carefully guarded against sabotage and actions of the enemy and promptly repaired if damaged. Arrangements should be made for extensions of service if deemed necessary, and for alternative supplies in case of an emergency.

- 4 The activities of State and local agencies in the matter of providing, in cooperation with Federal authorities, protection to dams and hydraulic structures of flood control and water supply systems; in the repair of damage to such structures; and in the enlargement and extensions of same should be coordinated and supervised

by the Department of Public Works or other qualified State department. The cost of such supervision for one year if executed by the Department of Public Works, is estimated at \$100,000 which should be made available immediately.

5. The State Railroad Commission is the proper agency to supervise similar activities in regard to electric power facilities and the State Department of Health activities with respect to providing ways and means of safeguarding water supplies from pollution and poisoning.

Recommendations

1. It is recommended that the proper State department be designated to collect, compile and analyze the necessary available data and information on dams and flood control and water supply systems pertinent to National defense activities and Military operations in cooperation with Federal authorities, other State departments, State agencies, private companies and individuals with the view of determining and classifying, both as to hazard and service, the hydraulic structures of these systems which are important to National defense activities.

2. It is recommended that the findings of such study be made available to the proper Military authorities, Federal and State, for the purpose of assisting those authorities in providing adequate protection for such structures.

3. It is recommended that the proper State department be authorized and directed to supervise the protection of dams and hydraulic structures of flood control and water supply systems; the repair of such structures if found necessary; and, extension and enlargement of the same if determined to be inadequate.

4. It is recommended that adequate funds be appropriated for patrolling, protecting and repairing the levees and structures of the Sacramento River Flood Control Project and other hydraulic structures and works owned by and which are the responsibility of the State for maintenance and operation.

5. It is recommended that the legislation be enacted to carry out the foregoing recommendations with the necessary appropriations therefor.

Appendix

JOINT COMMITTEE ON WATER PROBLEMS

(Created Pursuant to Senate Concurrent Resolution No. 11, Resolutions
Chapter 130, Statutes of 1941)

CALIFORNIA LEGISLATURE, December 24, 1941

Honorable Frank W. Clark, Director

Department of Public Works, Sacramento, California

DEAR DIRECTOR: I have been requested by the Chairman, Senator Bradford S. Crittenden and the other members of this committee to ask you to submit to the committee as soon as possible, a report on what measures and precautions are, or should be taken by the State, to protect dams and other water works which are essential to the welfare of the people of the State, from damage caused by sabotage or subversive activities of enemy groups.

If sufficient funds are now available to repair any damage or destruction to these structures, so state, and if not, please state, in detail, what additional funds may be required, in your opinion, to be appropriated when the Fifty-fourth (First Extraordinary) Session of the Legislature reconvenes January 12, 1942. Please furnish a list of all dams and other structures with which the Department of Public Works is concerned and any other information, which in your opinion, would be helpful to this committee.

Will you also please furnish a detailed statement of any patrols which are now being maintained on the Sacramento River Flood Control Project, or any other patrols presently maintained.

With kindest personal regards, I am
Sincerely yours,

FRANK REED

CC: Mr. Ed. Hyatt, State Engineer

DAMS UNDER STATE JURISDICTION BY COUNTIES

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Modoc County					
55	Big Sage	Hot Spring Valley I D	Earth	45	77,000
78	West Valley	So. Fk. Irrig. Dist.	Earth, Rock	63	17,700
98	Pine Creek	Calif. Public Serv. Co.	Earth	10	168
121	James Flat	Huffman & Blasingame	Earth	18	1,400
121-2	Essex	Huffman & Blasingame	Earth	45	4,225
121-3	Antelope	Huffman & Blasingame	Earth	13	1,550
121-4	Willow Cr. Flat	Huffman & Blasingame	Earth	10	1,690
122-2	A & C	W. S. Trumbo	Earth	13	800
125	Everly	Irwin C. & Roy V. Everly	Earth	14	1,700
127	Davis Cr. Orchards	Davis Cr. Orchard Co.	Earth	16	1,200
128-2	Lauer	Frank McArthur	Earth & Rock	14	900
128-3	Bayley	Frank McArthur, et al.	Earth	15	1,200
129	Big Dobe, North	Raker & Thomas	Earth	9	6,530
129-2	Big Dobe, South	Raker & Thomas	Earth	9	3,850
129-4	Woods Flat	Raker & Thomas	Earth	7 6	400
129-5	Mud Lake	Raker & Thomas	Earth	11	300
132	Swanson	E. Swanson	Earth with Rk. Wl.	10	300
133	Kelley & Greiner	Dewey & McHugh	Earth with Rk.	12	284
136	Little Juniper	Clark Bros.	Earth	16	900
139	Plum Canyon	Porter & Page	Earth	21	150
141	Dorris	W. J. & P. S. Dorris	Earth	19	5,900
141-2	Ingals Swamp	W. J. & P. S. Dorris	Earth	13	650
142	James Porter	J. C. & Mrs. P. E. Porter	Earth	13	200
143	Pavne	J. C. Morgan	Earth	12	2,850
144	Pickering Lmbr. Co.	Pickering Lumber Co.	Earth	22	500
145-2	"C"	Coop. Land & Livestock Co.	Earth	19	1,450
145-3	"M"	Coop. Land & Livestock Co.	Earth	10	1,000
145-5	Fairchilds	Coop. Land & Livestock Co.	Earth	20	900
148	Cummings Res. No. 1	John O. Cummings	Earth	14	400
149-2	Duncan	F. R. Bacon, Jr.	Earth	16	2,575
150	Rye Grass Swale	W. B. Graves	Earth	18	500
151	White	Mike & Gerry Geaney	Earth	14	150
152-3	Meekfessel	Frank McArthur	Tmbr. Cr. & Flbds	6 3	160
152-4	Lindauer Concrete	G. Lindauer	Conc. Butt. & Flbds	12	550
152-6	McBrien River	McBrien & O'Connell Est.	Crib & Flbds	15	1,000
153	Toreson	E. F. Caldwell & R. D. Craig	Earth	51	1,118
157-2	Roberts	H. M. Roberts	Earth	15	3,970
158	Enquist	Emil Enquist	Earth	12	750
159	Long Branch Canyon	G. L. Wakerly	Earth	12	400
161	Danhauser	P. C. Webber	Earth	12	700
161-2	Upper Pasture	Webber & Moffit	Earth	15	250
162	J. L. Porter	Pearl Porter Gibson	Earth	24	250
162-2	Upper Porter	Pearl Porter Gibson	Earth	13	130
164	Lookout	Lookout Dam Co.	Butt. & Flashbld.	14	430
171	Thomas Briles	Thomas & Rose Briles	Earth	20	63
172	Mowich	Everett E. Caldwell	Earth	18	160
174	Clarke	C. C. Clarke	Earth	16	70
175	Metzger	D. J. Metzger	Earth	15	275
176	Ake	Lewis D. & Olin E. Ake	Earth	12	84
177	Johnson Slough	R. E. Henderson	Earth & Concrete	12	100
Siskiyou County					
60	Shasta River	Montague Water Con. Dist.	Hyd. fill	96	72,000
91	Copco No. 1	Calif. Oregon Power Co.	Grav.-Curved	112 5	77,000
91-2	Copco No. 2	Calif. Oregon Power Co.	Grav.-Straight	17	55
91-3	Iron Gate	Calif. Oregon Power Co.	Const. Rad. Arch.	170	59,000
183	Weed Log Pond	Long-Bell Lumber Co.	Earth	19	70
188	Clear Creek	Carl R. McConnell	Var. Rad. Arch.	32	115
Del Norte County					
Humboldt County					
26	Sweasey	City of Eureka	Var. Rad. Arch.	110	18,000
27	Arcata	City of Arcata	Earth	45	46
106	Benbow	Northern Light & Power Co.	Slab & Buttress	20	780

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Trinity County					
212	Lower Stuarts Fk L	La Grange Placer Mines.....	Dry Masonry.....	21	500
214	Stoddard Lake.....	Carr Mercantile Co	Tmbr Crib & Ear.....	19	450
215	Gribble.....	Richard Gribble.....	Hyd Fill	10	150
Shasta County					
51	Anderson-Cottonwood	Anderson-Cottonwood I D	Cone Butt Flbds	15	100
54-2	Misselbeck	Happy Valley Water Co	Hvd-fill.....	110	4,300
97-57	Coleman Forebay	Pacific Gas & Elec Co	Earth.....	20	50
97-84	Macomber	Pacific Gas & Elec Co	Earth & Rk-fill.....	27	1,213
97-96	North Battle Creek.....	Pacific Gas & Elec Co	Dry Masonry.....	46	1,016
97-98	Pit No 3.....	Mt Shasta Power Corp	Grav-Curved.....	120	32,200
97-99	Pit No 1 Div	Mt Shasta Power Corp	Grav-Straight.....	12	50
97-100	Pit No 4.....	Mt Shasta Power Corp	Grav Slab & Butt	74	2,000
223	False Lake	O Merlo	Earth.....	21	102
224	Heart Lake	Digger Cr Irrig Co	Earth.....	42	1,000
225	George Reese	Winona V Simmons	Earth.....	25	98
1220	Reese-Montgomery	Mrs M I Montgomery	Earth.....	21 25	54
Lassen County					
156-6	Kramer	G L Kramer, Estate	Earth.....	22	65
160-3	Geriz	Peter Gerig et al	Flshbd-Cone Abt	8 5	110
227-2	Ward Lake	Gibson Land Company	Earth.....	17	350
228	Round Valley	W C Anderson	Earth & Rock.....	40	2,000
230	Red Rock No 1.....	Dodge Bros & Anderson	Earth.....	29	1,075
230-3	Red Rock No 3.....	Dodge Bros & Anderson	Earth.....	34	2,100
231	Nelson	Chas W. McKee, Owen Paulson	Earth.....	16	1,000
232	Silva Flat	Homer C Jack, et al	Earth.....	10	3,900
233	Coyote Flat	C W Clark Co	Earth.....	42	5,250
234	Caribou Lake	J A Bennett	Earth.....	12	606
236	Hog Flat	Lassen Irrigation Co	Earth.....	13	8,000
236-2	Lake Levitt	Lassen Irrigation Co	Earth.....	14	14,000
236-3	McCov Flat	Lassen Irrigation Co	Earth Rk Wall.....	18	17,290
236-4	Colony	Lassen Irrigation Co	Flashboard.....	15	100
237	Indian 'Ole	Red River Lumber Co	Timber	24	21,890
237-3	Westwood Mill Pond	Red River Lumber Co	Earth.....	15	488
238	Buckhorn	James L. Humphrey	Earth.....	27	2,000
239	Shugru	James Shugru	Earth.....	17	92
240	Mud Springs	C M Wickham	Earth.....	21 5	13,000
241-2	Spooncr	J J Fleming & Co	Earth.....	16	3,123
242	Antelope	Pierre Ducasse	Earth.....	13	1,500
243	Mitchell	David S Mitchell	Earth.....	9	480
244	Long Canyon	John M Hagata	Earth.....	18	300
245	Horse Lake	Geo A Clough	Earth.....	14	450
246	Madeline	Wilson S Bayley	Earth.....	22	400
249-3	Brunham	W. W Long	Earth, Rk Wall.....	22	1,200
251	Biscar	Truman Collins	Earth.....	25	850
255	Emerson	C E Emerson Inc	Earth.....	22	200
122S	Peconom	George & Inez Peconom	Earth.....	11	150
1229	Johnston	Johnston & Chappius	Earth.....	20	70
1230	Cramer	F W Wood & Geo Bantley	Earth.....	13	3,000
1231	Fredonia	John K Long	Earth & Rock.....	24	300
1232	Mardis Barry	Mardis Barry	Earth.....	10	90
1233	Millpond	Fruit Growers Supply Co	Earth.....	19	200
1241	Fleming	J C Lane	Earth.....	14	175
173	Halls Meadows	E G Scammon	Earth.....	11 5	551
Tehama County					
261	Gerber	C Fred Holmes	Earth.....	33	260
261-2	Dunn Ranch	Tehama Ranch Co	Earth.....	13	115
263	Ditch Creek Crib.....	Heiser Crusade Placers.....	Tmbr, Crib & Rk	65	120
Plumas County					
93	Butte Valley.....	Great West Power Co	Hyd-fill.....	74	49,768
93-3	Lake Almanor	Great West Power Co	Hyd-fill.....	135	1,308,000
93-6	Cresta	Pacific Gas & Elec Co	Cone-Gravity.....	62	4,300
94	Bucks Diversion	Feather R. Pow. Co	Var Rad Arch	86	5,843
94-2	Bucks Storage	Feather R. Pow Co	Rock-fill.....	122	103,000

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Plumas County—Continued					
94-3	Grizzly Forebay	Feather R. Pow. Co.	Var. Rad. Arch.	84	1,112
94-4	Lower Three Lakes	Feather R. Pow. Co.	Rock-fill	30	513
271	Tailings	Walker Mining Co.	Earth	42	31
273	Bidwell Lake	Clara Bidwell Estate	Earth & Rock	33	4,500
274	Silver Lake	Meadow Valley Lumber Co.	Earth, rk. wall	18	650
274-2	Gold Lake	Meadow Valley Lumber Co.	Rock-fill	9	100
276	Portolane	Sierra Natural Ice Co.	Slab & Buttress	8	120
283	Eureka Lake	Charles A. Lundy	Earth	27	400
284	Grass Lake	Feather R. Improvement Co.	Earth, rk. wall	14	180
284-3	Jamison Lake	Feather R. Improvement Co.	Earth, rk. wall	19	1,000
285	Grizzly Creek	Guido Ramelli	Slab & Buttress	37	174
288	Taylor Lake	J. L. & Elizabeth Robinson	Rock & Earth	12	200
289	Long Lake	Calif. Fruit Exchange	Rock-fill	12	1,478
Sierra County					
105-6	Independence	Sierra-Pacific Power Co.	Earth	31	18,500
294	Upper Salmon Lake	Sierra Buttes C. & W. Co.	Earth, rk. wall	13	389
294-2	Lower Salmon Lake	Sierra Buttes C. & W. Co.	Rock & Earth	12	270
294-3	Upper Sardine Lake	Sierra Buttes C. & W. Co.	Dry Mason, Earth	26	1,435
294-4	Lower Sardine Lake	Sierra Buttes C. & W. Co.	Timber	8	62
294-5	Summit Lake	Sierra Buttes C. & W. Co.	Earth, rk. wall	8	106
294-6	Packer Lake	Sierra Buttes C. & W. Co.	Earth, rk. wall	11	70
294-7	Deer Lake	Sierra Buttes C. & W. Co.	Earth, rk. wall	14	70
296-2	Cleveland	Arisota Corp.	Earth	18	150
Nevada County					
61-2	Bowman Rockfill	Nevada Irrig. Dist.	Rock-fill	170	68,000
61-3	Deer Creek Diver	Nevada Irrig. Dist.	Var. Rad. Arch.	86	1,400
61-5	Faucherie	Nevada Irrig. Dist.	Timber	15 5	700
61-6	French Lake	Nevada Irrig. Dist.	Rock-fill	65	12,340
61-7	Milton Diver	Nevada Irrig. Dist.	Const. Rad. Arch.	27	270
61-9	Combie	Nevada Irrig. Dist.	Var. Rad. Arch.	75	9,000
61-10	Sawmill Lake	Nevada Irrig. Dist.	Rock-fill	50	2,000
61-12	Island Lake	Nevada Irrig. Dist.	Rock-fill	14	330
61-16	Weaver Lake	Nevada Irrig. Dist.	Rock-fill	23	700
61-17	Jackson Lake	Nevada Irrig. Dist.	Earthfill	12	1,000
61-18	Scotts Flat	Nevada Irrig. Dist.	Earthfill	130	20,000
97-12	Blue Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	23	1,123
97-17	Culbertson	Pacific Gas & Elec. Co.	Earth, Rk. Wall	19	850
97-19	Drum Afterbay	Pacific Gas & Elec. Co.	Const. Rad. Arch.	80	275
97-21	Fuller Lake	Pacific Gas & Elec. Co.	Earth	36	1,194
97-28	Lake Fordyce	Pacific Gas & Elec. Co.	Rock-fill	140	46,662
97-29	Lake Spaulding	Pacific Gas & Elec. Co.	Var. Rad. Arch.	275	74,488
97-30	Lake Sterling	Pacific Gas & Elec. Co.	Rock-fill	25	1,648
97-33	Lake Van Norden	Pacific Gas & Elec. Co.	Earth	30	5,874
97-35	Lower Feeley Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	17	150
97-36	Lower Lindsey Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	17	320
97-40	Meadow Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	36	4,800
97-41	Middle Lindsey Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	9 5	103
97-44	Rucker Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	20	620
97-45	Upper Feeley Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	22	964
97-48	Upper Rock Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	16	207
97-49	White Rock Lake	Pacific Gas & Elec. Co.	Earth, Rk. Wall	19 5	578
301	Donner Lake	Donner Lake Company	Slab & Butt	14	11,000
303	Lake Vera	W. H. Griffith	Slab & Butt	16	136
311	Lake Angela	Central Pacific Ry. Co.	Earth	11	55
311-2	Crystal Lake	Central Pacific Ry. Co.	Grav. Straight	11	200
312-2	Pine Grove	Lindley C. Morton	Earth	48	250
316	Tailings Retaining	Lava Cap Gold Min. Corp.	Tmbr, Crib & Earth	45	75
Placer County					
97-15	Christian Valley	Pacific Gas & Elec. Co.	Rock-fill	33	110
97-16	Clover Valley	Pacific Gas & Elec. Co.	Earth	35	29
97-20	Drum Forebay	Pacific Gas & Elec. Co.	Earth	53	444
97-23	Halsey Forebay	Pacific Gas & Elec. Co.	Earth	42	285
97-24	Kelly Lake	Pacific Gas & Elec. Co.	Earth	22	360

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Placer County—Continued					
97-25	Kidd Lake.....	Pacific Gas & Elec Co.....	Earth, Rk. Wall....	33	1,435
97-26	Lake Alta.....	Pacific Gas & Elec Co.....	Earth.....	18	270
97-27	Lake Arthur.....	Pacific Gas & Elec Co.....	Earth.....	45	94
97-31	Lake Theodore.....	Pacific Gas & Elec Co.....	Earth.....	34	344
97-32	Lake Valley.....	Pacific Gas & Elec Co.....	Earth.....	63	8,127
97-37	Lower Peak Lake.....	Pacific Gas & Elec Co.....	Earth, Rk. Wall....	32	494
97-39	Mammoth.....	Pacific Gas & Elec Co.....	Earth.....	20	115
97-43	Rock Creek.....	Pacific Gas & Elec Co.....	Multiple Arch.....	30	550
97-47	Upper Peak Lake.....	Pacific Gas & Elec Co.....	Earth, Rk. Wall....	37	1,607
311-3	Lake Mary.....	Central Pacific Ry. Co.....	Earth.....	23	172
311-4	Putts Lake.....	Central Pacific Ry. Co.....	Earth.....	16	249
311-5	Campbells L. Lower.....	Central Pacific Ry. Co.....	Grav-Straight.....	29	70
311-6	Campbells L. Upper.....	Central Pacific Ry. Co.....	Grav-Massoury.....	11	97
321	Columbian.....	B & N Corporation.....	Earth.....	48	70
324-2	Baldwin.....	North Fork Ditch Co.....	Earth.....	42	305
325	Morning Star.....	McGeachin Placer G. M. Co....	Hydr-Fill.....	44	2,200
326	Quail Lake.....	D. H. Chambers.....	Earth-Rk. Walls....	11	70
Yuba County					
61-11	Union.....	Nevada Irrig. Dist.....	Earth.....	55	100
97	Bullards Bar.....	Pacific Gas & Elec Co.....	Cone Arch.....	190	16,620
97-2	Colgate Head.....	Pacific Gas & Elec Co.....	Grav-Curved Mas.....	41	15
97-3	Lake Francis.....	Pacific Gas & Elec Co.....	Hyd-Fill.....	77	2,410
334	Los Verjels Dam.....	Yuba-Butte Oreh. Co. Ltd.....	Multiple Arch.....	56	1,500
52	Camp Far West.....	Camp Far West I. D.....	Grav-Curved.....	62	5,000
Butte County					
63	Lake Wyandotte.....	Oroville-Wyandotte I. D.....	Earth.....	50	1,300
63-2	Lost Creek.....	Oroville-Wyandotte I. D.....	Var Rad Arch.....	112	5,200
67	Concow.....	Therm. & Table Mt. I. D.....	Var Rad Arch.....	90	8,600
73	Magalia.....	Paradise Irrigation Dist.....	Hyd-Fill.....	90	3,012
93-2	Intake.....	Great West. Power Co.....	Grav-Curved.....	45	250
93-5	Pulga.....	Pacific Gas & Elec Co.....	Cone Gravity.....	5	1,140
97-5	DeSaba Forebay.....	Pacific Gas & Elec Co.....	Earth.....	53	250
97-7	Kunkle.....	Pacific Gas & Elec Co.....	Earth.....	48	253
97-8	Philbrook.....	Pacific Gas & Elec Co.....	Earth.....	74	4,875
97-9	Round Valley.....	Pacific Gas & Elec Co.....	Earth.....	30	1,285
342-2	Lake Madrone.....	Mansfield & McCallum.....	Earth.....	34	200
343	Sutter Butte Div.....	Sutter Butte Canal Co.....	Rock Crib & Cone	11	2,000
344	Littlefield.....	Cherokee Drift Min. Co.....	Earth.....	19	180
344-2	Grub Flat.....	Cherokee Drift Min. Co.....	Earth.....	22	216
344-3	Morgan.....	Cherokee Drift Min. Co.....	Earth.....	20	130
345	Cannon Ranch.....	Winona Hendricks.....	Earth.....	18 5	150
Sutter County					
1-15	Wadsworth.....	Sac & San Joa. Dr. Dist.....	Cone., Flashbd.....	18	162
Colusa County					
Glenn County					
Mendocino County					
1-3	Mendocino, Middle.....	Mendocino State Hosp.....	Cone-Rock-fill.....	35	30
1-4	Mendocino No. 3, Upper.....	Mendocino State Hosp.....	Grav-Straight.....	49	92
92	Morris.....	Willits Water Co.....	Const Rad Arch.....	52	835
97-102	Van Arsdale.....	Snow Mt. W. & P. Co.....	Grav-Straight.....	50	700
382	Ridgewood.....	Charles S. Howard Co.....	Semi-Hydr. Fill.....	41	334
383	Rice Creek.....	Mendocino Lumber Co.....	Timber.....	38	78
383-2	Hells Gate.....	Mendocino Lumber Co.....	Timber.....	47	220
383-3	North Fork.....	Mendocino Lumber Co.....	Timber.....	43	189
Lake County					
391	Clear Lake Impound.....	Clear Lake Water Co.....	Grav-Straight.....	33	420,000
392	Detert Lake.....	W. F. Detert Estate.....	Earth.....	39	1,700
393	Peters.....	W. C. Peters.....	Earth.....	32	117
97-101	Scott.....	Snow Mt. W. & P. Co.....	Grav-Straight.....	115	73,163

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Yolo County					
28	Putah Creek.....	City of Winters.....	Grav.-Flsbbds.....	11	177
Napa County					
1-5	Lake Camille.....	Napa State Hospital.....	Earth.....	30	25
1-6	Lake Marie.....	Napa State Hospital.....	Earth.....	50	376
1-14	Veterans' Home.....	Veterans' Home of Calif.....	Earth.....	47	39
7	Milkken.....	City of Napa.....	Const Rad Arch	110	2,000
7-2	Napa Distributing.....	City of Napa.....	Masonry Arch	35	20
14	Lake Curry.....	City of Vallejo.....	Earth.....	92	10,700
16	St Helena, Upper.....	Town of St Helena.....	Earth.....	50	40
16-2	St Helena, Lower.....	Town of St Helena.....	Earth.....	38	200
83	Kimball Creek.....	City of Calistoga.....	Earth.....	54	138
413	Newton No. 3.....	Dick R. Friesen.....	Roll. Earthfill.....	29	75
413-2	Red Lake.....	Dick R. Friesen.....	Roll Earthfill.....	30	48
414	Duvall.....	Donald N. Duvall.....	Earth.....	27	82 2
Sonoma County					
1-13	Fern Lake.....	Sonoma State Home.....	Earth.....	40	185
1-18	Suttonfield.....	Sonoma State Home.....	Earth.....	60	263
20	Healdsburg.....	City of Healdsburg.....	Collaps Timber.....	9	200
422	Lake Ralphine.....	Santa Rosa Water Works.....	Earth.....	23	830
423	Del Rio Woods.....	Del Rio Woods H. O. Assn.....	Collaps Timber.....	7	70
581-3	Lawler.....	Calif. Water Service Co.....	Earth.....	38	190
Marin County					
33	Alpine.....	Marin Mun. Water Dist.....	Curved Grav.....	134	9,210
33-2	Lagunitas.....	Marin Mun. Water Dist.....	Earth.....	48	339
33-3	Phoenix Lake.....	Marin Mun. Water Dist.....	Semi-Hyd-Fill.....	90	612
33-4	Belvedere.....	Marin Mun. Water Dist.....	Earth.....	48	23
Solano County					
14-2	Lake Madigan.....	City of Vallejo.....	Earth.....	89	1,744
14-3	Lake Frey.....	City of Vallejo.....	Earth.....	80	1,075
14-4	Fleming Hill No. 2.....	City of Vallejo.....	Earth.....	35	33 45
21	Suisun Municipal.....	Town of Suisun City.....	Earth.....	51	144
441	Chabot.....	Vallejo Water Co.....	Hydr-fill.....	35	1,180
442	Lake Herman.....	Calif. Pacific Util. Co.....	Earth.....	40	1,300
442-2	Paddy.....	Calif. Pacific Util. Co.....	Earth.....	56	156
443	Swanzy Lake.....	C&H Sugar Ref. Corp. Ltd.....	Earth.....	86	107
444	Brownie.....	D. R. Mangels.....	Earth.....	45 5	34
445	Mangels.....	Claus Mangels.....	Earth.....	50 5	276
Sacramento County					
1-16	Mt. Stoneman.....	Folsom State Prison.....	Earth.....	35	33
97-50	Folsom.....	Pacific Gas & Elec. Co.....	Grav.-Masonry.....	68	15
451	Martin & Huot.....	Cosumnes Irrig. Ass'n.....	Grav.-Curved.....	18	75
452	Daly.....	Geo. & Jennie Kyburz.....	Earth.....	20	120
453-2	Willow Hill.....	Natomas Water Co.....	Earth.....	30	120
454	Blodgett.....	H. I. & M. M. Blodgett.....	Earth.....	20	207
El Dorado County					
53	Webber (Arch).....	El Dorado Irrig. Dist.....	Triple Arch.....	85	1,275
53-2	Blakely.....	El Dorado Irrig. Dist.....	Earth.....	28	152
53-3	Webber Cr.....	El Dorado Irrig. Dist.....	Hyd-fill.....	165	6,000
97-51	Amer. River Head.....	Pacific Gas & Elec. Co.....	Rkfall, tmbr. Crb.....	25	100
97-52	Echo Lake.....	Pacific Gas & Elec. Co.....	Mason & Earth.....	12	1,900
97-53	El Dorado Forebay.....	Pacific Gas & Elec. Co.....	Earth.....	90	400
97-55	Finnon.....	Pacific Gas & Elec. Co.....	Earth.....	50	600
97-57	Medley Lakes.....	Pacific Gas & Elec. Co.....	Grav.-Masonry.....	20	5,350
460	Loon Lake.....	Georgetown Div. Water Co.....	Mason & Earth.....	37	8,000
461-2	Fallen Leaf Lake.....	Anita M. Baldwin.....	Grav-straight.....	9	6,400
462	Bass Lake.....	J. M. Nicol.....	Earth.....	22	1,200
464	Williamson No. 1.....	Hector Williamson.....	Earth.....	42	200
465	Rock Creek.....	Arthur E. Raser.....	Earth.....	30	34
469	Big Canyon Creek.....	Iron Mountain Inv. Co.....	Earth.....	60	300

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Amador County					
1-10	Henderson	Preston School of Indus	Earth	56	500
1-11	Henderson Forebay	Preston School of Indus	Earth	40	30
97-54	Silver Lake	Pacific Gas & Elec Co	Earth, Rk Wall	30	5,726
97-61	Bear River	Pacific Gas & Elec Co	Rock-fill	75	6,712
97-66	Salt Springs	Pacific Gas & Elec Co	Rock-fill	313	130,000
97-67	Tabcaud	Pacific Gas & Elec Co	Earth	135	1,158
97-104	Tiger Cr Regulator	Pacific Gas & Elec Co	Slab & Butt	100	540
97-105	Tiger Cr Afterbay	Pacific Gas & Elec Co	Var Rad Arch	85	3,800
480	Penn Mining	H G Kreth	Earth	31 2	62 3
31-4	Pardee	East Bay M. U Dist	Grav-curved	350	222,000
Calaveras County					
12	Hogan	City of Stockton	Var Rad Arch	107	76,000
62	Goodwin	Oak & San Joaquin D	2 Const Rad Ar	74	200
62-2	Melones	Oak & San Joaquin D	Const Rad Arch	171	112,000
82	Bingham	Calaveras Pub Util Dist	Earth	31	775
82-2	Middle Fork	Calaveras Pub Util Dist	Earth	90	1,715
99-2	Hunters	E Rose & Hobart Est	Const Rad Arch	50	200
99-3	Ross	E Rose & Hobart Est	Mason, Rockfill	45	~5
491	Emery	Emery Gold Min & Wat Co	Earth	50	300
495	Bevanda	M J Bevanda	Earth	25	60
496	Salt Springs Val.	The California Co	Earth	45	12,930
497	Maskus	Fred Maskus	Earth	24	60
498	Copperopolis	Calif Liquidating Co	Earth & Mason	33	225
499	Wallace	Gold Gravel Products Co	Gravel	75	3,000
500	McCarthy	Jackson T. McCarthy	Earth	17 5	55
501	Mountain King	Jumbo Cons Mining Co	Earth	30	82
502	Calaveras Cement Co	Calaveras Cement Co	Cone Gravity	17	36
Alpine County					
97-59	Twin Lakes	Pacific Gas & Elec Co	Earth	23	21,250
97-62	Lower Blue Lake	Pacific Gas & Elec Co	Earth, Rk Wall	43	4,130
97-63	Meadow Lake	Pacific Gas & Elec Co	Rock-fill	73	5,550
97-69	Twin Lakes	Pacific Gas & Elec Co	Earth, Rk Wall	22	1,425
97-70	Upper Blue Lake	Pacific Gas & Elec Co	Earth, Rk Wall	31	7,500
99	Silver Valley	E Rose & Hobart Est	Mason, Rock-fill	45	4,600
99-6	Utica	E Rose & Hobart Est	Rock-fill	52	2,400
511	Scott Lake	Dressler, Settlement et al	Earth	29	600
511-2	Crater Lake	Dressler, Settlement et al	Earth	36	320
511-3	Red Lake	Dressler, Settlement et al	Earth	22	900
512	Lost Lake, East	R W Bassman, et al	Earth, Rk Wall	17	250
512-2	Lost Lake, West	R W Bassman, et al	Earth, Rk Wall	24	50
513	Kinney Meadow	Alpine Land & Res Co	Earth	27	650
513-2	Lower Kinney	Alpine Land & Res Co	Earth, Cone Wall	24	400
513-3	Lower Sunset	Alpine Land & Res Co	Earth, Rk Wall	18	400
513-5	Tamarac Lake	Alpine Land & Res Co	Earth, Rk Wall	18	800
513-6	Upper Kinney Lake	Alpine Land & Res Co	Earth, Cone Wl	20	325
513-7	Wet Sunset	Alpine Land & Res Co	Earth, Rk Wall	22	200
513-8	Wet Meadows	Alpine Land & Res Co	Earth, Cone Wl	23	370
514	Heenan Lake	H F. Dangberg L & L Co	Earth	35	3,000
517	Nobel Lake	Geo G Hussman	Earth	15	51
Mono County					
6-33	Grant Lake	City of Los Angeles	Earth	87	49,300
6-34	Long Valley	City of Los Angeles	Earth, Rockfill	132	163,000
6-35	Walker Lake	City of Los Angeles	Earth, rock	9	460
6-36	Sardine Lake	City of Los Angeles	Rockfill	9	385
70-2	Bridgeport	Walker River I D	Earth	63	42,455
101-5	Rush Cr. Meadows	Nevada-Calif Elec Corp.	Const Rad Arch	50	4,970
101-6	Lundy Lake	Nevada-Calif Elec Corp	Earth, rock-fill	50	3,520
103	Gem Lake	Nevada-Calif Elec Corp	Multiple Arch	75	17,604
103-2	Agnew Lake	Nevada-Calif Elec Corp	Multiple Arch	30	851
103-4	Saddlebag	Nevada-Calif Elec Corp	Rock-fill	45	11,155

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Mono County—Continued					
103-5	Tioga Lake.....	Nevada-Calif Elec Corp.	Rock-fill.....	27	1,386
103-6	Rhinedollar.....	Nevada-Calif Elec Corp.	Rock-fill.....	17	745
531	Twin Lake, Upper.....	Day Est & Plymouth L & L Co	Earth, Rk. Walls..	14	2,800
531-2	Twin Lake, Lower.....	Hunnewill, Fressler et al	Rock-fill.....	16	4,000
532	Dexter Creek.....	Wm Symons.....	Earth.....	21	537
534	Lake Oneida.....	Thomas R Hanna.....	Log Crib-Rk fill..	16	250
536-2	Mono Forebay.....	Sierra Consol Mines, Inc	Crib, Earth & Rk..	37	35
536-3	Green Lake.....	Sierra Consol Mines, Inc	Timbr Crib & Rk..	8	400
Tuolumne County					
144-2	Standard Log Pond.....	Pickering Lumber Co.....	Slab & Butt.....	27	71
9	Early Intake.....	City & Co of S F.....	Const Rad Arch..	56	115
9-2	Lake Eleanor.....	City & Co of S F.....	Multiple Arch.....	61	27,800
9-4	Moccasin.....	City & Co of S F.....	Rock, Earth.....	58	525
9-5	O'Shaughnessy.....	City & Co of S F.....	Grav-Curved.....	312	360,000
9-6	Priest.....	City & Co of S F.....	Rock, Semi-Hyd..	168	2,350
68	Don Pedro.....	Turlock & Modesto I D.....	Gravity-curved....	278	289,000
97-72	Kinead.....	Sierra & S F Power Co.....	Earth.....	24	48
97-73	Lyons.....	Sierra & S F Power Co.....	Var. Rad. Arch.....	115	5,500
97-74	Main Strawberry.....	Sierra & S F Power Co.....	Rock-fill.....	140	17,900
97-78	Phoenix.....	Sierra & S F Power Co.....	Earth.....	42	1,215
97-80	Relief.....	Sierra & S F Power Co.....	Rock-fill.....	140	15,120
97-82	San Diego.....	Sierra & S F Power Co.....	Earth.....	39	40
97-83	Stanislaus F'bay.....	Sierra & S F Power Co.....	Earth.....	55	200
99-4	Spicers Meadows.....	E Rose & Hobart Est.....	Rock-fill.....	67	7,200
99-5	Union.....	E Rose & Hobart Est.....	Rock-fill.....	32	2,000
551	Twain Harte.....	Twain Harte Realty Co.....	Multiple Arch.....	35	129
144-3	Tuolumne Log Pond.....	West Side Lumber Co.....	Grav. Straight.....	22	120
Stanislaus County					
25	Modesto.....	City of Modesto.....	Collapse Timber..	9	670
59	Dallas-Warner.....	Modesto Irrig. Dist.....	Earth.....	36	27,000
62-3	Redden Lake.....	Oakdale Irrig Dist.....	Earth.....	40	380
66	Woodward.....	South San Joaquin I D.....	HyJ.-fill.....	60	35,000
68-2	La Grange.....	Turlock & Modesto I D.....	Grav-Curv, Mas.....	131	500
68-3	Owen.....	Turlock Irrig Dist.....	Earth.....	28	49,000
68-4	Dawson Lake, No 1.....	Turlock Irrig Dist.....	Earth.....	16	960
68-6	Forebay.....	Turlock Irrig Dist.....	Earth.....	25	159
562	Evans Creek.....	Tuolumne Gold Dredg Co.....	Earth.....	25	200
562-2	Cardoza.....	Tuolumne Gold Dredg Co.....	Earth.....	27	750
San Joaquin County					
571	Gilmore.....	Dan N Gilmore.....	Earth.....	28	500
572	Davis.....	F Podesta & F Ferroggiaro.....	Earth.....	12	500
71	Woodbridge Div.....	Woodbridge I. D.....	Butt.; Fishbds.....	20	2,464
Contra Costa County					
3	Antioch.....	Town of Antioch.....	Earth.....	30	570
29-2	Charles Lee Tilden Pk.....	East Bay Reg. Park Dist.....	Earth.....	88	243
31-2	Lafayette.....	East Bay M. U. Dist.....	Earth.....	126	3,500
31-6	San Pablo.....	East Bay M. U. Dist.....	Hydr. Fill.....	168	43,193
581	Chenery.....	Calif. Water Service Co.....	Earth.....	31	3,113
581-2	Port Costa.....	Calif. Water Service Co.....	Earth.....	45	39
583-2	Black Hills.....	Mt Diablo Country Club.....	Earth.....	44	27
584	St. Mary's.....	St. Mary's College.....	Earth.....	55	400
587	Lake Orinda.....	Orinda Water Co.....	Earth.....	45	220
Alameda County					
29	Lake Temescal.....	East Bay Reg. Park Dist.....	Hydr, Roll.-Fill..	110	485
31	Central.....	East Bay M. U. Dist.....	Earth.....	53	485
31-5	Lower San Leandro.....	East Bay M. U. Dist.....	Earth.....	135	13,800
31-7	Upper San Leandro.....	East Bay M. U. Dist.....	Hydr.-Fill.....	190	41,436
31-8	Berryman.....	East Bay M. U. Dist.....	Earth.....	40	69
31-10	Piedmont No 1.....	East Bay M. U. Dist.....	Earth.....	54	34
31-11	Piedmont No 2.....	East Bay M. U. Dist.....	Earth.....	52	60
31-12	Summit.....	East Bay M. U. Dist.....	Earth.....	21	117
10	Calaveras.....	City & Co of S F.....	Hyd, Roll. Fill.....	205	100,000
591	Upper Edwards.....	Mt. View Cemetery Assn.....	Earth.....	41	30

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Alameda County—Continued					
501-2	Lower Edwards	Mt. View Cemetery Assn	Earth	50	20
594	Tyson	Tyson Estate	Earthfill	57	25
San Francisco County					
San Mateo County					
10-6	Lower Crystal Springs	City & Co of S F	Grav-Curved	140	54,000
10-8	Pilareitos	City & Co of S F	Earth	90	3,100
10-10	San Andreas	City & Co of S. F.	Earth	97	18,500
10-16	Upper Crystal Spring	City & Co of S. F.	Earth	90	15,500
551-6	Bear Gulch	Calif. Water Service Co	Earth	65	672
581-7	Burlingame	Calif. Water Service Co	Earth	84	91
601	Kent No. 2	Eliz A. Steele Kent	Earth	30	132
602	Lake Lucerne	Shoreland Properties, Inc.	Earth	21	455
602-2	Bean Hollow No. 2	Shoreland Properties, Inc.	Earthfill	25	600
602-3	Bean Hollow No. 3	Shoreland Properties, Inc.	Earth	40	461 4
604	Flora Steele Res. No. 2	Flora E. Steele	Earth	26	70
605-2	Johnston	Harry & Chas. Johnston	Grav-Straight	27	27
607-2	Cascade Creek	Humphrey Estate, Inc.	Hyd-Fill	60	52
607-3	Lake Elizabeth	Humphrey Estate, Inc.	Earth	25	113
607-4	Lower Whitehouse Cr.	Humphrey Estate, Inc.	Hydr-Fill	36	40
607-5	St. Charles	Humphrey Estate, Inc.	Earth	63	833
608	McMahon Gulch	Dianda & Patroni	Earthfill	27	20
612	Emerald L. No. 1, Lower	Emerald Lake Country Club	Earth	57	45
612-2	Emerald L. No. 2, Upper	Leonard & Holt	Earth	31	42
614	Searsville	Leland Stanford Jr. Univ.	Grav-Curved	65	952
616	Crocker	Provident Securities Co	Earth	45	34
618	Millbrae No. 1	Mills Estate, Inc.	Earth	44	22
618	Cowell	I. M., H. E. & S. H. Cowell	Earth	32	30
618-2	Millbrae No. 2	Mills Estate, Inc.	Earth	36	29
618-3	Millbrae No. 3	Mills Estate, Inc.	Earth	48	27
619	Notre Dame	College of Notre Dame	Earth	50	120
Santa Clara County					
24	Cherry Flat	City of San Jose	Earth	60	500
72	Coyote Percolation	Santa Clara Valley WCD	Remov. Flashb'd	8	72
72-2	Coyote	Santa Clara Valley WCD	Earth	120	24,560
72-3	Calero	Santa Clara Valley WCD	Earth	100	9,000
72-4	Almaden	Santa Clara Valley WCD	Earth	105	2,000
72-5	Guadalupe	Santa Clara Valley WCD	Earth	130	3,500
72-6	Vasona Percolating	Santa Clara Valley WCD	Earth	32	660
72-7	Stevens Creek	Santa Clara Valley WCD	Earth	120	4,000
77	North Fork	Pacheco Pass Water Dist.	Earth	107	9,570
621-2	Grant Co. No. 2	Grant Company	Earth	27	600
614-2	Felt Lake	Leland Stanford Jr. Univ.	Earth	67	900
622	Lake Ranch	San Jose Water Works	Earth	38	337
622-2	Lower Howell	San Jose Water Works	Earth	38	153
622-3	Upper Howell	San Jose Water Works	Earth	36	243
622-4	Williams	San Jose Water Works	Grav-Straight	62	160
614-3	Lagunita	Leland Stanford Jr. Univ.	Earth	15	260
Santa Cruz County					
23	Cowell	City of Santa Cruz	Earth	50	175
96-2	Mill Creek	Coast Counties G&E Co	Timbr. Crib, Earth	73	223
Monterey County					
642	San Clemente	Calif. Water & Telephone Co.	Var. Rad. Arch.	83	2,154
642-2	Forest Lake	Calif. Water & Telephone Co.	Earth	60	428
642-3	Pacific Grove	Calif. Water & Telephone Co.	Earth	20	76
643	Black Rock Creek	Monterey Game & St. Assn.	Earth & Rock	48	30
644	San Carlos	Arthur C. Oppenheimer	Earth	25	150
San Benito County					
651	Hawkins	C. N. Hawkins	Hydr-Fill	68	470
652	Puente	San Benito Co. L. & Water Co.	Earth	23	4,500
653	J. V. de Laveaga	Ramon Somavia, Jr.	Roll Earth Fill	28 5	514

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Merced County					
58	Crocker Div	Merced Irrig. Dist	Grav-Straight.....	12	300
58-3	Lake Yosemite.....	Merced Irrig. Dist	Earth.....	45	7,000
95-10	Merced Falls.....	San Joaquin L. & P. Co	Grav-Straight.....	24	620
Mariposa County					
58-2	Exchequer.....	Merced Irrig. Dist	Grav-Curved.....	305	289,000
Madera County					
95-3	Crane Valley Storage.....	San Joaquin L. & P. Co	Hyd Fill, Er. & Rk.	145	45,000
95-4	No 1 Forebay.....	San Joaquin L. & P. Co	Earth.....	18	50
95-6	No 3 Forebay.....	San Joaquin L. & P. Co	Earth.....	35	20
95-12	No 2 Res.....	San Joaquin L. & P. Co	Const. Rad Arch.....	22	200
681	Sierra Vista.....	Greenfield Co	Earth.....	12	90
Fresno County					
80	Reynolds Weir.....	Laguna Irrig. Dist	Conc Weir.....	16 3	259 4
80-2	Island Weir.....	Laguna Irrig. Dist	Conc Weir.....	12	231 4
54	Crescent Weir.....	Zelda Reel Dist No 501.....	Conc Slab & Butt.....	12	57
95	Balch Diversion.....	San Joaquin L. & P. Co	Var Rad Arch.....	65	185
95-2	Balch Afterbay.....	San Joaquin L. & P. Co	Const Rad Arch.....	71	125
95-8	Kerckhoff Diver.....	San Joaquin L. & P. Co	Var Rad Arch.....	83	4,200
104	Bear Creek Div.....	So Calif Edison Co	Const Rad Arch.....	45	103
104-4	Big Creek No 4.....	So Calif Edison Co	Const Rad Arch.....	68	100
104-5	Big Creek No 5.....	So Calif Edison Co	Const Rad Arch.....	44	42
104-6	Big Creek No 6.....	So Calif Edison Co	Const Rad Arch.....	130	993
104-0	Florence Lake.....	So Calif Edison Co	Multiple Arch.....	140	64,405
104-10	Huntington Lake.....	So Calif Edison Co	Grav-Curv & Ear.....	155	88,834
104-12	Mono Creek Div.....	So Calif Edison Co	Const Rad Arch.....	40	45
104-18	Shaver Lake.....	So Calif Edison Co	Grav-Curved.....	170	135,283
683	Mendota.....	S J & K R Canal & Irrig Co	Butt & Flshbds.....	17	3,000
693	Sequoia Lake.....	Y M C A. Conference.....	Rock-fill.....	47	3,000
696	Stinson Weir.....	Stinson Canal & Irrig Co	Conc Weir.....	10	50+
Inyo County					
6-11	Big Pine Creek No 2.....	City of Los Angeles.....	Log Crib, Rock.....	14	1,071
6-24	Harwee.....	City of Los Angeles.....	Hyd Fill.....	80	60,000
6-26	Timemaha.....	City of Los Angeles.....	Earth.....	32	16,630
100	Hillside.....	Nev-Calif Elec Corp.....	Rock-fill.....	81	13,368
100-2	Longley.....	Nev-Calif Elec Corp.....	Rock-fill.....	27	145
101	Sabrina.....	Nev-Calif Elec Corp.....	Rock-fill.....	70	7,350
101-2	Bishop Cr Intake No 2.....	Nev-Calif Elec Corp.....	Earth-fill.....	34	115
101-7	North Lake.....	Nev-Calif Elec Corp.....	Earth, Rock Walls.....	15	48
Tulare County					
104-11	Lady Franklin Lake.....	So Calif Edison Co	Butt Mason & Rk.....	21	467
104-19	Crystal Lake.....	So Calif Edison Co	Butt Mason & Rk.....	16	162
104-20	Upper Monarch Lake.....	So Calif Edison Co	Butt Mason & Rk.....	22	314
711	Elk Bayou.....	Elk Bayou Ditch Co Inc.....	Earth.....	26	60
Kings County					
79	Peoples Weir.....	Peoples Ditch Co	Conc Butt Flshbd.....	15	120
720	Lower Empire Weir.....	Tulare Lake Canal Co	Timbr, Flshbds.....	15	1,400
721	Empire Weir No 1.....	Empire Water Co	Timber Frame.....	16	50+
722	Lemoore Diver Weir.....	Lemoore Canal & Irrig Co	Conc Butt & Flbds.....	11	50
723	Last Chance Weir.....	Last Chance Water Di Co	Conc Butt & Flbds.....	12	50
Kern County					
104-2	Diversion No 1.....	So Calif Edison Co	Grav-Straight.....	28	15
104-8	Berel.....	So Calif Edison Co	Earth.....	12	92
732	Burna Vista.....	Kern Co Land Co et al.....	Earth.....	12	205,000
San Luis Obispo County					
740	Atascadero Park.....	Co of San Luis Obispo.....	Earth.....	17	150

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Santa Barbara County					
11	Gibraltar.....	City of Santa Barbara.....	Const Rad Arch	150	13,742
11-2	Sheffield.....	City of Santa Barbara.....	Earth	30	138
34	Buell.....	Montecito Co Water Dist	Hydr Fill	102	172
34-2	Juncal.....	Montecito Co Water Dist	Var Rad Arch	142	7,064
751	La Patera.....	Sherman P Stow Co.....	Earth	22	202
752	Rancho Del Cierro.....	Rancho Del Cierro.....	Earth	61	206
Ventura County					
1-17	Round Mountain.....	Camarillo State Hosp.....	Earth	19	440
761	Dennison.....	Dennison Ranch Co.....	Slab & Butt	28	60
762	Anola.....	Otto G. Wilhelm.....	Earth	38	30
764-3	V L & W Catch Basin No. 3	Tide Water Assoc Oil Co	Earth	56	248
765	Lake Sherwood.....	Lake Sherwood Country Cb	Const Rad Arch	43	2,694
765-2	Lake Eleanor.....	So Counties Land Co.....	Const Rad Arch	37	104
Los Angeles County					
4-4	Burbank No 4.....	City of Burbank.....	Earth	35	21
5	Brand Park.....	City of Glendale.....	Earth	96	32
5-4	10th & Western.....	City of Glendale.....	Earth	28	46
5-5	Cherry Chase.....	City of Glendale.....	Earth	35	46
6	Ascot.....	City of Los Angeles.....	Earth	73	219
6-2	Buena Vista.....	City of Los Angeles.....	Earth	25	40
6-3	Bellevue.....	City of Los Angeles.....	Earth	46	107
6-4	Chatsworth.....	City of Los Angeles.....	Hyd, Roll Fill	45	10,500
6-5	Dry Canyon.....	City of Los Angeles.....	Hyd Fill	67	1,325
6-6	Elysian.....	City of Los Angeles.....	Earthfill	60	135
6-7	Encino.....	City of Los Angeles.....	Earth	120	3,230
6-8	Fairmount.....	City of Los Angeles.....	Hyd, Rolled Fill	121	7,457
6-12	Highland.....	City of Los Angeles.....	Earth	18	61
6-13	Ivanhoe.....	City of Los Angeles.....	Earth	26	147
6-14	Lower Franklin.....	City of Los Angeles.....	Hyd, Roll Fill	96	1,052
6-15	Lower San Fernando.....	City of Los Angeles.....	Hyd, Roll Fill	143	20,500
6-16	Drumwater.....	City of Los Angeles.....	Earth	105	92
6-17	Mulholland.....	City of Los Angeles.....	Grav-Curv Ear	195	4,034
6-18	Rowena.....	City of Los Angeles.....	Earth	19	94
6-21	Sawtelle Pressure Brk.....	City of Los Angeles.....	Earth	34	110
6-23	Silver Lake.....	City of Los Angeles.....	Hyd Fill	42	2,430
6-25	Stone Canyon.....	City of Los Angeles.....	Earth	162	7,960
6-27	Upper Franklin.....	City of Los Angeles.....	Earth	50	118
6-28	Upper San Fernando.....	City of Los Angeles.....	Hyd Roll, Fill	80	1,977
6-29	Upper Hollywood.....	City of Los Angeles.....	Earth	52	196
6-31	Bouquet Canyon.....	City of Los Angeles.....	Earth	190	36,200
6-37	San Fernando Dyke "A".....	City of Los Angeles.....	Earthfill	34	70
6-38	San Fernando Dyke "B".....	City of Los Angeles.....	Earthfill	26 2	600
6-39	Channel Diversion Dike.....	City of Los Angeles.....	Earthfill	40	143
18	Greenleaf.....	City of Whittier.....	Earth	30	20
18-2	Whittier No 4.....	City of Whittier.....	Earth	60	32
35-5	Morris.....	Metropolitan Water Dist	Grav-Straight	245	36,665
32	Big Dalton.....	Los Angeles C F C D.....	Multiple Arch	140	1,290
32-2	Big Santa Anita.....	Los Angeles C F C D.....	Var Rad Arch	215	1,370
32-3	Devils Gate.....	Los Angeles C F C D.....	Grav-Curved	104	4,567
32-4	Verdugo Wash.....	Los Angeles C F C D.....	Earth	23	50
32-5	San Gabriel No 2.....	Los Angeles C F C D.....	Rock-fill	265	14,000
32-6	Big Tujunga No 1.....	Los Angeles C F C D.....	Var Rad Arch	204	6,250
32-7	Live Oak.....	Los Angeles C F C D.....	Grav-Curved	76	245
32-8	Pacoima.....	Los Angeles C F C D.....	Var Rad Arch	365	5,900
32-9	Puddingstone.....	Los Angeles C F C D.....	Earth	147	17,399
32-10	San Dimas.....	Los Angeles C F C D.....	Grav-Curved	120	1,495
32-12	Sawpit.....	Los Angeles C F C D.....	Const Rad Arch	147	156
32-13	Sierra Madre.....	Los Angeles C F C D.....	Const Rad Arch	70	54
32-15	Thompson Creek.....	Los Angeles C F C D.....	Earth	66	690
32-16	Puddingstone Div.....	Los Angeles C F C D.....	Earth	34	148
32-18	Big Dalton, Lower.....	Los Angeles C F C D.....	Grav-Straight	30	18
32-19	San Gabriel No 1.....	Los Angeles C F C D.....	Earth, Rock	320	56,000
32-20	Eaton Wash.....	Los Angeles C F C D.....	Earth	63	1,040
35-4	Palos Verdes.....	Metropolitan Water Dist.....	Roll Earth Fill	81 5	1,000

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Los Angeles County—Continued					
57	Littlerock.....	Littlerock & Palmdale I. D.	Mult. Arch.....	125	4,331
57-2	Harold.....	Palmdale Irrig. Dist.	Earth.....	32	6,575
771	Malibu Lake Club.....	Malibu Lake Mt. Club	Const. Rad. Arch.	35	1,000
772	Craggs Lake.....	Craggs Land Co.	Const. Rad. Arch.	35	100
773	Malibu.....	Marblehead Land Co.	Const. Rad. Arch.	102	575
774-2	Twin Lakes Park, Up	Twin Lakes Park Co.	Rk., Mas. Walls	50	40
775	Porter Estate.....	B. F. Porter Estate	Earth.....	41	300
775	Wingley.....	Santa Catalina Is. Co.	Earth.....	47	70
775-2	Thompson.....	Santa Catalina Is. Co.	Hyd.-fill.....	52	300
775-3	Haypress.....	Santa Catalina Is. Co.	Earth.....	28	21
775-4	Patrick.....	Santa Catalina Is. Co.	Earth.....	64	61
Orange County					
75	Santiago Creek.....	Serr & Carp. I. D. & Irvine Co.	Earth.....	136	25,000
791	Yorba.....	Anaheim Union Water Co.	Earth.....	45	2,000
791-2	Tuffree.....	Anaheim Union Water Co.	Earth.....	15	79
793	Lambert (North).....	The Irvine Company	Earth.....	19	174
793-2	Peters Canyon.....	The Irvine Company	Earth.....	54	1,090
793-3	Irvine Conservation.....	The Irvine Company	Earth.....	39	16,846
793-4	Bouita Canyon.....	The Irvine Company	Earth.....	51	295
793-5	Laguna.....	The Irvine Company	Earthfill.....	40	300
794	Veeh.....	George H. Veeh	Earth.....	29	108
797	Whiting.....	El Toro Co.	Earth.....	35	220
798	Hervill Dam No. 2.....	H. L. Hervill	Earth.....	49	22 48
793-6	Sand Canyon.....	The Irvine Company	Earth.....	75	800
San Bernardino County					
17-2	Devils Canyon Dyke No. 1.....	City of San Bernardino	Gravel.....	14	58
35-2	Gene Wash.....	Metropolitan Water Dist.	Var. Rad. Arch.	136	20,700
35-3	Copper Basin.....	Metropolitan Water Dist.	Var. Rad. Arch.	130	20,700
36	Lake Gregory.....	Crest Forest Co. Wtr. Dist.	Earth.....	90	2,000
76	Desilting Basin No. 3.....	Cucamonga Bas. Prot. Assn.	Gravel-fill.....	19	54
76-2	Desilting Basin No. 6.....	Cucamonga Bas. Prot. Assn.	Gravel-fill.....	22	250
801	Chino Ranch No. 1.....	Scott Invest. Co., et al.	Earth.....	20	90
801-3	Chino Ranch No. 3.....	Scott Invest. Co., et al.	Multiple Arch.	27	18
802	Cedar Lake.....	Bartlett Bros.	Var. Rad. Arch.	28	32
803	Bear Valley.....	Bear Val. Mutual Wtr. Co.	Multiple Arch.	80	72,400
804	Green Valley.....	Bank of America N. T. & S. A.	Triple Arch.	56	250
805	Lake Arrowhead.....	Arrowhead Lake Co.	Hydraulic-Fill.	190	47,000
808	Los Serranos.....	Don Lugo Corp.	Earth.....	16	110
Riverside County					
35	Mathews.....	Metropolitan Water Dist.	Earth.....	194	100,000
	Mathews Dyke.....	Metropolitan Water Dist.	Earth.....	86	
81	Fairmount Park.....	City of Riverside	Earthfill.....	11 5	200
813	Hole.....	W. J. Hole	Earth.....	43	275
814	Mocking Bird.....	Gage Canal Co.	Earth.....	70	1,000
815	Alvord.....	Riverside Water Co.	Hydraulic-Fill.	33	36
817	Lake Hemet.....	Lake Hemet Water Co.	Grav.-Curv. Mas.	135	14,000
817-2	Little Lake.....	Lake Hemet Water Co.	Earth.....	16	90
818	Railroad Canyon.....	Temescal Water Co.	Var. Rad. Arch.	70	12,000
818-2	Lee Lake.....	Temescal Water Co.	Earth.....	30	650
820	Lake Norcoman (So.).....	Rex B. Clark	Earth.....	13	250
821	Foxley.....	C. E. Foxley	Earth.....	24	155
822	El Casco.....	G. O. Trauzettel	Earth.....	15	125
San Diego County					
8	Barrett.....	City of San Diego	Gravity-Curved	152	42,499
8-2	Chollas.....	City of San Diego	Earth.....	46	278
8-3	Lake Hodges.....	City of San Diego	Multiple Arch.	130	37,699
8-4	Savage.....	City of San Diego	Gravity-Curved	145	49,126
8-5	Morena.....	City of San Diego	Rockfill.....	167	65,800
8-6	San Dieguito.....	City of San Diego	Multiple Arch.	51	1,128
8-7	El Capitan.....	City of San Diego	Semi-Hyd., Rk. Fill	217	116,500
8-8	Upper Otay.....	City of San Diego	Const. Rad. Arch.	77	2,783
8-9	San Vicente.....	City of San Diego	Straight Grav.	196	75,200
56	Cuyamaca.....	L. M., L. G. & S. V. I. D.	Earth.....	40	11,600

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
San Diego County—Continued					
56-3	Eucalyptus.....	L. M., L. G. & S. V. I. D.....	Earth.....	30	26
56-4	Mount Helix.....	L. M., L. G. & S. V. I. D.....	Earth.....	47	190
56-5	Murray.....	L. M., L. G. & S. V. I. D.....	Multiple Arch.....	107	5,885
56-6	Grossmount.....	L. M., L. G. & S. V. I. D.....	Earth.....	39	127
69	Pechstein.....	Vista Irrig. Dist.....	Earth.....	59	200
831	Lake O'Neil.....	Rancho Santa Margarita.....	Earth.....	18	1,390
833	Henshaw.....	San Diego Co. Wtr. Co.....	Semi-Hyd.-Fill.....	123	203,581
834	Lake Wohlford.....	Escondido Mut. Wtr. Co.....	Hyd. & Rock-fill.....	100	7,500
836	Fairbanks.....	Douglas Fairbanks.....	Grav.-Straight.....	36	100
837	Corte Madera.....	Corte Madera Corporation.....	Earth.....	16	50
839	Crouch.....	Charles C. Crouch.....	Earth.....	50	40
840	Sweetwater, Main.....	Calif. Water & Tel. Co.....	Gravity-Curved.....	108	31,176
	Sweetwater, So. Dyke.....	Calif. Water & Tel. Co.....	Earth.....	32	
840-3	Lake Loveland.....	Calif. Water & Tel. Co.....	Var. Rad. Arch.....	192	27,700
840-4	Judson.....	Calif. Water & Tel. Co.....	Earth.....	65	650
841	Henry Jr.....	H. F. Schnell.....	Var. Rad. Arch.....	33	196
841-2	Mary Joe.....	H. F. Schnell.....	Var. Rad. Arch.....	30	135
842	Upper 4-S.....	A. G. Ralph.....	Const. Rad. Arch.....	28	63
844	Wuest.....	Wm. Koontz & Wuest Est. Co.....	Earth.....	50	290
845	Monte Vista Ranch No. 1.....	Sefton Investment Co.....	Earth.....	60	21
847	Calavera.....	Carlsbad Mut. Wtr. Co.....	Earth.....	61	520
Lassen County					
156-6	Kramer.....	G. L. Kramer, Estate.....	Earth.....	22	65
160-3	Gerig.....	Peter Gerig, et al.....	Fls. Bd.-Con. Abut.....	8 5	110
173	Halls Meadows.....	E. G. Scammon.....	Earth.....	11 5	585
227-2	Ward Lake (Lower).....	Gibson Land Company.....	Earth.....	17	350
228	Round Valley.....	W. C. Anderson.....	Earth and Rock.....	40	2,000

FEDERAL DAMS NOT UNDER STATE JURISDICTION—BY COUNTIES

Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Modoc County				
Clear Lake.....	U. S. Bureau of Reclamation ...	Earth, Rock Wall..	33	462,000
Shasta County				
Shasta.....	U. S. Bureau of Reclamation ...	Grav.-Curved ..	480	4,500,000
Keswick.....	U. S. Bureau of Reclamation ..	Gravity.....	125	
Tehama County				
So. Diversion Weir.....	U. S. Bureau of Reclamation....	Conc. & Rock-fill ..	20	
Nevada County				
Boca.....	U. S. Bureau of Reclamation....	Earthfill.....	110	40,900
Placer County				
Lake Tahoe.....	U. S. Bureau of Reclamation....	Grav. Reinf Conc	14	741,000
North Fork.....	U. S. Calif. Debris Comm.....	Var. Rad. Arch....	155	16,000
Yuba County				
Narrows (Yuba).....	U. S. Calif. Debris Comm.....	Var. Rad. Arch....	267	77,000
Colusa County				
East Park Diversion.....	U. S. Bureau of Reclamation....	Arch.....	29	65
East Park (A to D).....	U. S. Bureau of Reclamation....	Conc. Grav. Arch ..	90	51,000
Glenn County				
Stony Gorge.....	U. S. Bureau of Reclamation....	Amburson.....	125	50,200
Fresno County				
Friant.....	U. S. Bureau of Reclamation....	Grav.-Straight....	290	520,000
San Luis Obispo County				
Salinas (Upper).....	U. S. Army.....	Var. Rad. Arch....	125	45,000
Chorro Reservoir.....	U. S. Army.....			
Los Angeles County				
Santa Fe.....	U. S. Army Engineers.....	Rolled Fill.....	80	26,200
Sepulveda.....	U. S. Army Engineers.....	Rolled Fill.....	53	13,400
Hansen.....	U. S. Army Engineers.....	Rolled Fill.....	122	45,100
Orange County				
Brea.....	U. S. Army Engineers.....	Rolled Fill.....	90	4,200
Fullerton.....	U. S. Army Engineers.....	Rolled Fill.....	47	830
San Juan.....	U. S. Army Engineers.....	Rolled Fill.....	103	16,000
Carbon Canyon.....	U. S. Army Engineers.....			
San Bernardino County				
San Antonio.....	U. S. Army Engineers.....	Rolled Fill.....	82	3,180
Parker.....	U. S. Bureau of Reclamation....	Var. Rad. Arch....	43	510,000
Riverside County				
Prado.....	U. S. Army Engineers.....	Rolled Fill.....	105	224,500
Imperial County				
Imperial.....	U. S. Bureau of Reclamation....	Slab & Buttress...	23	85,000
Laguna.....	U. S. Bureau of Reclamation....	Rock-fill.....	40	0
Head Gate Rock.....	U. S. Indian Service.....	Earth.....	70	

NOTE All information and data tabulated on this page is tentative only, subject to correction, revision and addition or deletion.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, Senate Resolution No. 24 was taken up.

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

Remarks of Senator Ralph E. Swing in Support of Resolution
Concerning Colonel Isaac Williams

Shortly after the discovery of gold on the American River in January, 1848, news of the fabulous riches of the gold fields spread throughout the civilized world and drew to the State all classes and conditions of men. With the good came the bad, and with the men who defied the dangers of the wilderness came the women and the children. They came by ox-team, mule-team, horseback and on foot. Many entered through the northern route and passed by the fort erected by Captain John Sutter. Others came the southern route and passed the Rancho Del Chino, owned and presided over by Colonel Isaac Williams. The long trek across the desert and through the wilderness depleted their supplies, exhausted their teams, and in many instances reduced the immigrants to mere skin and bones. Sickness was not uncommon, deaths were frequent. The men suffered as well as the women and children. In the north the great and generous Captain John Sutter received them, fed them and comforted them. In the south they were received, fed and cared for by Colonel Williams. During the winter of '48 and the year of '49, thousands of these immigrants traveled the plains and entered the State and received comfort and aid from these two generous men. The immigrants were loud in their praise of these two frontiersmen and their fame for generosity and kindness extended throughout the State.

In the fall of '49 a Constitution for California was drafted at Monterey and in December of that year it was adopted and the first Governor and first Legislature of California were elected. At that time there were but 16 Senators and 26 Assemblymen. Among these were some of the immigrants theretofore befriended by Captain Sutter and by Colonel Williams.

In appreciation of the many deeds of kindness extended to immigrants, Senator Lippincott, on the seventh day of January, 1850, introduced a Senate resolution, thanking Captain Sutter and Colonel Williams for their kindly treatment of and assistance to the immigrants who passed their way. This action occurred even before California had been admitted to the Union. True, it was knocking at the door, but Congress had not yet recognized it and the thirty-first star had not yet been added to the American flag. The State, however, was functioning under Governor Burnett and the Legislature just created and elected. Nevertheless, the spirit of appreciation of the services rendered by these two benefactors pervaded the members of the Legislature and the resolution was about to pass when an enemy of Colonel Williams circulated a cruel story to the effect that during the famous Battle of Chino, which was fought upon the Chino Ranch, he had failed to support the Americans against the then Californians. History discloses that many Americans sought refuge in Williams' home on the Chino Rancho and that they there fortified themselves and fought the Californians until finally the home of Colonel Williams was invaded and burned to the ground. Williams and others were captured and taken into Los Angeles. Nevertheless, feeling was running so high against the Californians that the story was given credence and because of it, Colonel Williams' name was stricken from the resolution, and on the twelfth day of January, 1850, the resolution, with the name of Colonel Williams stricken therefrom, was adopted and made an official record of this august body.

In those days news traveled slowly and it was not until February 13th that Colonel Williams received news of the wrong which had thus been done him, and immediately he wrote and dispatched to this Senate his protest against such action. That letter of protest was posted 92 years ago, but that it never reached its destination is evident by the fact that there is no record of it in any of the Journals of this body. For 92 years the protesting words of Colonel Williams have been echoing down the corridor of time, unread, unheard and unheeded. Today, as messenger of Colonel Williams, I bring and deliver to you that communication which should have reached the Senate 92 years ago. While it will be my voice, the words you will hear are from the grave. The protest of Colonel Williams has arrived 92 years late, it is true, but not too late, I hope, for us to heed. In my hand I hold that letter, a protest from a man long dead, so he speaks to you from the grave. Says he:

"RANCHO DEL CHINO
Feb'y 15th 1850

To the Hon.

President of the Senate of California

SIR.

I have noticed in the proceedings of the Legislature of this state that that body had before it on the 11th of January a resolution imbodying a note of thanks to Capt. Sutter & to myself for the relief extended by us to immigrants the past season and that on the passage of said resolution through the body over which you preside my name was struck out the introduction of such a resolution into the legislature was perhaps needless and uncalled for; certainly it was unsolicited and quite unknown to me but after having been once introduced to be then by a deliberate act of legislative action rescinded while that of Capt. Sutter is retained is palpably an assault upon my character. I am not at all desirous of public attention but I am not quite prepared to sit down quietly under the imputations which the passage of such a resolution involves. The reputation of every man is his dearest possession and of the more value inasmuch as it involves the happiness and welfare not merely of himself but of his Family and friends. It is with this view that I protest against the outrage committed upon me and demand as I conceive it to be my right under the circumstances a hearing before a committee of your body. If it should then appear that I have been negligent or unregardful of the wants of my countrymen in distress or unmindful of my duties as an American Citizen let the fact be made known and let my name be branded with all the approbrium which it may seem to deserve, but although making this request in all sincerity yet I am not credulous enough to suppose it will be granted me. I shall therefore crave the liberty of laying before the honorable body over which you preside a plain statement of the mode in which I have conducted towards the emigration for the past two seasons. I make this statement I beg you to believe with no little hesitation and repugnance but it appears to be the only course left for me to rebut the calumnies to which it seems I have been subjected. It may not be known to you that my rancho is situated on the great thoroughfare from Atlantic states that crosses the Colorado and that I am the first permanent American Settler to be met upon it my property also directly adjoining the Cañon Pass through which enters the old Spanish Trail, as it is termed, from Santa Fee and also the road from the Salt Lake and Los Angeles—In consequence of this position my house has been visited since the commencement of the gold excitement with a number of people that I hesitate to name I can safely say that there has not been more than two or three days at a time during the period but that more or less emigrants have passed my door and on many days as many as two or three hundred. During the period referred to I have had at my table on an average not less than six persons very often as high as twenty and never less than two or three out of this multitude of persons I have never charged or received one shilling by way of compensation till within two or three weeks past and then in cases of supposed imposition. It is well known that great numbers of emigrants have reached the settlements the past two seasons in a very destitute manner and many of them ill. I doubt if there has been a period for the last twelve months when I have not had at least one invalid in my House. Three men have died here within as many months last passed. From robbery by the Indians and other causes great numbers of the emigrants have arrived at my Rancho on foot. I have furnished on credit over 200 Animals to such with an understanding that they should pay me when they got to the mines. In addition to this I have advanced in cash to emigrants more than \$5000 and from all the amount of credit I have not yet received in all probability never shall \$500—to parties who have passed in want of provisions I have invariably sold corn and wheat at \$6—pr. fanaga while flour has been selling at 25cts pr. pound at Los Angeles the nearest neighbouring Pueblo. Whenever a party has wanted meat which occurs daily I have invariably supplied them without charge unless indeed they required a bullock and these I have supplied at from \$4- to \$8 which has been not more than about one half what my neighbours during the present winter have sold such animals for the emigrants from the salt Lake then distant at least 300 miles dispatched to me a messenger requesting me to send them a supply of provisions. I at once fitted out a train of pack mules which met them many miles the other side of the Moevia river. Many of them were women and children on foot and had been living for at least three weeks on the flesh of their exhausted oxen and animals. My agent supplied them with flour and other necessaries at that point much cheaper than such articles could be obtained at Los Angeles and when parties were unable to pay upon credit and many times without charge. Many of these people arrived at my rancho penniless and in not a few instances without a shoe to their feet—The lived upon me for weeks and to several who were unable to pay me I gave shoes

and other necessarys and sent them on their way. In placing this statement before you I beg you to bear in mind the peculiarity of the circumstances under which I act. I write neither for the purpose of sympathy or to crave restitution. I ask no mans praises and need no mans favours, but I do ask that when the highest tribunal in the State in which I am now one of the oldest American Citizens, have deliberately maligned my reputation that they shall as far as may be practicable give me an opportunity of rebutting the calumnies which have been made against me and to the end I request that you cause this communication to be read before the Senate. Should any of its assertions be contradicted I pledge myself to substantiate their correctness in any way before any tribunal that can be Instituted.

Very Respectfully

Yours"

I am sure had this letter reached its destination on time—had it arrived as the writer expected that it would—the then Senate of California would have wiped from its record the blot that stained the name and character of this great American pioneer.

It is true the present generation has long forgotten the generous acts and brave deeds of both Captain Sutter and Colonel Williams, but in the one case a record is preserved and the name is honored. In the other the good deeds are forgotten and the name shrouded in ignominy. It is never too late to rectify a wrong—it is never too late to erase a blot that defames the reputation of an innocent man. When the resolution which I now present shall have been read, I know it will receive the unanimous vote of all those who have just listened to the words of that kind and generous pioneer as I recorded his protest against the unfair action of an ill-advised Legislature.

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

WHEREAS, Colonel Isaac Williams was born in Pennsylvania in the year 1799. By nature and instinct he was a hunter and trapper. By the time he had reached manhood the romance of the West had drifted to his home, infiltrated his blood and inspired a desire to travel westward. He arrived in California in the year 1832, long before it became a part of the Union. He first settled in Los Angeles and erected one of the earliest adobe buildings on Main Street. This building, during the brief period Los Angeles was the capital of California, was used as the seat of government, and thereafter became the Los Angeles County Courthouse for a short time.

In 1842 he married Senorita Maria de Lugo, whose father was the owner of the Santa Ana Del Chino Rancho, and until his death the Chino Ranch was his home. Colonel Williams was successful and prosperous and his home on the rancho soon became the merca of the early pioneers. His generosity and kindness to people in distress spread throughout the country and those that he befriended were legion. When immigrant trains broke down and their supplies became exhausted, Colonel Williams went to the rescue and took with him food and clothing. Of him and his rancho, history records:

"The rancho served as a stopping-place on the overland route between Yuma and the gold fields of the North, and when the gold rush began all Americans who passed that way were heartily welcomed by the tall, handsome, genial and courtly 'Colonel,' who, while a shrewd business man, was the soul of generosity and kindness when fellow human beings were in need. The old frontiersmen found him a friend in need; many were the miners whom he grubstaked, and on numerous occasions he sent out relief parties to meet immigrant trains reported in need of succor. In later years Chino became a station on the Butterfield stage route." (History of San Bernardino County—John Brown, Jr.)

His participation in the famous Battle of Chino and his valiant stand against the attack and siege by a band of revolvers under the leadership of Varella, is now history. While his home was burned and he was taken captive, he and other captives declined the offer of liberty on condition that they no longer bear arms in behalf of the United States. History says: "To their credit they refused to secure freedom on such terms." The fame of Colonel Williams runs through the early history of the State and in those days spread to every part thereof. So famous did he become that on the seventh day of January, 1850, Senator Lippincott, then from the District of San Joaquin, introduced a resolution commending Captain John A. Sutter and Colonel Isaac Williams for the kindness and assistance which they respectively had extended to the early pioneers. While this resolution was pending, a cruel story was circulated to the effect that Colonel Williams had deserted his fellow pioneers while the Battle of Chino was raging, and because of this, the

resolution introduced by Senator Lippincott was side-tracked and on January 12, 1850, a substitute resolution, commending Captain John A. Sutter, but without mention of Colonel Williams, was adopted.

In those days news traveled slowly and it was not until after the wrong had been done that Colonel Williams was apprised of the legislative action. He immediately addressed a communication to the President of the Senate of the State of California, which communication is now preserved in the archives of the Huntington Library. A photostatic copy of this communication is attached to this resolution and made a part hereof. The record fails to disclose that this communication was ever made known to the Senate of the State of California. If ever received by the President it perhaps was too late.

More than 90 years have passed since that letter of protest was posted, but even time will not rectify such a wrong or efface the blot which was thus cast upon the fair name and reputation of this honorable citizen of our State. While official action at this time will bring no satisfaction to Colonel Williams, nevertheless, it is fitting that such action be taken; therefore, be it

Resolved by the Senate of the State of California, That the photostatic copy of the letter of Colonel Williams hereto attached, dated the fifteenth day of February, 1850, addressed to the Honorable President of the Senate of California be entered in the Senate Journal and perpetuated in the records of this Legislature, and that the people of the State of California, acting through the Senate in this Extraordinary Session, do hereby express their appreciation of the many kindly acts and things done and performed by Colonel Isaac Williams and by this resolution be he recognized as a pioneer frontiersman with honor and integrity, and with a soul of generosity and kindness which endeared him to all who passed his way; and be it further

Resolved, That this resolution, together with a photostatic copy of said letter be placed in the archives of the California Room in the State Library.

Resolution read, and unanimously adopted.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator McBride, ordered printed in the Journal:

Editorial From Pacific Rural Press, December 27, 1941

American Japanese vs. Jap Japs

By D. M. RUTHERFORD

The way in which the alien Japanese matter has been handled calls for no patriotic bell ringing. As it stands at this writing aliens are permitted to do business with practically no restrictions, under a rattlingly loose licensing arrangement.

True, some of the known malefactors have been put behind barbed wire fences (some escaped underground or on fishing boats), but it stands to reason that there has been no very accurate separation of the sheep from the wolves—American citizens of Japanese ancestry from the Jap Japs.

The whole problem of Japanese residents in this country, citizen or Jap born, should be handled with the respect and caution ordinarily accorded to TNT.

Japanese-American children have been going to Japanese operated schools for many years. And don't forget that large numbers of Japanese boys from 12 years on up have been sent to Japan for their schooling. And Military training.

There would seem no rational objection to teaching the children something of the culture of their racial origin, just as we could have no objection to Americans of Swedish extraction learning about Sweden, but there is strong evidence that the Jap schools have not been given over to teaching the principles of Washington, Franklin, Jefferson, Lincoln.

The ivory tower handling of the present emergency may get us into a lot of trouble. We are inclined to be sympathetic to the plight of the Nisei, the American-born Japanese who are essentially American. But we doubt if there is much American about the alien Japanese residents here. Since aliens are now permitted to do business with little restriction, we will naturally be suspicious of all Japanese, to the detriment of those who by chance and fate were born here and who merit our kindly consideration.

Just now it would seem highly important to have a thoroughgoing investigation into all leases and purchases under the Alien Land Law. It would be particularly important to give the eagle eye to the leases. There has been plenty of subterfuge which we have complacently let lay. The shyster lawyer has played his part well—never a Japanese lawyer, the little brown men are too smart for that. And don't overlook the convenient practice of trading or borrowing American-born Japanese babies for the purpose of effecting land purchases or contracting leases! A few

of our upright legal brethren would find a lot of skulduggery if they would prod around here and there. But they might have to have clothespins on their noses.

We should look at the whole thing in the light of what might happen if the shoe were on the other foot. If there were some 60,000 Californians in Japan under these conditions, would they have the privilege of continuing their business with little if any supervision? Send their kids to school? Retain their personal property? Have plenty of food? Come and go with no restriction? You ask and answer some more obvious questions.

All enemy alien property should be under Federal custodianship. All enemy aliens should be pretty carefully sorted over. Those who merit release from custody should be sent to do farm work with which they are familiar under suitable Military or civilian authority. They might as well be kept busy and no doubt we will be able to find some use for the produce.

We know from what has happened in Hawaii and the Philippines that attacking forces have been aided by resident operatives. It is beyond question that there are many here waiting to do their stunt for the war lords of the land of the rising sun—if, as, and when. We must be tough enough to keep the resident aliens here under some complete control. Their business operations, if permitted, should be on the basis of subsistence only, with no surplus of funds which may be used for purposes of sabotage or other monkey business. We are not involved in a tea party. The total war effort of the enemy calls for total preparation and total caution on our part.

The free and easy licensing arrangement under which enemy aliens are now permitted to operate looks pretty soft to us from this vantage point. Maybe we had better quarterback this deal instead of waiting for the punt.

Communications from the Joint Legislative Budget Committee, relative to the State Guard, were presented by Senator Fletcher, and ordered referred to the Committee on Rules.

ADJOURNMENT

At 4 p. m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a. m. , January 13, 1942, out of respect to the memory of the late Congressman Lee E. Geyer.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 13, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Dan Gallagher of San Francisco.

On request of Senators Swan and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Benedetti of Roseville.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1942

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

Senate Concurrent Resolution No. 10

Senate Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1942

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

Assembly Concurrent Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Resolution read

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

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, and Swan—21.
 NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT. Your Committee on Rules, to which was referred a message from the Governor in which he appointed Judge Allen M. Saery to the Board of Managers of the Mendocino State Hospital, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT. Your Committee on Rules, to which was referred a message from the Governor in which he appointed Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Laman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards, and Frank W. Clark as members of the California State Council of Defense, has had the same under consideration and reports the same back to the Senate without any recommendation.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Rich moved that the Senate confirm and consent to the appointment of Judge Allen M. Saery of Wilhits as a member of the Board of Managers of the Mendocino State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Judge Allen M. Saery?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, and Tickle—22.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Judge Allen M. Sacry as a member of the Board of Managers of the Mendocino State Hospital.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark as members of the California State Council of Defense.

The President put the question, "Will the Senate confirm and consent to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Tickle—25.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark as members of the California State Council of Defense.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 16—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 20—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

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

Senate Bill No. 22—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 24—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

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

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

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

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

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

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 16, of the printed bill, after "protection", insert ", of which latter amount fifty thousand dollars (\$50,000), if and when expended, shall be expended only for fire protection of private lands within National Forest boundaries,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 28—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

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

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

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

CONSIDERATION OF SPECIAL ORDER

The hour of 11 a.m. having arrived, Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

RECESS

At 12.38 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and

rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 4 of the printed bill, strike out lines 17 to 29, inclusive, and insert
“(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service.”

Amendment No. 2

On page 4 of the printed bill, strike out lines 39 to 50, inclusive, and insert
“2. During such time as the United States is engaged in war the Governor shall have power, in addition to his power to call forth the Militia under Section 1 of Article VIII of the Constitution, to call into full-time active service all or any part of the active membership of the State Guard for service in any part of the State for the performance of such duties as may be necessary. The Governor shall also have power to call into full-time active service, at the request of any sheriff or chief of police addressed to the Governor or The Adjutant General, all or any part of the reserve force of the State Guard enlisted in the county from which such request is received for the performance within such county of the same duties as may be required of the active membership under this paragraph.”

Amendments read and adopted.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 11, of the printed bill, strike out “10”, and insert “15”.

Amendment No. 2

On page 3, line 7, of the printed bill, strike out “10”, and insert “15”.

Amendments read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Fletcher, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—19.

NOES—Senators Breed, Gordon, Judah, Kenny, Kuchel, Mayo, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—13

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 3, between lines 25 and 26, of the printed bill, insert
“A chaplain with the rank of First Lieutenant shall be appointed for each battalion.”

Amendment No. 2

On page 4 of the printed bill, between lines 11 and 12, insert
“A chaplain with the rank of Lieutenant Junior Grade shall be appointed for the nautical and marine force”

Amendments read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—29

NOES—Senators Breed, DeLap, Keating, Kenny, Kuchel, Phillips, Rich, and Tickle—8.

Motion to Amend

Senators Judah, Phillips, Mixter and Gordon moved the adoption of the following amendment:

Amendment No. 1

On page 5, lines 22 and 23, of the printed bill, strike out "by the State Board of Medical Examiners", and insert "under Chapter 5 of Division 2 of the Business and Professions Code".

Amendment read, and refused adoption.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 13, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 16	Senate Bill No. 23
Senate Bill No. 17	Senate Bill No. 24
Senate Bill No. 18	Senate Bill No. 25
Senate Bill No. 19	Senate Bill No. 26
Senate Bill No. 20	Senate Bill No. 27
Senate Bill No. 21	Senate Bill No. 28
Senate Bill No. 22	Senate Bill No. 30

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 6.07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 14, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 14, 1942

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

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

Senator Collier, on motion of Senator Brown.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Thornton Wilson, legal aide to Admiral Greenslade of the Twelfth Naval District.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to First Lieutenant E. T. Williams of Kelseyville.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain E. A. O'Neill of Santa Cruz.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Douglas Frame of Sacramento.

COMMUNICATIONS

A communication from M. L. Hubbard, Adjutant, San Francisco County Council, Veterans of Foreign Wars, relative to State Guard, was received, and ordered referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 25

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 12, 1942, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
John F. Lea, Chief Assistant Secretary-----	\$9 00
Walter J. McLaughlin, Assistant Secretary-----	7 00
N. L. Levering, Assistant Secretary-----	7 00
Arthur R. Hughes, Assistant-at-desk-----	5 00
Mrs. Hazel Blackwell, Chief Stenographer-----	6 00
Shirley Hamer, Stenographer-----	5 00
Belle Tomasini, Stenographer-----	5 00
Laura Prentice, Assistant-at-desk-----	5 00
Thomas A. Wright, Assistant Sergeant-at-Arms-----	5 00
H. Perry Smith, Assistant Sergeant-at-Arms-----	5 00
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, and Tickle—26.

NOES—None.

By Senator Tickle:

Senate Resolution No. 26

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning January 13, 1942, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Maud Grimshaw, Stenographer-----	<i>Per day</i> \$5 00

Resolution read.

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

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Tickle—27.

NOES—None.

By Senators Kenny and Phillips:

Senate Resolution No. 27

Relative to Interim Committee on Economic Planning.

Referred to Committee on Rules.

By Senator McBride:

Senate Resolution No. 28

Relating to creating the Alien Land Law Investigating Committee, to investigate evasions of the Alien Land Law.

Referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered.

Senate Joint Resolution No. 8: By Senator Gordon—Relating to a survey of California agricultural labor needs.

Request for Unanimous Consent

Senator Gordon asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8

Senate Joint Resolution No. 8—Relating to a survey of California agricultural labor needs.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—27

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time.

Senate Bill No. 31: By Senators Breed, Swan, Kenny, Shelley, Seawell, Ward, Powers, McBride, Brown, Collier, Judah, Keating, Tickle, DeLap, Carter and Parkman—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Concurrent Resolution No. 13: By Senators Swan, Shelley, Cunningham, Ward, Breed, Powers, Biggar, Quinn, Carter, Garrison, Seawell, Collier, Judah, McBride, Jespersen, Phillips, Kenny, Kuchel, McCormack, Brown, Fletcher, Gordon, Parkman, Mayo, Slater, Luckey, Rich, Mixer, Dillinger, Myhand, Crittenden, Tickle, Denel, DeLap, Keating, Swing and Metzger—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Without reference to committee.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5

and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, following line 9, insert

"4. Such Observation Squadrons, organized prior to December 7, 1941, which may in the opinion of The Adjutant General be necessary for the proper function of the State Guard as a guard unit and not for combat purposes."

Amendment read, and adopted.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, between lines 9 and 10, insert

"5. Such number of Cavalry units as The Adjutant General shall determine."

Amendment No. 2

On page 3 of the printed bill, between lines 43 and 44, insert

"The Adjutant General may also organize such number of Cavalry units as he may deem advisable, each unit to consist of such number of active membership or of the reserve force, or both, as he may determine. The organization of Cavalry units shall not increase the enlisted strength of the State Guard and upon the organization of any such unit the enlisted strength of the Infantry units provided in this subdivision shall be reduced by the same number as the enlisted strength of the Cavalry unit. The commissioned and noncommissioned officers for any Cavalry unit shall be the same as prescribed for a similar unit in the United States Cavalry."

Amendments read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 8, of the printed bill, strike out "four", and insert "six"; and on page 3, line 45, strike out "four", and insert "six".

Amendment read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 2

On page 3, between lines 9 and 10, of the printed bill, insert

"6. Such auxiliary units as may be necessary for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit."

Amendment read.

Motion to Table

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

Roll Call Demanded

Senators Quinn, Garrison and Swan demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Tickle, and Ward—24.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Quinn, Shelley, Slater, Swan, and Swing—12.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 3

On page 3, between lines 9 and 10, of the printed bill, insert

"6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Quartermaster Corps-----	624 officers and men
Medical Corps-----	1296 officers and men
Motor Transport Corps-----	315 officers and men
Headquarters Company, Adjutant Generals Office-----	100 officers and men
Signal Corps-----	320 officers and men
Ordinance Corps-----	208 officers and men
Sanitary Corps-----	320 officers and men
Evacuation Unit-----	771 officers and men
Air Corps-----	1170 officers and men
Engineering Corps-----	771 officers and men".

Amendment read.

Motion for Division of Question

Senator Quinn moved for a division of the question in order that items might be voted upon separately.

Point of Order

Senator DeLap arose to the following point of order: That the question was not divisible.

Point of Order Sustained

The President ruled the point of order well taken.

Motion to Table

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

Roll Call Demanded

Senators Garrison, Swan and Jespersen demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—23.

NOES—Senators Carter, Garrison, Jespersen, Metzger, Quinn, Seawell, Shelley, Slater, Swan, and Swing—10.

Motion to Reconsider

Senator Metzger moved to reconsider the vote whereby Amendment No. 2 was laid on the table.

Motion to Table

Senator Rich moved that the motion to reconsider the vote whereby Amendment No. 2 was laid on the table be laid on the table.

Roll Call Demanded

Senators Garrison, Swan and Quinn demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—22.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—14.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 4

On page 2 of the printed bill, strike out lines 4 to 11, inclusive, and insert "active service shall receive the same pay as officers of the same rank or grade in the United States Army."

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.
Motion carried.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 5

On page 3, line 20, of the printed bill, after "and", insert "one officer having the rank of not higher than First Lieutenant who shall act as Regimental".

Amendment read.

Motion to Table

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

Motion carried.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 6

On page 2 of the printed bill, between lines 27 and 28, insert

"In addition to the pay provided for in this chapter, an enlisted man in the State Guard when called into active service shall receive an allowance (not in any case to exceed thirty-five dollars (\$35) per month) for the support of actual dependents as follows:

(a) For the first dependent at the rate of fifteen dollars (\$15) per month for the period of time served;

(b) For each of the next two dependents at the rate of ten dollars (\$10) per month for the period of time served.

A dependent is the wife of the enlisted man, a child under the age of 21, or the mother, father, or other person, whether related to the enlisted man or not, and whether living with him or not, dependent upon and receiving his chief support from the enlisted man, provided such mother, father, or other person is incapable of self-support because mentally or physically defective."

Amendment read.

Motion to Table

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

Roll Call Demanded

Senators Seawell, Carter and Garrison demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Kenny, Kuchel, Mayo, McCormack, Mixer, Myband, Phillips, Rich, Tickle, and Ward—18.

NOES—Senators Carter, Dillinger, Garrison, Jespersen, Judah, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, and Swing—15.

RECESS

At 12.45 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

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

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Referred to Committee on Rules.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Referred to Committee on Rules.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**FURTHER CONSIDERATION OF SENATE BILL NO. 29**

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient

operation thereof consistent with such privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, between lines 40 and 41, insert
 "If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision, The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate."

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
 DISPENSED WITH**

At 3.12 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Further Consideration of Amendment by Senator Seawell

Amendment read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 7

On page 3 of the printed bill, between lines 9 and 10, insert
 "6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Quartermaster Corps-----624 officers and men".

Amendment read.

Motion to Table

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

Roll Call Demanded

Senators Quinn, Garrison and Swing demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Mayo, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—19.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—13.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 8

On page 3 of the printed bill, between lines 9 and 10, insert

"6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Medical Corps-----1,296 officers and men".

Amendment read.

Motion to Table

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

Roll Call Demanded

Senators Quinn, Garrison and Carter demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—18.

NOES—Senators Carter, Deuel, Garrison, Jespersen, Keating, Metzger, Powers, Quinn, Seawell, Shelley, Slater, and Swan—12.

THIRD READING OF SENATE BILL NO. 16

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 7, line 16, of the printed bill, strike out "five million"; strike out line 17; and in line 18, strike out "dollars (\$5,348,691)", and insert "seventeen million, two hundred ninety-seven thousand, five hundred eighteen dollars (\$17,297,518)".

Amendment No. 2

On page 7 of the printed bill, between lines 30 and 31, insert "Not more than ninety thousand dollars (\$90,000) of the amount appropriated by this act shall be expended for rental, utilities, and janitor service for company headquarters maintained at other than State armories."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

FURTHER CONSIDERATION OF SENATE BILL NO. 16

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being upon the final passage of Senate Bill No. 16.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried Time, 5.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13**

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Swan, Metzger and Jespersen:

Senate Resolution No. 29

Relative to the creation of a Senate Committee to study and report concerning the employment, by the State, of American-born citizens of Japanese descent.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Gever;

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes; And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of January, 1942, at 11 a.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

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

Assembly Bill No. 33

Assembly Bill No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 33—An act to add Section 2 1429 to, and to amend Sections 3.93, 3.223, 4.721, 4 740, 4 751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert "92 5. Notwithstanding any provision to the contrary in Section 92, the maximum base of allocation paid any fair shall increase by 10 per cent over the maximum base for either the calendar year 1941 or for any subsequent calendar year during

which the fair was held during the period for which the war with Germany, Italy, and Japan continues and until the end of the calendar year in which the war terminates."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.27 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Tickle, and Ward—27.

NOES—Senators Carter, Garrison, Jespersen, McBride, Quinn, Shelley, Slater, Swan, and Swing—9.

RECESS

At 5.30 p.m., on motion of Senator Rich, the Senate recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 21

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 29

And reports the same correctly engrossed.

RICH, Chairman

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 8.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 8.20 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Tickle—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Ward—31.

NOES—Senators Carter, Garrison, Quinn, Swan, and Swing—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Tickle, and Ward—30.

NOES—Senators Carter, and Swan—2.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 20

Senator Rich moved that Senate Bill No. 20 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—35.

NOES—None.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 8.58 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—31.

NOES—Senators Quinn, and Swan—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—29.

NOES—Senators Carter, Garrison, Quinn, Swan, and Swing—5.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 24

Senator Mayo moved that Senate Bill No. 24 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 27.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—30.

NOES—Senators Garrison, Quinn, Swan, and Swing—4.

Bill ordered transmitted to the Assembly.

Statement of Vote on Senate Bill No. 27

I am in favor of making an adequate appropriation for fire prevention and am heartily in favor of the master plan recommended by the Attorney General and approved by the State Council of Defense, but I feel constrained to vote against this particular bill because I feel that it would defeat the very purposes which we seek to accomplish. If this bill is not within the call, then it will be absolutely void and to vote in favor of such a bill, if it should be finally determined void, would be a futile and silly act.

I am in favor of making an adequate appropriation to the Emergency Fund so that an adequate sum may be allocated by the Director of Finance to carry out the master plan of fire prevention. This can best be done by causing the money to be placed in the Emergency Fund concerning which there is no question as to its validity. When that bill comes up I shall vote to include therein the sum recommended by the Attorney General for such purpose and shall support the bill for such purpose to the utmost of my ability.

RALPH E. SWING
JOHN HAROLD SWAN
IRWIN T. QUINN
J. C. GARRISON

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—28.

NOES—Senators Garrison, Quinn, and Swan—3.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 32: By Senator Metzger—An act augmenting the Emergency Fund to provide money to be advanced to the United States by the Reclamation Board for levee construction, declaring the urgency thereof, and providing that it shall take effect immediately.

Referred to Committee on Rules.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Breed:

Resolved, That Senate Bill No. 31 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time, and placed upon third reading file.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

SECOND READING OF SENATE BILL NO. 31

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

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

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

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

Assembly Concurrent Resolution No. 21.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

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

Assembly Bill No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Referred to Committee on Rules.

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.05 p. m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.06 p. m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.07 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 22 refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kennv, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Tickle, and Ward—25.

NOES—Senators Carter, Garrison, Keating, McBride, Quinn, Shelley, Slater, Swan, and Swing—9.

Motion to Reconsider

Senator Rich moved to reconsider the vote whereby Senate Bill No. 22 was refused passage.

Postponement of Reconsideration

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 22 was refused passage, was continued until the next legislative day

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 31

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 10.10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 15, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 15, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhaud, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. G. Hitchcock, Chairman State Highway Commission, Councilman John A. Tedford, and Capt. Clarendon W. Anderson, all of Santa Rosa.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Senate Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Bill No. 41
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 44
Assembly Bill No. 45

Assembly Bill No. 46
Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Without reference to committee.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bills Nos. 41, 42, 43, 44, 45, 46, 47, 48 and 49 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills 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 roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 45

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Motion to Re-refer Assembly Bill No. 45

Senator Breed moved that Assembly Bill No. 45 be re-referred to Committee on Rules.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL NO. 46

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 47

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 48

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—27.

NOES—None.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—Carter—1.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 49

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 43

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—None.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—Senators Carter, and Quinn—2.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 42

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the

Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time:

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Ward—32.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 14

Has had the same under consideration and reports the same back with the recommendation that the whole Senate consider the same.

RICH, Chairman

Above reported resolutions placed on file.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

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

Senate Bill No. 32

Assembly Bill No. 18

Assembly Bill No. 34

Assembly Bill No. 33

Has had the same under consideration and has come to the conclusion that they are included within the Governor's Proclamation convening the Legislature, and recommends that they be re-referred to the Committee on Finance.

RICH, Chairman

Above reported bills re-referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that the Senate return Assembly Concurrent Resolution No. 21 to this body for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

MOTION

Senator Rich moved that Assembly Concurrent Resolution No. 21 be returned to the Assembly for further action.

Motion carried.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Swing, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

Honorable Ralph E. Swing, Senate Chamber
State Capitol, Sacramento, California

SUBJECT: Scope of Item 2 of the Special Session Proclamation

DEAR SENATOR: I have given careful consideration to the several questions propounded in your letter of January 14th and am pleased to respond to the best of my ability. I am taking them up in the order in which propounded

Question No. 1. "Was it not the duty of the Governor when making his call to specify the subject for legislation in as clear and definite language as possible and to limit legislation to that particular subject?"

Answer: It is the function of the Governor in his Proclamation to specify the "subject."

As in any document, the greater the clarity and definiteness of description of the subject, the greater the facility of its interpretation and application.

Once the "subject" is ascertained, it is the Constitution that limits the Legislature to action on that subject.

Question No. 2. "Under the decision of *People vs. Curry*, 130 Cal. 82, did it not become his duty to exert every effort to so word his Proclamation that the session would be as short as possible in order to diminish the expense of the special session?"

Answer: In that case the Supreme Court said the purpose of the Constitution (in limiting special session legislation to subjects specified) "was to regulate the duration of such session, and thus diminish expenses."

Question No. 3. "There are now pending before the Senate some 10 or more bills making appropriations to specific funds or departments rather than to the Emergency Fund. Is it not true that viewed in the light of Section 24, Article IV of the Constitution these bills each relate to a separate subject?"

Answer: Within the meaning of Section 24, each bill is on its own subject, indicated in its title.

One bill may be on a subject narrowly defined; another broadly defined. Yet, there may be a subject (recognizable as such under said Section 24) broad enough legally to cover and comprehend what both the bills (or larger group of bills) propose to do.

For example, in 1893, the Assembly had before it 30 bills severally dealing with various phases of county government. The Assembly took one that had a broad title, expanded it into a complete and comprehensive County Government Act (237 sections, 167 pages) and struck the other 29 from the file. This remaining bill passed, became law and was upheld by the court (*Hale vs. McGettigan*, 114 Cal. 112).

Conceivably, the 10 or more bills mentioned in Question No. 3 could be each on a separate subject (as restricted by their respective titles), yet they might have a common factor which would make it possible to throw them into a single bill on a single (broader) subject, all within the call.

Question No. 4. "Is it not true that all the items mentioned in the Budget Bill of 1941, whereby appropriations are made to the various departments for the support of the State Government, are subject to the provisions of Section 6 of the Budget Act and of the Political Code provisions relating thereto, and that any funds directly appropriated by the Legislature to said items or funds would be subject to the same restrictions and conditions?"

Answer: It appears that all of said items (except the Emergency Fund item) are subject to said Section 6, which is a prohibition against expenditure of more than one-half of the item during the first fiscal year of the biennium unless expressly authorized by the Budget Act or by the State Board of Control.

All of said items, including the Emergency Fund item (except Items 21, 22, 23, and possibly a few others) are subject to Section 6775 of the Political Code, which lays down regulations for a Fiscal Year Budget.

Expenditures under most of said items, including the Emergency Fund item, are subject also to such audit and fiscal control requirements as are prescribed in such sections as 433, 440 and 669 of the Political Code.

Moneys directly appropriated to any of said items, in augmentation thereof, would be subject to the same Political Code restrictions as the particular item itself unless negated by the Special Appropriation Act itself.

Moneys transferred to such an item from the Emergency Fund, by order of the Director of Finance, would also be subject to all the Political Code restrictions applicable to that item.

Question No. 5. "Is it not true that if the Legislature makes an appropriation to the Emergency Fund as recommended by the Governor in paragraph 2 of his Proclamation, such funds would become immediately available for allocation by the Director of Finance to meet the various emergencies now existing, and would not such allocations be free from the restrictions set out in Section 6 of the act as well as the Political Code provisions?"

Answer: Moneys thus appropriated to and in augmentation of the Emergency Fund specified in Item 216 become immediately available for allocation by the Director of Finance for support of State governmental functions established by law.

But when it comes to spending the allocated moneys all of the Political Code budgeting and fiscal control features come into play and must be observed. (See Section 5 of the Budget Act of 1941, from which the Emergency Fund is not exempt.) That is our view of the law, that has been our uniform experience over all the years in the conduct of this office, and we are informed that is the uniform, established practice.

The same is true, no more and no less, of moneys made available by any Special Appropriation Act unless the act itself makes express exemption therefrom or additions thereto.

Question No. 6. "If the various bills now pending in the Senate seeking to make direct appropriations to specific funds are not within the call, would it not follow that such bills would be void and the appropriation sought be made ineffectual?"

Answer: Yes, if these bills are not within the call, they would be ineffectual; unless one or more of them have separable provisions, some within and some without the call, in which case those provisions within the call would become law.

Question No. 7. "In view of the situation confronting us, is it not your opinion that it would be safer and more expeditious for the Legislature to make an appropriation to the Emergency Fund as recommended by the Governor rather than to circumvent his request and attempt to make direct appropriations in the manner proposed by the various pending bills above referred to?"

Answer: Concerning the legal situation, my conclusions, and the steps by which I reach them, are set forth in the attached memorandum of opinion of January 6, 1942, on subjects specified in Item 2. These conclusions are that the Legislature, in legislating on the subject specified in Item 2 of the Proclamation, may:

(1) appropriate a designated sum of money "to the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, and in augmentation thereof, to be expended as provided therein during the Ninety-third and Ninety-fourth Fiscal Years."

(2) the same as paragraph (1), above, plus the following:

"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of" some certain designated statute or statutes.

(3) the same as paragraph (1), above, plus the following:

"Of the sum appropriated by this act, not less than _____ dollars, if and when expended, shall be expended only for the support, maintenance, operation, and equipment of" some certain designated department or agency.

(4) appropriate to the Emergency Fund a specific amount of money, with this qualification:

"This sum shall be made available by the Director of Finance for the use of and expenditure by" a certain designated State department or agency "for the support" of the same, or for the carrying out of a designated function of the same.

(5) appropriate directly for the support of a particular designated State department.

This is as I viewed it when I wrote the attached memorandum of January 6, 1942, and as I now view it.

In the interim you have requested me to give consideration to certain points. These points I have given careful consideration. They do not lead me to different conclusions, for the reasons stated in the attached memorandum of January 15, 1942.

With reference further to this question, I have indicated my opinion as to the various forms in which I believe an appropriation may be made under Item 2.

I deem each of the five forms above listed valid and safe from a legal standpoint.

Very truly yours,

FRED B. WOOD, Legislative Counsel

MEMORANDUM IN RE: Subjects Specified in Item 2 of Proclamation of December 16, 1941, convening California Legislature in Extraordinary Session

Question: What is the scope of Item 2 of the Proclamation by which the Legislature of California was convened in extraordinary session commencing December 19, 1941?

For example, could the Legislature, under this item, consider and pass a bill appropriating money for the support of a particular State department or for the carrying out of a specified function of that department?

Is the Legislature, or is it not, limited to appropriating money in augmentation of the "Emergency Fund" without any such specific designation or setting apart?

In either case, may the money, when appropriated, be expended for the performance of a function or the accomplishment of a purpose not already provided for by existing provisions of law? That is, are Emergency Fund moneys available for expenditure for any purpose or function not sanctioned or provided for by other provisions of law, and does this Item 2 permit the Legislature to create new functions or establish new purposes for which State moneys may be expended?

The problem is that of ascertaining what "subjects" this item specifies.

The Governor has express authority to convene the Legislature in extraordinary session. This he does "by Proclamation, stating the purposes for which he has convened it."

"When so convened" the Legislature shall have "no power to legislate on any subjects other than those specified in the Proclamation," except to make provision for the expenses of the session and matters incidental thereto. (Art V, Sec. 9.)

What is the subject, or what are the subjects, specified in Item 2? It reads as follows:

"To consider and act upon legislation augmenting the appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941."

What is the "Emergency Fund" thus specified? It is defined by said Item 216, which reads as follows:

"For Emergency Fund, exempt from Section 6 of this act, to be expended only on written authorization of the State Department of Finance for emergencies; provided, that loans may be made from the Emergency Fund to State agencies which derive funds from sources other than the General Fund upon such terms and conditions for repayment as may be prescribed by the State Department of Finance-----\$1,000,000.00

Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law."

The gist of this is that this is a fund the moneys in which are available for expenditure in "contingencies for which no appropriation, or insufficient appropriation, has been made by law."

We think the "contingency" must necessarily be one in relation to which the law, some law, has made provision whereby it is a State governmental purpose for the accomplishments of which State moneys may legally be expended. If not, there is involved an illegal delegation of legislative power to the Director of Finance to expand the functions of the State Government beyond all bounds.

Emphatically so, in view of the express constitutional mandate that "no money shall be drawn from the Treasury but in consequence of appropriation made by law." (Art. IV, Sec. 22.)

Then, too, we must not lose sight of the fact that Item 216 of the Budget Act is one of a series of items or clauses each of which depends upon an introductory clause which precedes them and colors each. This clause reads as follows:

"The following sums of money * * * are hereby appropriated for the use and support of the State of California * * *" (Sec. 2.)

In addition, the title of the Budget Act of 1941 declares that it is

"An act making appropriations for the support of the Government of the State of California and for the several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution * * *."

All this is quite inconsistent with the idea that the Legislature in passing, or the Governor in signing, the Budget Act of 1941 intended, through Item 216, to clothe the Director of Finance with power to authorize the expenditure of State money for the exercise of any function or the carrying out of any purpose not established by law as a State governmental function or purpose.

This line of reasoning is supported by the reasoning of the Supreme Court in *Yandegeft vs. Riley* (1934), 220 Cal. 340, in which the court was construing and applying the provisions of the Emergency Fund item of the Budget Act of 1933. As to the purpose and function of the Emergency Fund, the court made these observations:

"The inclusion of a substantial sum in each appropriation bill enacted in the last 25 years and specially designated 'for Emergency Fund' was undoubtedly with the idea in mind that it would in all probability eventuate that an appropriation for a particular department or purpose would be insufficient, or that a necessary public purpose for which no appropriation had been made would have to be provided for prior to the enactment of the next Budget Bill." (220 Cal. 340, at p. 346.)

"When allowances have been made from the Emergency Fund to supplement the appropriation made by the appropriation bill to a State department for maintenance and support, which appropriation was found by the fiscal agencies of the State to be insufficient, such allowance from the Emergency Fund has been expended by such departments the same to all intents and purposes as if the supplemental allowance had been made a part of the regular appropriation for said departments.

"The establishment and distribution of an Emergency Fund under this plan and procedure was no doubt in recognition of the fact that without such a method of balancing the funds required for the several departments of the State and for other State agencies and purposes, the appropriations under the old plan were inflexible and the new plan was intended, at least in part, to avoid the enactment of separate and independent contingent expense bills and appropriations found necessary under the old system." (*Same*, p. 346.)

"It has been the practice in this State for many years for the Legislature to include a similar provision in the general appropriation acts, thus providing for the payment of emergency claims against the State and its activities,

rather than subject the departments of the State and its offices to embarrassment in the administration of the State's business, and put claimants to the annoyance and uncertainty of having to depend upon subsequent Legislatures for reimbursement for services and supplies furnished." (*Same*, p. 347.)

When money is thus set aside "for Emergency Fund," it "becomes part of the funds set aside for the proper functioning of the State Government and its several departments, offices and purposes." (*Same*, p. 349.)

The Department of Finance has the power to determine the existence of an emergency and order the transfer of money from the Emergency Fund "for a necessary and proper State purpose when no specific appropriation has been made therefor, or when a specific appropriation has been made to a State department, office or purpose and the same has been found insufficient." (*Same*, p. 354.)

It would seem to follow that the "subject" specified in Item 2 of the Proclamation is the appropriation of money for the support of the State functions and the carrying out of State purposes (regularly established by other provisions of law) for which no appropriation or insufficient appropriation has been made by law.

Next comes the question whether or not in legislating on this subject the Legislature must do so precisely in the form and manner indicated in Item 2 (simply appropriating to the Emergency Fund in augmentation of the moneys now in it) or whether it may appropriate for one or more but not all of the purposes embraced within that subject.

The wording of the Constitution is significant in this connection. It says that the Governor shall state the "purposes for which he has convened" the Legislature, and that when convened it "shall have no power to legislate on any subjects other than those specified in the Proclamation." Here is no requirement that it legislate in a particular manner. The sole limitation is that the Legislature shall not legislate "on any subjects other than those specified." Other than that there is expressed no limitation upon any of the powers of the Legislature. Save only for this one limitation it would appear that the Legislature at an extraordinary session has and may exercise all of the powers which it has at a regular session.

Just as at a regular session, bills originate in either house, are subject to amendment in either house and when finally passed by the two houses go to the Governor for his approval or veto. In the process, the details of a bill, it would seem, are subject to change at a special session to the same extent as at a regular session so long as it is upon and within a subject specified in the Proclamation.

A question similar to this one arose in California at the second extra legislative session held in 1910. The Governor in his Proclamation called upon the Legislature to consider and act upon a resolution "proposing an amendment to the Constitution of the State of California to be known as Senate Constitutional Amendment No. 1, to be submitted to the people of the State of California for approval and ratification in the words and figures following, to wit:"—Next following which he set forth the complete text of the proposal. Such a measure was then introduced in the Senate. Certain amendments to the measure were offered. The President of the Senate ruled that they were out of order on the ground that under the call of the Governor convening the session no amendment was in order except what was specifically referred to in the call. From that ruling an appeal was taken and the decision of the Chair was affirmed. Subsequently, the Senate Judiciary Committee was requested to further investigate the question whether or not the Legislature could "under the law amend in any respect within the subject therein embraced Senate Constitutional Amendment No. 1, as set forth in words and figures in the Proclamation of the Governor convening this extraordinary session." The committee reported that it had considered this question and was of the opinion "that such question should be answered in the affirmative."

Meanwhile, the Senate had passed the measure and the Assembly had adopted it with certain amendments. When the latter came before the Senate for concurrence the same question was raised as before. This time the ruling was that the amendments were allowable. The presiding officer of the Senate, in making this ruling, recited the foregoing facts and made this additional statement:

"The Senate Judiciary Committee met and listened to an argument by the Attorney General of the State, and their attention was called, for the first time, to two decisions rendered in the State of Colorado by the Supreme Court of that State. The first being entitled *In re Governor's Proclamation*, reported in 35 Pacific Reporter, page 530, and the second being entitled *People ex rel McGaffney vs. District Court of Arapahoe County et al*, reported in 46 Pacific Reporter, page 681.

"The Attorney General of the State gave as his opinion that these decisions were applicable to the situation now confronting the Legislature of the State of California convened under extraordinary session, and upon being put to a vote of 11 to 1, the Judiciary Committee decided that in their opinion the Legislature can, under the law, amend in any respect within the subject therein embraced, Senate Constitutional Amendment No. 1, as set

forth in words and figures in the Proclamation of the Governor convening this extraordinary session."

"In view of this report, and in view of the fact that, at the time the President of the Senate made his ruling on the point of order raised against the amendment introduced by Senator Cammetti, that the Senate had not the benefit of the Colorado decisions referred to, before them, and in view of said decisions and the opinion of the Attorney General, the President now rules that the point of order raised by Senator Willis is not well taken." (Senate Journal, Second Extraordinary Session, 1910; p. 62.)

That constitutional amendment was ratified by the people, and set up a tax system which obtained from 1911 until the Tax Amendment of 1933. In all of the cases which during that period construed and applied the provisions of that amendment, the point here under discussion was not raised or considered, so far as we are aware.

This is persuasive of the validity in California of the principle of law enunciated by the Colorado court and relied upon by our Attorney General and by our Senate when the latter concurred in the Assembly amendments at the Special Session of 1910.

That principle was enunciated by the Colorado court in these words:

"It is true, Section 9 (of Article 4 of the Colorado Constitution) requires that the business to be transacted at the special session shall be specially named, but it does not require that such business shall be definitely and particularly prescribed, in all its details, by Executive Proclamation.

"Legislative judgment and discretion as to the transaction of the business specially named are certainly not inhibited at special sessions.

"The Legislature can not go beyond the limits of the business specially named in the Proclamation, nor can it legislate upon business not named in the Proclamation; but within the limits of such business it may act freely, in whole or in part, or not at all, as may be deemed expedient, according to its own judgment.

"The Legislature must do this much, or the right of legislating by the representatives of a free people at a special session is destroyed, and all our ideas of such rights are rendered obsolete." (*In re Governor's Proclamation*, 35 Pac. 530, at 531.)

In applying that principle the problem was that of ascertaining the "subject-matter of legislation" specially named in the Proclamation. The item construed read as follows:

"To amend the attachment laws of the State by striking out the tenth, eleventh and thirteenth causes of attachment; such amendment to take effect only on contracts made after this enactment becomes law."

This, said the court, had reference to Section 92 of the code, certain causes of attachment in courts of record.

But the Legislature passed a bill eliminating the seventh, eighth, and tenth causes of attachment in Section 77 of the Justice's Act, which corresponded substantially to the designated clauses of Section 92 in relation to courts of record.

The court held that "the subject-matter of legislation includes, in substance, the Justice's Act, as well as the Act Governing Courts of Record" (35 Pac. 531-32); that it would be a narrow construction to hold that the Legislature may amend the laws applicable to certain causes of attachment in courts of record, but that like causes of attachment in justice's courts can not be amended under the Proclamation; and that the provision in the Proclamation limiting the amendment to contracts made after the bill's enactment was an unwarranted restriction upon legislative power and discretion.

In the other Colorado case, the item involved read as follows:

"To enact that the law in relation to elections, etc., in this State, known as the Australian Ballot Law, be amended so as to provide:"

Then followed several paragraphs specifying various features of that law, and precisely what to do about each.

The Legislature acted upon certain other features of the Australian Ballot Law, and in various respects deviated from the Governor's particularized specifications, which action the court upheld.

The subject specified in this clause of the Proclamation was "the whole subject-matter of such act," the Australian Ballot Law. The court said that the Governor had

"No more authority to go further than this, and specify the particular character of the amendments to be voted upon, than he would have had to have prepared the bills, and attach them to his call, and directed the Legislature to have passed or rejected the same, without amendment.

"Such specific instructions can, at best, be regarded as advisory only, and not as limiting the character of legislation that might be had upon the general subject of the Australian Ballot Law." (*People vs. Dist. Court, Colo.*, 46 Pac. 681.)

This is the prevailing rule applied, and process of reasoning followed, by the courts of the several States, as we read their decisions. What is the "subject" specified? Is the particular bill on or within that subject? If so, the inquiry is at an end. The Legislature may act upon the entire subject, or some part of it, or not at all. If it acts on or within the subject, the manner and form of incidents and details are a matter of legislative discretion.

If this proves to be a correct statement of the rule, it would seem to follow that the Legislature, under Item 2 of the Proclamation of December 16, 1941, may do any of the following:

(1) appropriate a designated sum of money "to the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, and in augmentation thereof, to be expended as provided therein during the Ninety-third and Ninety-fourth Fiscal Years."

(2) the same as paragraph (1), above, plus the following:
"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of" some certain designated statute or statutes.

(3) the same as paragraph (1), above, plus the following "of the sum appropriated by this act, not less than ----- dollars, it and when expended, shall be expended only for the support, maintenance, operation, and equipment of" some certain designated department or agency.

(4) appropriate to the Emergency Fund a specific amount of money, with this qualification.

"This sum shall be made available by the Director of Finance for the use of and expenditure by" a certain designated State department or agency "for the support" of the same, or for the carrying out of a designated function of the same.

If these can be done, it would seem but a matter of form (in ear-marking for a given department or function), whether the money is routed through the Emergency Fund or is appropriated directly "for the support" of the particular department.

We do not think the Legislature, under Item 2, in making an appropriation to meet a "contingency for which no appropriation, or insufficient appropriation, has been made by law," is required to commit to the Department of Finance the determination of the existence of the contingency or the amount of money required to meet it. That would seem to be an incident or phase of the "subject" in respect to which the Legislature may exercise its discretion. Many months have elapsed since the Emergency Fund was set up. Certain events have occurred since then. It would seem as if the Legislature inherently has the constitutional power to appraise those events and make a determination as to the present needs of the various State agencies, in view of the changed conditions.

Whatever form an appropriation bill takes under Item 2, it can not of itself create new purposes of expenditure. It is limited to the appropriation of money for the support of Governmental agencies and the performances of functions set up and established, by other provisions of law, as proper purposes of the appropriation and expenditure of State moneys.

FRED B. WOOD, Legislative Counsel

List of Decisions in Other States Construing Special Session Proclamations and the Scope of Legislative Action Permitted Thereunder

The Constitutions of most, if not all, of the States expressly authorize the Governor to convene the Legislature in extraordinary session.

In most of these States the Constitution limits the Legislature, at such a session, to the consideration of legislation upon subjects specified in the Proclamation by which the session is convened, or (in some States) in a Supplemental Proclamation or message.

This limitation is expressed in various forms, in many cases quite comparable to that expressed in Section 9 of Article V of the California Constitution.

The persuasiveness of the decisions in a particular State would, of course, depend upon the similarity of that State's constitutional limitation to the limitation expressed in Section 9 of Article V of the California Constitution.

In this list, which is believed to be fairly exhaustive, the decisions are arranged by States.

Alabama—(Art. V, Sec. 122.)

Opinion of the Justices (1936), 171 So. 902.

Opinion of the Justices, 166 So. 710.

Arizona—(Art. IV, Sec. 2 (3).)

McClintock vs. City of Phoenix (1922), 24 Ariz. 155, 207 P 611.

- Arkansas*—(Art. VI, Sec. 19.)
Jones vs. State (1922), 242 S. W. 377.
Road Improvement District No. 16 vs. Sale (1922), 154 Ark. 551, 243 S. W. 825.
State Board vs. Atty. Gen. (1932), 54 S. W. (2d) 686.
Arkansas State Highway Commission vs. Dodge (1932), 186 Ark. 640, 55 S. W. (2d) 71.
Crawford Co. Lerce Dist. vs. Cazort, et al. (1935), 190 Ark. 257, 78 S. W. (2d) 378.
Pope vs. Oliver (1938), 117 S. W. (2d) 1072.
McCarroll vs. Clyde Collins Liquors, 132 S. W. (2d) 19.
Sebastian Bridge District vs. Lynch (1940), 138 S. W. (2d) 81.
Burton vs. Harris (1941), 152 S. W. (2d) 529.
- Colorado*—(Art. IV, Sec. 9)
People vs. District Court (1896), 46 Pac. 681.
In re Governor's Proclamation (1894), 35 Pac. 530.
- Kentucky*—(Sec. 80.)
Talbot vs. Jones (1935), 258 Ky. 449, 80 S. W. (2d) 566.
Richmond vs. Loy (1935), 261 Ky. 138, 87 S. W. (2d) 134.
Trenton Graded School District vs. Board of Education (1939), 278 Ky. 607, 129 S. W. (2d) 143.
- Montana*—(Art. VII, Sec. 11.)
State ex rel Anaconda Copper Mining Co. vs. Clancy (1904), 30 Mont. 529; 77 Pac. 312.
Blackford vs. Judith Basin County (1940), 98 P. (2d) 872.
- Michigan*—(Art. VI, Sec. 7.)
Smith vs. Curran, 256 N. W. 453.
- Missouri*—(Art. IV, Sec. 55)
Stock vs. Edwards (1922), 244 S. W. 802.
Schlafly vs. Baumann (1937), ---- Mo. ----; 108 S. W. (2d) 363.
- Oklahoma*—(Art. VI, Sec. 7.)
Kemp vs. State (1926), 35 Ok. Or. 128, 248 Pac. 1116.
- Pennsylvania*—(Art. III, Sec. 25.)
Fayette County vs. County Commissioners (1908), 35 Pa. C. C. 401.
In re Likens (1909), 72 Atl. 858 and 862.
Commonwealth vs. Liveright (1932), 308 Pa. 35, 161 Atl. 697.
Chester County Institution Dist. vs. Commonwealth (1941), 17 A. (2d) 212.
- Tennessee*—(Art. III, Sec. 9)
Mitchell vs. The Franklin & Columbia Turnpike Company (1842), 3 Humphreys 456, 22 Tenn. 344.
Dovercaur vs. City of Bienville (1887), 29 Fed. 742.
Hyde vs. State (1915), 131 Tenn. 208, 174 S. W. 1127.
Columbia & Pulaski Turnpike Co. vs. Hughes (1915), 131 Tenn. 267, 174 S. W. 1108.
- Texas*—(Art. III, Sec. 40.)
Baldum vs. State (1886), 3 S. W. 109.
Stockard vs. Reid (1909), 121 S. W. 1144, 57 Tex. Civ. App. 126.
Long vs. State (1910), 58 Tex. Cr. R. 209, 127 S. W. 208.
- West Virginia*—(Art. VII, Sec. 7.)
State Road Comm. of W. Va. vs. W. Va. Bridge Comm. (1932), 112 W. Va. 514, 166 S. E. 11.
Bedford Corporation vs. Price (1932), 112 W. Va. 674, 166 S. E. 380.
- Wisconsin*—(Art. IV, Sec. 11.)
Van Dyke's Appeal (1935), 217 Wis. 528, 259 N. W. 700.

SACRAMENTO, CALIFORNIA, January 15, 1942

SUPPLEMENTAL MEMORANDUM IN RE: Subjects Specified in Item 2

Certain points were brought to our attention subsequent to our memorandum of opinion of January 6, 1942, on this subject. We have given these points careful consideration. They do not lead us to a conclusion different from that formerly expressed.

We here summarize these points and our views concerning them.

1. The statement in *People vs. Curry*, 130 Cal. 82, that the purpose of giving the Governor power "to specify subjects" is to regulate the duration of a special session and thus diminish expenses, seems not to throw great light upon the problem of interpreting a particular clause in a Proclamation.

Equal consideration must be given to the constitutional power of the Legislature "to legislate." This power it has at a special session, just as at a regular session, save that the power must be exercised "on subjects specified."

2. If, as suggested, the subject of Item 2 literally is "augmenting the Emergency Fund" (no more, no less), then the legislative power is impinged upon. For then if the Legislature acts at all, it must cover the whole of the subject and make money available for all of the varied State governmental purposes, leaving to the Department of Finance the allocation of this, that or the other amount to this, that or the other purpose. It seems to us that if in such a bill the Legislature limits the purposes for which the money may be spent it is acting within, not without, the limits of the subject.

3. As concerns the limitations to be inferred from the Budgetary Plan set forth in Section 34 of Article IV of the Constitution, and but one Budget Bill per biennium, we think the answer is furnished by Section 34 itself. It recognizes the Special Appropriation Bill by holding up its consideration until enactment of the Budget, unless sooner permitted by the Governor, and by limiting it to a single item of appropriation. Then, too, a straight-out augmentation of the Emergency Fund without any express limitations as to purposes (of which there have been a number heretofore) is itself in the nature of an unbudgeted Budget Bill.

4. As to a differentiation between the Emergency Fund upon the one hand and other Budget Act items and special appropriations upon the other, predicated upon applicability of certain fiscal control provisions of the Political Code to the latter and inapplicability to the former, it is our understanding that such provisions are equally applicable to both groups. For example, Section 5 of the 1941 Budget Act subjects all appropriations in that act to Section 677.5 of the Political Code, and the general run of items in that act (including Item 216) make no exemptions therefrom. The only differentiation that we see is the exemption of Item 216 from Section 6 of the Budget Act, which limits expenditures to 50 per cent during the first fiscal year. But when an allocation is made from the Emergency Fund to a particular fund or support item the regular budgetary and fiscal controls attach and apply to its expenditure from that point on.

5. We concur in the thesis that the purposes specified in a special session Proclamation must be sufficiently specific to constitute "subjects," and we believe that this one is a subject,—the matter of appropriating for the support of the Government of the State, where no appropriation or insufficient appropriation has been made by law.

That seems to us as much a subject as the act of March 14, 1883, which set up the entire scheme of government for the counties of the State, held to be in compliance with the single subject requirements of Section 24 of Article IV of the Constitution, in *Longan vs. County of Solano*, 65 Cal. 122.

When it comes to bills on that subject, one might be on the whole of it (simply augmenting the Emergency Fund); one might be on a small part of it (limited to support of a particular department); one might be on a different part of the subject; and so on. The number of separate bills on various small parts of the subject specified, do not relate back and split the call up into a multiplicity of subjects.

6. Some confusion inheres in the use of the word "emergency." But by definition Item 216 of the Budget Act characterizes it as a contingency for which no appropriation, or insufficient appropriation, has been made.

In meeting such a situation, it seems to us it is a proper exercise of legislative discretion to consider and decide whether to meet it by a single bill limited only to the support of the State Government, or by a series of bills severally limited to particular purposes within that field, or by several bills of each kind.

7. The fact, too, that a given department may not yet have spent all the money appropriated for its use this biennium, is not conclusive of the further fact that insufficient money was appropriated. Present funds presumably are encumbered (advisedly so) for its normal needs, and facts may already have occurred which demonstrate additional needs. Why a direct appropriation now is not as competent a method of meeting that situation as is that of making the same estimate of need but lumping the money in the Emergency Fund, we do not see. We think either method is "on the subject specified."

FRED B. WOOD, Legislative Counsel

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33
NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

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

PALO ALTO, CALIFORNIA, January 15, 1942

*State Senate, Care Ellis Patterson, Lieutenant Governor
State Capitol*

California Congress of Parents and Teachers urges that sufficient appropriations be given to the Departments of Health and Social Welfare to meet increased needs during emergency.

MRS. E. K. STRONG, President

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 33: By Senator Collier—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for expenditure in connection with the Klamath River Highway, to take effect immediately.

Without reference to committee.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 11

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 12 40 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

LONG BEACH, CALIFORNIA, January 15, 1942

Lieutenant Governor Ellis Patterson

Urgently request that legislation be passed making it possible to provide Long Beach sufficient moneys for necessary equipment, material and personnel to adequately carry out our part of the State defense program

CARL R. ERICKSON, City Manager

VOLUNTARY BOROUGH BOARD, INC., and
HOLLENBECK BOROUGH VOLUNTARY BOARD
LOS ANGELES, CALIFORNIA

*To the Hon. President of the Senate
Sacramento, California*

GREETINGS: Anent the matter of establishing a State Guard, by unanimous vote of above mentioned boards I was directed to acquaint the Governor and the Legislature of the opinions of the members of said boards, i.e.

- (1) The need for such Guard is, under the present conditions, self-evident;
- (2) The Guard should be an effective Military body affiliated with the National Military or be under its direction and hence should consist of 10,000 to 20,000 or more thousands;
- (3) When Guardsmen are actually practicing, their expenses should be paid by the State and then when in actual service the remuneration should be commensurate to the service rendered, the scale being not less than men in National service nor yet more than is paid at the present time;
- (4) In organization the National plan must be followed but officers should not be paid extravagant salaries when compared with the common soldier;
- (5) Our boards believe that the Federal Government should not only pay one-half of the total cost of the State Guard but a larger share during the present emergency since California in a particular sense becomes a stronghold with a State Guard under the current war conditions, and thus a special defender of our National liberties

We should work and even sacrifice material things to retain and establish Freedom over the whole earth at the earliest possible time.

With our constant hope that all things shall be done with good but regulated speed, we are as ever,

Yours very sincerely,

L. H. KEPSEL, Secretary-Manager

Please to refer to proper committee or to Senate as a whole

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Senate Bill No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Bill No. 35

Assembly Bill No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Assembly Joint Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Without reference to committee.

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Without reference to committee.

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Without reference to committee.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Mayo:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None

Article IV, Section 15 of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Bill No. 18

Has had the same under consideration, and reports the same back with the recommendation. Do pass.

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

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Bill No. 34

Has had the same under consideration, and reports the same back with the recommendation. Do pass.

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

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Bill No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended

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

MIXTER, Chairman

Above reported bill ordered to second reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Kenny, Kuchel,

Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert
"No apportionments from State funds based upon average daily attendance in such special day or evening classes shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof. Where the total cost of such classes exceeds the amount borne by the Federal Government, or any agency thereof, the average daily attendance of pupils upon classes conducted pursuant to this section shall be computed to the extent necessary to recompense the district for the balance of the sum expended in the conduct of such classes."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 2.1429 to, and".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out the comma after "of".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. School Code Section 3.223 is hereby amended to".

Amendment No. 4

On page 2, line 14, of the printed bill, as amended, strike out "Sec. 4", and insert "SEC. 2".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "5", and insert "3".

Amendment No. 6

On page 3, line 1, of the printed bill, as amended, strike out "6", and insert "4".

Amendment No. 7

On page 3, line 22, of the printed bill, as amended, strike out "SEC. 7", and insert "SEC. 5".

Amendment No. 8

On page 3, line 40, of the printed bill, as amended, strike out "8", and insert "6".

Amendment No. 9

On page 4, line 3, of the printed bill, as amended, strike out "9", and insert "7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 21

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 21

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 22

Assembly Concurrent Resolution No. 22—Relative to purchase of defense bonds by public officers and public employees.

Resolution read.

Motion to Table

Senator McCormack moved that the above resolution be laid on the table.

Motion carried.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

Senate Joint Resolution No. 9: By Senators Crittenden, Cunningham, Deuel, Fletcher, Kenny, Rich, Metzger, Swan, McCormack and Gordon—Relative to flood control on the Sacramento River.

Without reference to committee.

Senate Joint Resolution No. 10: By Senators Kuchel, Breed and Kenny—Relative to protection of National defense industries, utilities and facilities.

Without reference to committee.

Senate Joint Resolution No. 11: By Senator Metzger—Relative to the President's Birthday and the March of Dimes.

Request for Unanimous Consent

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 11. at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 11

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Resolution read.

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

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 16

Assembly Joint Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Without reference to committee.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Without reference to committee.

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Without reference to committee.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 17

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 33

Senator Rich moved that Senate Bill No. 33 be re-referred to Committee on Finance.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 15, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: In my message to you, delivered at the opening of the present special session, December 19, 1941, I recommended that you appropriate the sum of \$9,250,000 to the regular State Emergency Fund, pointing out that it was impossible at that time, as it is impossible now, to predict all of the State's war emergency needs. However, neither this recommendation nor my recommendation that you appropriate \$17,500,000 for the support of the State Guard has yet been followed. Instead of following the purposes of the call and making an entire appropriation to the Emergency Fund for allotment to meet the requirements of the various departments and divisions of the State Government, you have also, I understand, passed some bills making specific appropriations directly to some of the departments; bills which are of doubtful validity because of the doubt, as a legal proposition, that they are within the scope of the call for this session. However, in addition to such direct appropriations as you may make to the departments, which I understand may total approximately \$5,000,000, there should be a total of \$10,000,000 appropriated to the Emergency Fund. I recommend this in the light of developments since my message to you on December 19th, and also for reasons given in my message to you on that date.

It is apparent now that the State Council of Defense will require several hundred thousand dollars for providing equipment and maintenance of air raid warning posts; that an indefinite amount will be required for maintaining fire rationing and automobile rationing services which the State is now called upon to perform; that additional Emergency Funds will be required by the Maritime Academy; that consideration should be given to any real need of cities and counties for State Emergency Fund aid, by way of furnishing equipment which local governments are unable to supply because of their financial conditions. Other emergency requirements which should be met for public safety will undoubtedly spring up, growing out of war conditions. Prudence and preparedness requires the availability of an adequate Emergency Fund.

A failure to provide an ample and adequate, unrestricted Emergency Fund at this critical period would be a serious obstruction to the State of California in meeting its responsibilities for the protection of the lives and property of its citizens and for the performances of services which all States are called upon to perform in this total war. I therefore urge you, in addition to any direct appropriations

which you may make to the departments or agencies of Government, that you appropriate to the State Emergency Fund a total of \$10,000,000.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

Amend line 1 of the printed bill by striking out "six hundred forty-two thousand"; and line 2 by striking out "three hundred nineteen dollars", and "\$642,319", and inserting "five million dollars (\$5,000,000)".

Amendment read

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 6 35 p m

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE SENATE

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read.

Further Consideration of Amendment by Senator Quinn

Motion to Table

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

Roll Call Demanded

Senators Quinn, Garrison and Biggar demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Tickle, and Ward—25.

NOES—Senators Carter, Dillinger, Garrison, Jespersen, Keating, McBride, Quinn, Shelley, Slater, Swan, and Swing—11.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "Six hundred forty-two thousand", and in line 2 strike out the words "Three hundred nineteen dollars" and the

figures "\$642,319" and insert therein "Two million three hundred forty-seven thousand four hundred forty-eight dollars (\$2,347,448)".

Amendment read.

Motion to Table

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

Roll Call Demanded

Senators Swing, Quinn and Keating demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—20.

NOES—Senators Carter, Cunningham, Dillinger, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—16.

Motion to Table

Senator Swing moved that Assembly Bill No. 44 be laid on the table.

Roll Call Demanded

Senators Swing, Swan and Quinn demanded a roll call.

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

AYES—Senators Garrison, Keating, Powers, Quinn, Swan, Swing, and Tickle—7.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, and Ward—30.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—Senators Carter, Garrison, Keating, Powers, Quinn, Shelley, Swan, and Swing—8.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 7.05 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Swan moved that Assembly Joint Resolution No. 14 be placed on the inactive file.

Motion carried.

ADJOURNMENT

At 7.07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 16, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO,
Friday, January 16, 1942

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenney, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

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

Senator Phillips, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. D. Sgarlato of Big Basin, Santa Cruz County.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. and Mrs. T. G. Griffith of Roseville.

On request of Senators Breed and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Hubert B. Scudder of Sebastopol.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Hoffman of Stockton.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Robert M. Clarke of Los Angeles.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Gordon, ordered printed in the Journal:

Backward, turn backward,
Oh time in thy flight,
And give us July again
Just for tonight
We are disgusted
With snow, fog and ice,
Hear our rich warble,
And take our advice.

Turn back the clock,
Till it shows August One,
Give us some dog days,
And give us the sun.
Give us mosquitoes,
And give us flies,
But turn on the heat
Before everyone dies

By HARRY L. JORDAN
Bookkeeper to the Sergeant-at-Arms

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

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

Senate Concurrent Resolution No. 12
And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Senate Bill No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Senate Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried Time, 11.07 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.10 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 12?

Amendment No. 1

On page 1, line 20, of the printed measure, before the semicolon, insert "and Sections 1390 to 1394 of the Labor Code and Sections 1170 to 1184 of the School Code provide for the conditions under, and the hours during, which minors may be employed".

Amendment No. 2

On page 2, line 5, of the printed measure, before the semicolon, insert "and with respect to the conditions under, and the hours during, which minors may be employed".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 12 by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Powers, Seawell, Slater, Swan, and Ward—21.

NOES—None.

Above resolution ordered enrolled

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 14: By Senator Swan—Relative to the death of Justice John Francis Pullen.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 9

Senate Joint Resolution No. 10

And reports the same correctly engrossed.

RICH, Chairman

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MOTION TO STRIKE FROM FILE**

Senator Crittenden moved that Senate Joint Resolution No. 9 be stricken from the file.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: Your Committee on Rules has had under consideration the following communication, to wit:

"To the Honorable Senate Committee on Rules

State Capitol Building, Sacramento, California

Pursuant to the request of the Honorable Senator Breed, and Joseph Nolan, Sergeant-at-Arms, regarding the purchase and installation of a new clock for the Senate Chamber, this office submits the following estimate for your approval.

Clock to be electric operated, equipped with lock switch and resetting device. Estimated cost \$100.

Sincerely yours,

FRANK N. KILLAM, Chief
Bureau Buildings and Grounds
By W. H. EPPERSON, Chief Engineer"

and we recommend that the Secretary and the Sergeant-at-Arms be directed to purchase a new clock for the Senate Chamber.

RICH, Chairman

Report read, and adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Slater, Swing, and Ward—28.

NOES—Senators Keating, Powers, and Swan—3.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, and Ward—27.

NOES—Senators Judah, Keating, Powers, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.223, 4.721, 4.740, 4.751 and 4.752 of, the School Code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

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

Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army and the Los Angeles County flood control authorities to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.23 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

Motion to Refer Bill to Inactive File

Senator Kenny moved that Assembly Concurrent Resolution No. 18 and Assembly Joint Resolution No. 15 be placed on the inactive file.

Motion carried.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

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

EL MONTE, CALIFORNIA, January 15, 1942

*Hon. Ellis Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

At a regular meeting of the Los Angeles County division of the League of California Cities in El Monte, January 15, 1942, I was instructed to advise you of the attitude of representatives from the 45 cities in Los Angeles County as to the necessity for emergency legislation relating to aid to cities in matters of civilian defense. It is firmly believed that cities and counties alone can not finance an adequate defense program and we urge you to assist in securing legislation which will provide State assistance to local governments upon a proper showing of need. The urgency of the situation leads us to request that you give consideration to this problem during the present session of the Legislature.

RAYMOND V. DARBY, President
Los Angeles County Division, League of California Cities

ADJOURNMENT

At 5 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 17, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Phillips, on motion of Senator DeLap.

Senator Dillinger, on motion of Senator Luckey.

REMARKS

Within the sun-kissed Valley of Southern California is the City of Redlands. Surrounded as it is, with the great acreage of citrus fruit, and perfumed with the fragrance of the many flowers that bloom profusely, it is a jewel in its own right. Redlands is indeed fortunate in having among its citizens that generous and lovable character, Mr. Charles M. Brown. Mr. Brown is ever thoughtful and considerate of the rights and pleasures of others. He has often remembered the Senate of California.

Today again during the midst of our legislative battles he has risen to the occasion and presented to us, with his compliments, some of the finest oranges that could be produced any place in the world. He hopes you will enjoy them, and that they will imbue you with new vigor and determination to do such things as may be necessary to aid in perpetuating a democratic form of Government and keeping America free.

RALPH E. SWING

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Senate Joint Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Senate Concurrent Resolution No. 14

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 14—Relative to death of John Francis Pullen.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 14?

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "November 11", and insert "November 10".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 14 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Slater, and Swan—22.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Assembly Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 25

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—26

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.
And appointed Miss Miller and Messrs. Call and Turner as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Appointment of Committee on Conference

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Deuel, Swan and Tickle as a Senate Committee on Conference concerning Assembly Bill No. 34 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

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

Assembly Bill No. 61

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 61, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 61 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeJap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 61

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

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

Assembly Concurrent Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 26—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT Your Committee on Rules has examined:

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately;

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately;

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools;

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the superior court in Santa Clara County;

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 5 30 p.m.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 34: By Senators Powers and Kenny—An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Concurrent Resolution No. 15: By Senators Swan and Metzger—Relative to loyalty of employees of the State of California.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Previous Question

Senator Rich moved the previous question.

The question being on the adoption of Senate Concurrent Resolution No. 15.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 16: By Senator Swan—Relative to sending representatives of the Senate and Assembly to Washington to confer with Federal authorities concerning enemy aliens present in this State.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

Senate Resolution No. 30

Relative to requesting the Attorney General and other law enforcement officers to enforce the Alien Land Law

WHEREAS, On May 19, 1913, and on November 2, 1920, the people of the State of California adopted an Alien Land Law; and

WHEREAS, The Alien Land Laws were designed to prevent aliens ineligible to citizenship from directly or indirectly acquiring any interest in or dominion over land used or to be used for agricultural purposes; and

WHEREAS, The reason for the passage of the laws was: The clash of two races and two civilizations, socially and economically incompatible, no question of the inferiority or superiority of either race being involved; and

WHEREAS, By subterfuge and device the Alien Land Law has been circumvented until it has become a virtual nullity American-born Japanese have been substituted for their alien parents as owners or lessors, American citizens have been induced to do the same thing, while all the time the land purchased or leased was acquired with the intent that it be used by aliens forbidden to own or lease the land; and

WHEREAS, Great areas of land over which such aliens exercise all of the rights of ownership are situated along the shore lines of this State and in many other places equally vital to the Military, political, and economic welfare of this State; and

WHEREAS, Such a condition existing under a State law designed to protect the American farmer from deleterious economic competition in the growing and marketing of farm produce constitutes a menace to National defense, to the citizens of this State and Nation, and to the American grower and dealer; and

WHEREAS, The problem presented is not one primarily of Federal jurisdiction but is one of a State concern which may nevertheless endanger the National security; now, therefore, be it

Resolved by the Senate of the State of California, That the Attorney General and other proper law enforcement officers of this State are requested and urged to investigate any and all possible evasions of the Alien Land Laws and to prosecute to the utmost extent of the law any violations that may be discovered; and be it further

Resolved, That the Secretary of the Senate is directed to immediately transmit a copy of this resolution to the Attorney General of this State, and a copy to the district attorney of each county in the State.

Resolution read, and unanimously adopted.

By Senator Swan:

Senate Resolution No. 31

Congratulating former Senator Nielsen on election to Sacramento City Council

WHEREAS, Former Senator Roy J. Nielsen represented his fellow citizens in the Legislature of this State for 16 years; and

WHEREAS, Former Senator Nielsen was elected to the City Council of the City of Sacramento at the last election; and

WHEREAS, His former Colleagues and the members of this Senate have learned with satisfaction of former Senator Nielsen's success; now, therefore, be it

Resolved by the Senate of the State of California, That the members of this body desire to convey to former Senator Nielsen their heartiest congratulations and the warmest assurances of their best wishes for former Senator Nielsen's continued success and happiness; and be it further

Resolved, That the Secretary of the Senate be hereby instructed to transmit a copy of this resolution to former Senator Nielsen.

Resolution read, and unanimously adopted.

By Senator Tickle:

Senate Resolution No. 32

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning January 17, 1942, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

*Seven days
per week*

Leal Norton, Page-----	\$2 50
Jack Tibbits, Page-----	2 50

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Duell, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 4.30 p.m.

REASSEMBLED

At 4.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1942

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

Senate Resolution No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; noes 1.

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 27

Senate Resolution No. 27

Relative to Interim Committee for Economic Planning

WHEREAS, The United States is engaged not only in a National Defense Program but a Victory Campaign; and

WHEREAS, The successful completion of this Victory Campaign requires immediate and careful planning for a well prepared war effort—planning that considers immediate needs, long time effects and ultimate objectives—for

1. Transferring peace time workers to the defense industries and the development of new products for civilian use without interference with war-time needs.

2. Securing the complete utilization of our unrivaled industrial capacity for National defense purposes.

3. Providing carefully conceived, efficiently executed cooperative planning by labor, capital, and Government for the war effort and the peace time adjustments afterwards—

to the end that ideals and principles we cherish may be secured by the victory of our arms and preserved for the enjoyment of ourselves and our posterity in the peace to come; now, therefore, be it

Resolved by the Senate of the State of California. That a committee to be designated "The Senate Interim Committee on Economic Planning" consisting of two members to be appointed by the Committee on Rules of the Senate is hereby created, which committee is hereby authorized to gather, study, assemble and analyze all facts relating to every phase of the matters specified in this resolution and of the economic and social conditions in this State both as to those conditions which exist during the present period of defense activity and as they may exist during the peace to follow, all with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to bring about and assure the best possible adjustment to economic and social conditions during the prosecution of the Victory Campaign and following cessation of the war.

To this end the committee should make a complete study, survey, and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, and enforcement of any and all laws in any wise bearing upon or relating to the subject of this resolution, and may cooperate with

and enter into joint activities with the Assembly Legislative Committee on Economic Security.

The committee may act during this session of the Legislature, including any recesses thereof and after final adjournment and may report its findings and recommendations to the Senate and to the people from time to time and at any time, and may make its final report to the Senate at the Fifty-fifth Session of the Legislature on or before March 15, 1943; and be it further

Resolved, That the committee shall have and exercise all the powers, duties and privileges conferred upon committees by Rule No. 35 of the Joint Rules of the Senate and Assembly for the First Extraordinary Session of the Fifty-fourth Legislature (and the provisions of said Rule as they exist on the adoption of this resolution are, to the extent not inconsistent with this resolution, hereby incorporated herein and made a part hereof as though set forth in full in this resolution); and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Slater, Swan, and Tickle—27.

NOES—Senator Rich—1

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

JOINT LEGISLATIVE BUDGET COMMITTEE
SACRAMENTO, CALIFORNIA, January 16, 1942

MEMORANDUM TO: Honorable W. P. Rich, Chairman, Legislative Budget Committee
FROM: Rolland A. Vandegrift, Legislative Auditor
SUBJECT: Emergency Fund allotments

Developments have taken place in relation to the State Emergency Fund which I believe should be brought to your attention and probably to the attention of the Legislature.

I am attaching herewith copy of a schedule prepared by the Department of Finance, and dated January 6, 1942, entitled: "Emergency Fund Provided by Chapter 600, Statutes of 1941 and Augmented by Chapter 2, Statutes of 1941 First Extraordinary Session."

You will recall that in the discussions held with Mr. Killion, before the committee, that this schedule was presented, purporting to be a list of allocations promised or made from the Emergency Fund to take care of immediate and pressing needs for the several departments concerned.

When I asked Mr. Links certain questions concerning this he stated definitely that these were promises made by the Department of Finance from the Emergency Fund and that some of them had been converted into orders which we presume are binding. However, many others were in the nature of promises and the funds would be forthcoming only if the agencies found after they had expended their regular Budget allotment that they still needed additional money.

We presumed that this was reliable information and that the Department of Finance was committed to this procedure, for their representatives certainly used this information before the committee in urging the necessity for additional funds.

In our study, and in our presentation, we took them at their word and presumed that these allotments in the amount of \$721,049 were definitely in the category of immediate emergencies and that the situation had been met by the Department of Finance in making these allotments and promises. With this in view we recommended that the amount of \$221,049 of the \$721,049 in excess of the \$500,000 appropriated by the special session to the General Emergency Fund, without any limitations on it, be restored to the General Emergency Fund, together with the additional amount necessary to bring this fund up to \$1,000,000.

We now find that the Department of Finance after having used this information to substantiate its requests for a larger Emergency Fund has now withdrawn from its position in many of the instances wherein there is an actual and demonstrated need for immediate funds. They have proceeded to tell certain of the divisions of the State that the emergency money promised, as set up in the schedule dated January 6, 1942, is now being withdrawn and that the promises or letters of promise are being recalled for the reason "that there is insufficient money in the Emergency Fund." In other instances they are telling the division, i. e., the Forestry Division, that the money allocated, \$138,301, to carry them to January 31, 1942, will have to be repaid out of their appropriations now before the Legislature, so that this sum will be restored to the General Emergency Fund. In the case of the Department of Agriculture, the Director of Finance argued the immediate necessity for money for two quarantine stations and for spray residue enforcement. We found that the sum of \$34,055 already had been allocated for these items and others. We now discover that the Department of Agriculture has been told that this promise has been cancelled for the reason that there is insufficient money in the Emergency Fund.

Another example, in the case of the Board of Prison Directors, Bureau of Parole, \$19,596 has been promised by Order No. 242, January 5, 1942. This also may be canceled as may all the others not definitely covered by Executive order filed with the Controller.

There is attached herewith those Executive orders authorizing transfer from the Emergency Fund which have been filed with the Controller subsequent to December 7, 1941. These total only \$57,625 excluding the \$419,000 out of the amount limited to the State Guard.

It is clear from the action of the Department of Finance in this matter that it is now their intention of withdrawing many of these Emergency Fund promises, various reasons being given, but the evident purpose is to retain as much of the \$721,049 promised in the General Emergency Fund as possible and so it can be allocated for other purposes. Since we recommended that the Emergency Fund be restored to \$1,000,000 and recommended certain appropriations to a number of divisions of the State Government in a sum sufficient with these Emergency Fund allotments to meet their requirements, I now specifically recommend that the following items be allocated from the Emergency Fund, Chapter 600, Statutes of 1941, as augmented by Chapter 2 of the Statutes of 1941, First Extraordinary Session:

Personnel Board -----	\$15,025 00
Department Agriculture -----	34,055 00
Division Forestry (to 1/31/42) -----	138,301 00
Criminal Identification and Investigation -----	37,380 00
Board of Prison Directors—Bureau of Parole -----	19,596 00
Vital Statistics -----	69,280 00

I do this so that we may be certain and positive that these divisions who have a demonstrated need may be taken care of and may plan properly so that the original promises in these cases made by the Department of Finance may be made effective.

I further suggest that a limitation be placed in the General Emergency Fund so that no money may be spent from it for the Fire Marshal, or under the direction of the Fire Marshal, for fire safety for the reasons that there is a balance in the special fund used to support his office, and that the appropriation to the Division of Forestry to make effective the Council of Defense General Fire Emergency Plan is sufficient for this purpose and that it should not be interfered with by placing it under control of the Fire Marshal as is possible without the enactment of proper safeguards.

Respectfully submitted.

ROLLAND A VANDEGRIFT, Legislative Auditor

EMERGENCY FUND

Chapter 600—Statutes 1941

Executive Orders Issued by Director of Finance From December 7, 1941,
to January 15, 1942

<i>Order No</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
564	Controller -----	Unemployment relief refund expenses, 93d Year -----	\$6,400 00
565	Council of Defense -----	Support, 93d Year -----	40,000 00
566	Department of Military and Veterans Affairs -----	Support, 93d Year -----	6,225 00
567	Division of Architecture -----	Architectural surveys, 93d and 94th Years -----	5,000 00
568	State Guard -----	Support, 93d Year -----	419,000 00
Total -----			\$476,625 00

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately;
consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on January 15, 1942, be further amended as follows:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Where the total", and strike out all of lines 13 to 18, inclusive.

DEUEL
SWAN
TICKLE

MILLER
TURNER
CALL

Senate Committee on Conference

Assembly Committee on Conference

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 17, 1942

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

Assembly Bill No. 35

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Jespersen:

Resolved, That Assembly Bill No. 35 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 35

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 17: By Senator Breed—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 17

Senate Concurrent Resolution No. 17—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Fletcher, Jespersen, Kenny, Kuchel, Mayo, Metzger, Myhand, Parkman, Quinn, Shelley, Slater, and Tickle—18

NOES—Senators Carter, Collier, Cunningham, Garrison, Gordon, Judah, Keating, Luckey, McBride, McCormack, Powers, Rich, Swan, and Ward—14.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

To the Members of the Senate of the California Legislature

GREETINGS: Please be advised that I hereby withdraw my nomination, heretofore communicated to you, of Judge P. J. McLaughlin as a member of the State Board of Prison Directors, for the reason that I have decided to appoint him to another position.

Respectfully yours,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

To the Members of the Senate and Assembly of the California Legislature

GREETINGS: Upon receipt of Assembly Concurrent Resolution No. 13, criticizing the action of the Board of Prison Terms and Paroles in paroling the prisoners, King, Ramsay and Connor, and calling upon me to revoke that action of the board, I forwarded a copy of the same to Booth B. Goodman, Chairman of the Board of Prison Terms and Paroles, requesting a report of the considerations and reasons upon which the action of the board was based. In response to that request, I have received from the chairman of the board such report, a copy of which is herewith submitted to you for your information.

Respectfully yours,

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, DEPARTMENT OF PENOLOGY
FERRY BUILDING, SAN FRANCISCO, January 16, 1942

*Honorable Culbert L. Olson, Governor of California
State Capitol, Sacramento, California*

YOUR EXCELLENCY: In compliance with your communication transmitting a copy of Assembly Concurrent Resolution No. 13, relative to the granting of paroles to King, Ramsay and Conner and requesting a report of the considerations upon which the action of the Board of Prison Terms and Paroles was based, you are hereby advised as follows:

The statement in the resolution that the paroled convicts were "convicted of one of the most hideous and cold blooded murders in the criminal history of California" disproves itself by the obvious and undisputed fact that the paroled men were not convicted of first degree murder but of murder in the second degree only. The minimum penalty for murder in the second degree is five prison years. With good conduct, five prison years is, under our law, three years and seven months, or 43 months. Under the code persons convicted of second degree murder can be legally paroled after serving half of the minimum time, or 21 months and 15 days. King, Ramsay and Conner were paroled after they had served 58 months, which is equal to more than seven prison years and from which you will observe that these men served more than $2\frac{1}{2}$ times the minimum prescribed by law before parole.

The circumstances of the offense as revealed by the official record and confirmed in the opinion of the District Court of Appeal, reported in 30 Cal. Ap. 2d, page 185, are briefly as follows: George Alberts was murdered by George Wallace, now in San Quentin and one Ben Sakovitz who has never been either apprehended or prosecuted. It was never contended in any court that the claimed plan or conspiracy in which the paroled men participated went beyond a plan to have an assault and battery committed on Alberts. No conspiracy to commit murder was testified to, proved or claimed in any court.

It was admitted throughout the case that the paroled men did not participate in any assault upon the decedent as will appear from the following quotation from the charge of Honorable Frank M. Ogden, to the jury in the trial court which I quote from page 3937 of the official transcript:

"It is not the contention of the district attorney and he has offered no evidence tending to show that either of the defendants, King, Ramsay or Conner, personally perpetrated the actual assault. It must, therefore, be concluded that they did not."

The three parolees, prior to conviction in the instant case, have been law abiding citizens. Their conduct during incarceration had been exemplary.

In view of the fact that upon the record these men neither planned to kill nor participated in, nor were present at the killing, a majority of the board believed that after having served more than 2½ times the minimum prescribed by law as a prerequisite to eligibility for parole, could be paroled with complete safety to the public.

If "the Attorney General of this State has made the unequivocal declaration that in this case the paroles were granted because of political pressure and that these convicts were granted special privileges within and outside the walls of San Quentin Prison because of such pressure," such statements are and each of them is wholly false and untrue. In so far as this board is concerned the only pressure which has been exercised has been the pressure of propaganda and misstatements originating since the granting of the paroles.

I have no knowledge of any charges against the granting of these paroles excepting statements circulated in a portion of the press which are contrary to the official records.

Neither the Legislature nor the Grand Jury of Alameda County granted the board any opportunity to present the facts and have obviously acted upon untrue hearsay statements.

Upon the facts, which can be obtained only from the official records, it should appear that the board acted with sound discretion; that such action was well within the powers conferred by law, has not been and can not be questioned. Under these circumstances it is obviously the official duty of the Attorney General to protect the board in its right to function freely and without interference or intimidation.

A government is free only when its public officers do function within the lawful limits of their power, freely and without interference. To the preservation of this principle American ideals have ever been dedicated and in this day of crisis have been rededicated.

The best defense of Democracy against subversive activities is a demonstration of its sufficiency to administer personal justice without consideration of race, religion or politics and thus your board has done.

I sincerely believe that a majority of the Legislators would not have voted for this resolution had they been in possession of the truth, nor would they have called upon Your Excellency to perform an act beyond your power under the law of this State as set forth in the decision *Ex Parte Knuesche* reported in 22 Cal App. 2d 667, holding that parole can not be revoked without cause.

Respectfully submitted.

BOOTH B. GOODMAN, Chairman
Board of Prison Terms and Paroles

RECESS

At 5.27 p.m., on motion of Senator Seawell, the Senate recessed until 8.55 p.m.

REASSEMBLED

At 8.55 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 8.57 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

To the Honorable Members of the Senate
of the State of California

GREETINGS: Will the Senate advise and consent to the appointment of Harold A. Slane to membership on the Youth Correction Authority, for the term to be determined by lot, in accordance with provisions of the law?

Harold A. Slane, 37 years of age, was born in the State of Missouri, and has been a resident of California for the past 18 years. He completed his education at the University of Washington, and received his law degree at Southwestern University.

Mr. Slane's training in the university covered courses in psychology, applied psychology, social ethics, philosophy, juvenile delinquency, penology, criminology, and law.

In 1933, Mr. Slane was appointed a special investigator for the Board of Supervisors of Los Angeles County to investigate the department of charities and all related juvenile agencies. For the past five years, he has been a Deputy City Attorney for the City of Los Angeles.

He has for many years been vitally interested in youth movements, being active in Y. M. C. A. and church work, De Molay Chapters, Christian Endeavor work, and similar organizations concerned with development and shaping of better citizens for society. He presently is a member of the Wilshire Y. M. C. A. of Los Angeles, on the advisory committee of the Southwest Y. M. C. A., and a member of the State Advisory Committee for the National Youth Administration.

Mr. Slane is married, and has a son and a daughter, the son being active in Y. M. C. A. club work.

I have heretofore designated him as a member of the Youth Correction Authority and he has already inaugurated the program of the Authority and helped shape its course.

He is my independent appointee to the Authority, but under date of December 3, 1941, the Advisory Panel set up under the act creating the Authority informed me that although it had not included Mr. Slane in the list of persons which it had recommended "We are of the opinion that Mr. Slane, if chosen as your independent appointee, should make an excellent member of the Youth Correction Authority, working jointly with the two persons selected from the panel submitted to you by the Advisory Panel."

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

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

Assembly Bill No 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Referred to Committee on Finance.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 9.57 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 9.58 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 18, 1942, out of respect to the memory of the late Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Sunday, January 18, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

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

Senator Dillinger, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Linda and Karla Lentz of Sacramento.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wm. P. Rich of Marysville.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Dorothy Senn, Marilyn Kleppel and Dolores Stadler, all of Sacramento.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, January 18, 1942

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

Assembly Bill No. 55

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

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

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS**Assembly Bill No. 55**—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 55 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 10.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.55 a.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the resolution to suspend constitutional provision adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Tickle—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Kenny, Luckey, McBride, McCormack,

Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Senate Bill No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 33

Resolved, That all employees of the Senate be stricken from the pay roll at the completion of work on the day of final adjournment of this Fifty-fourth (First Extraordinary) Session, except as hereinafter provided.

WHEREAS, Pursuant to adjournment it will be necessary for the Secretary of the Senate to conclude the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistants incident thereto; therefore, be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

By Committee on Rules:

Senate Resolution No. 34

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of six hundred fifty dollars (\$650) in favor of Joseph A. Beek, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, bills from State Department of Finance, H. S. Crocker Company, Newbert Hardware Company, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

(Signed out)

RICH, Chairman
BREED
MYHAND
TICKLE
DEUEL

Resolution read.

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

AYES—Biggar, Breed, Brown, Carter, Crittenden, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Assembly Joint Resolution No. 23

Assembly Concurrent Resolution No. 27

Assembly Concurrent Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Referred to Committee on Finance.

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 23, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 23

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swan, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

POINT OF PERSONAL PRIVILEGE

Senator Swan arose to a point of personal privilege and asked for, and was granted, permission to have the following statement printed in the Journal:

In times of peace the deliberate falsifications of malicious ignorance may often with propriety be disregarded. But in time of war an inescapable obligation rests upon every loyal American to denounce with vigor lies that are calculated to deceive patriots of noble motive and to aid our enemies.

Such an occasion is presented by an editorial appearing on page 6 of the Sacramento Union of January 18, 1942, and an advertisement published by alien and American-born Japanese on page 20 of the same issue of this newspaper.

Under its present editorial management the Sacramento Union has consistently pursued a policy of vilification, misrepresentation, and falsification whenever and wherever an individual it hates is involved, and no matter how great the distortion of truth necessary to reinforce its untenable position it enthusiastically makes that distortion.

The Sacramento Union in the recent past made a vicious, unwarranted attack upon the Honorable John B. Pelletier, a Member of the Assembly. Now it adds another chapter to its disgraceful record by publishing an editorial designed to thwart the Legislature in its attempt to prevent sabotage in State departments.

Loyal Japanese are not attacked in Senate Concurrent Resolution No. 15.

This resolution was prepared by the foremost authority on constitutional law in the West. Its purpose is not to deny any civil liberties, to initiate a witch hunt, or to harass members of any race.

Its purpose is to balt a *real*, not an alleged increase, of Japanese in the State's employ, an increase of *astounding proportions*.

The editor of the Sacramento Union can secure the facts if he desires. His reporters are competent, conscientious, courageous. But the truth is not desired by this columnist who exists on the low and dishonorable plane of poisonous hatreds that are stronger than patriotism and who feels that any native-born or alien Japanese establishes his loyalty by advertising in his paper.

I apologize to the members of the California Legislature because among my constituents is numbered a creature of this foul breed who temporarily controls the editorial policy of a once great newspaper. Fortunately, his *FALSE*ttos squeak is lost in the mighty roar of a California press free from his low and evil designs.

I need not remind the members of the Legislature that the Sacramento Bee under the distinguished editorship of the late great C. K. McClatchy fully recognized the ramifications of the Japanese peril and continues to do so, and that the brother of C. K. McClatchy, a truly great patriot, made an imperishable contribution to American security by his vigilance in this matter.

Don't judge the hospitality, the intelligence, or the patriotism of the citizens of Sacramento by what appears in the Sacramento Union!

JOHN HAROLD SWAN

RECESS

At 11.27 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Assembly Bill No. 68

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Assembly Joint Resolution No. 20

Assembly Joint Resolution No. 22

Assembly Joint Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Without reference to committee.

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Without reference to committee.

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 25

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.25 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

RECESS

At 3.26 p.m., on motion of Senator Rich, the Senate recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Senate Concurrent Resolution No. 15

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 15?

Amendment No. 1

Strike out lines 4 to 12, inclusive, of the printed measure, and insert

"WHEREAS, It appears that there are employees of the State of California who may possess dual citizenship; and

WHEREAS, It appears that many State civil service lists are almost completely filled with the names of alien nationals who may not have renounced their dual citizenship; now, therefore,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 15 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, and Swing—23.

NOES—None.

Above resolution ordered enrolled.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE
SACRAMENTO, January 18, 1942

*Honorable W. P. Rich, Chairman, Legislative Budget Committee
State Legislature, Sacramento, California*

SUBJECT: Emergency Fund allotments

DEAR SENATOR RICH In the Senate Journal of January 17, 1942, there was printed a communication by Mr. Vandegrift, Legislative Auditor, addressed to you, containing statements which it is my privilege and duty to clarify. I do not wish to be presumptuous in challenging Mr. Vandegrift's intent in addressing this communication to you, but I do say without hesitation that his conclusions are not predicated upon a clear understanding of the problems facing California during this time of great crisis.

In his memorandum the Legislative Auditor stated that your committee had been presented a list "purporting" to represent allocations promised or made from the Emergency Fund to provide for the immediate needs of several State agencies to undertake additional work made necessary by the present war between the United States and Japan, Germany, and Italy.

The list presented *was* a list of allocations which had been promised or made up to the date when it was presented to you and not a "purported" list. The actual allocation documents had been drawn and signed by me before the list was prepared.

In his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he "presumed" that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities, but the contingent necessities should the present war continue until January 1, 1943.

In no instance has the Department of Natural Resources been informed by me that the \$138,301 allocated to the Division of Forestry would not be made available. No one has been authorized by me to make such a statement.

The Department of Agriculture was informed that because the Legislature has failed to make an adequate appropriation to the Emergency Fund to meet contingencies, which, if the war continues, are now known will be of more relative importance than those confronting the Department of Agriculture, it was found necessary to cancel for the present the allotment, totaling \$34,055, previously made to that agency. Furthermore, no other State agency has been informed, directly or indirectly, that their allotments promised would not be available as indicated.

On the other hand, it has become necessary for us to increase the allotment previously promised the Department of Institutions, made necessary by a recognized increase in its activities. I am sure that you recognize that the current situation in matters of State defense are so unstable that deviations from allotments made originally may from time to time be necessary.

You may recall that the Legislative Auditor made no provision in his recommendation covering the war-time essential activities for the Personnel Board, Department of Agriculture, California Maritime Academy, Department of Industrial Relations, Department of Public Health other than Vital Statistics, Department of Social Welfare, Division of Water Resources, and the Division of Architecture. In fact, his specific recommendations covered only the Bureau of Criminal Identification and Investigation, Bureau of Parole, Division of Forestry, Bureau of Vital Statistics, and the State Council of Defense, within the list recommended directly by the Department of Finance. Further, your Legislative Auditor stated, substantially, to your committee that it was his opinion all items, except those which he recommended, should never have been granted. He informed the committee that "unfortunately" it had no power to change the allocations already made by the Director of Finance.

However, since informing the committee that he believed all the allocations made by the Department of Finance, with the exception of three or four, were unnecessary, he now presumes to champion the very agencies which he stated should not

have been given any allocation whatever from the Emergency Fund for war-time activities by recommending that they be given special appropriations, which would carry them only until June 30, 1942. Incidentally, his recommendation for the Bureau of Vital Statistics of \$69,280 is \$44,337 greater than that allowed by this department.

The Legislative Auditor's comment in his memorandum to you regarding the State Fire Marshal that no money be allotted from the General Fund for the State Fire Marshal "for the reason that there is a balance in his special fund, used to support his office," is based only upon the auditor's own private opinion. Legal counsel has informed us that it is doubtful that the money in this fund can be spent for purposes other than the regulation of cleaning and dyeing industries. In a Supreme Court case relative to an attempt of the Legislature to appropriate for General Fund purposes, moneys collected under the police power of the State, the court held that such money could not be used for the ordinary operation of the State Government. There is sufficient doubt with reference to this matter that an allocation was made to the State Fire Marshal from the Emergency Fund. We are now awaiting an opinion from the Attorney General as to whether the unallocated balance in the State Fire Marshal's Fund may be used for general fire prevention work.

I shall appreciate it if you would have this answer to the Legislative Auditor's memorandum printed in today's Journal.

Very sincerely yours,

GEORGE KILLION, Director of Finance

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 35

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 17, 1942:

Jack Tibbits, Page-----	<i>Per day</i>
	\$2 50

Resolution read, and adopted.

By Senator Tickle:

Senate Resolution No. 36

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 18, 1942:

Leal Norton, Page-----	<i>Per day</i>
	\$2 50

Resolution read, and adopted.

By Senators Swing and Kenny:

Senate Resolution No. 37

Resolution authorizing the appointment of committee to contact Military authorities within this State, relative to conducting of fairs, athletic contests, sport events, etc

WHEREAS, By reason of climatic conditions, its forests, beaches, and other natural facilities, California has become the greatest recreational State in the Union, and a place where thousands of citizens annually seek the pleasure and rehabilitation so necessary to the American way of living and a proper morale in times of peace as well as in times of great emergency; and

WHEREAS, Fairs, racing, athletic contests and sports of all kinds have become and are necessary for proper social intercourse, physical and mental rehabilitation, and as a means of affording opportunities for the pursuit of happiness; and

WHEREAS, Many such events were planned throughout the State, without knowledge and without means of knowing that the present emergency would arise, and considerable money has already been expended in connection therewith; and

WHEREAS, The United States Military authorities, in charge of Military activities within this State, have caused certain orders to be issued concerning the holding of such events, which orders have caused much uncertainty and confusion throughout the State as to which, if any, and when, if at all, such events, or any of them, may be held; and

WHEREAS, It is unfair to those who have planned such events, as well as to the people of the State of California generally, to permit such uncertainty and confusion to longer continue; and

WHEREAS, The clarifying of the aforesaid situation is both necessary and desirable if we are to maintain a proper morale through the people of this State; now, therefore, be it

Resolved by the Senate of the State of California. That a committee of two members of the Senate be appointed by the Committee on Rules to call upon Lieutenant General John L. DeWitt and submit to such General the various problems confronting the people of the State of California concerning the matters hereinbefore referred to, with the purpose of having it determined when, if at all, and under what conditions, if any, such events may be conducted and carried on within this State; and be it further

Resolved, That General DeWitt be respectfully requested to accord to such committee an audience and opportunity to discuss with him such problems for the purposes hereinbefore stated; and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to General DeWitt that he may be advised that the Senate, in adopting this resolution, is but seeking clarification of the Military rules affecting the events aforesaid, and with the hope that by so doing, the Senate will, to that extent, be cooperating in maintaining a proper morale throughout the State; be it further

Resolved, That the aforesaid committee act in conjunction with a similar committee to be appointed by the Assembly if it be so advised, otherwise to act independently.

Resolution read, and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced, and read the first time:

Senate Concurrent Resolution No. 18: By Senator Phillips—Relative to requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

Senate Concurrent Resolution No. 18—Relative to requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Swing, Tickle, and Ward—25.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 9.25 p m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.10 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

APPOINTMENT OF COMMITTEE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing and Kenny as a Senate Committee in compliance with Senate Resolution No. 37.

SENATE COMMITTEE ON RULES
RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

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

Assembly Bill No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read:

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Referred to Committee on Finance.

Motion to Refer Bill to Inactive File

Senator Shelley moved that Assembly Joint Resolution No. 20 be placed on the inactive file.

Motion carried.

ADJOURNMENT

At 11.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 19, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 19, 1942

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ulysses Grant McQueen, founder and honorary president, Women's International Association of Aeronautics, of Riverside.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Frank B. Collier, Assistant District Attorney of Stanislaus County, of Modesto.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Senate Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Joint Resolution No. 19

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 19—Relative to defense of the California coast.

Without reference to committee.

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Without reference to committee.

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 24

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Rich, Slater, and Swan—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 11.12 a.m., on motion of Senator Fletcher, the Senate recessed until 11.17 a.m., to hear from Mrs. Ulysses Grant McQueen, founder and Honorary President, Women's International Association of Aeronautics.

REASSEMBLED

At 11.17 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

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

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, January 14, 1942

*Honorable Joseph A. Beek, Secretary of the Senate
California Legislature, Sacramento, California*

DEAR MR. BEEK: The department has received your letter of December 26, 1941, with which you inclosed a copy of Senate Joint Resolution No. 6, adopted by the California State Legislature on December 20, 1941. That resolution urges the President and the Congress of the United States to enact suitable legislation to appropriate sufficient funds to complete the levee along the west side of the Sacra-

mento River between Glenn and Ord's Ferry, a part of the adopted project for flood control on that river.

Your interest and courtesy in forwarding for the information and consideration of this office the resolution inclosed with your letter are greatly appreciated. You may be assured that the department will give careful attention to the data contained in that resolution in any recommendations which it may be called upon to make to higher authority on the authorized improvements for flood control in the Sacramento River Basin.

For the Chief of Engineers:

Very respectfully,

MILES REBER, Lieutenant Colonel, Corps of Engineers
Assistant Chief, Operations Branch

RECESS

At 11.50 a.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that Senate Bill No. 29 be returned to the Assembly for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Bill No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Finance.

MOTION

Senator McBride moved that Senate Bill No. 29 be returned to the Assembly for further action.

Motion carried.

Bill ordered transmitted to the Assembly.

REMARKS

Mr. President and Members of the Senate

It gives me pleasure to present to you, on behalf of Mr. Mark Anderson of Redlands, California, some of the golden fruit which I hope will be helpful in steadying your nerves and keeping you in a pleasant frame of mind until this session shall have closed.

RALPH E. SWING

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was offered:

Senate Concurrent Resolution No. 19: By Senators Swan, Biggar, Cunningham, Fletcher, Mixer, Gordon, Crittenden, Metzger, Dillinger, Luckey, Carter, Judah, Rich, Brown, McCormack, Myhand, Powers, Ward, Kuchel, Parkman, Jespersen and McBride—Relative to reduction in school expenditures.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Slater, Swan, and Ward—22.

NOES—Senator Seawell—1.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Senate Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 24—Relative to price control.

Without reference to committee.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Without reference to committee.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible Special Session.

Without reference to committee.

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 29

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read.

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

AYES—Senators Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 35: By Senator Fletcher—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard, and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 30

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 26, of the printed measure, strike out "second", and insert "third".

Amendment read and adopted.

Resolution read, as amended.

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

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 33

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Resolution read.

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

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 28

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read.

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

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 5.28 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Bill No. 56

Assembly Bill No. 68

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

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

MIXTER, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 56 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

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

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—29.

NOES—Senators Judah, Mayo, Metzger, and Myhand—4.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 56

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—28.

NOES—Senators Judah, Mayo, Myhand, and Swan—4.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved. That Assembly Bill No. 68 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 68

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Ward—32.

NOES—Senators Shelley, and Swan—2.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator McBride:

Senate Resolution No. 38

WHEREAS, This day marks another milestone in the life of our colleague, Senator H. R. Judah; and

WHEREAS, Today is a happy occasion to all members of the Legislature, as well as to Senator Judah's family and host of friends; and

WHEREAS, Senator Judah has not only shown himself to be a patriotic citizen and a constructive statesman, but has endeared himself to his colleagues by his kindness, his courtesy and his uniform good nature, even under most trying conditions; now, therefore, be it

Resolved, That the Senate of the State of California hereby extends to Senator H. R. Judah the good wishes and congratulations of its members; and be it further

Resolved, That this resolution be placed in the records of the Senate and that an engrossed copy be transmitted to Senator H. R. Judah by the Secretary of the Senate.

Resolution read, and adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Senate Bill No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Concurrent Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Without reference to committee.

APPOINTMENT OF COMMITTEE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny and Phillips as the Senate Committee provided by Senate Resolution No. 27.

(Signed out)

SENATE COMMITTEE ON RULES

RICH, Chairman
BREED
MYHAND
DEUEL

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 35

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Resolution read.

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

AYES—None.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—36.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

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

Assembly Bill No. 78

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 78 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read second time.

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Joint Resolution No. 20 be taken from the inactive file, and placed on file.

Motion carried.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 20

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 7 after the word "Act" and strike out lines 8 to 11, inclusive; and in line 12, strike out "provided", and insert "to provide".

Amendment No. 2

On page 1, line 20, of the printed measure, as amended, strike out the comma, and insert a semicolon and "and".

Amendment No. 3

On page 1, line 21, of the printed measure, as amended, strike out "and depend-"; and on page 2, strike out lines 1 to 6, inclusive, and insert

"WHEREAS, Some small income should be permitted beneficiaries under the categorical measures in said Social Security Act not only to stimulate the beneficiary concerned, but to aid in maintaining such person's self-respect and to permit".

Amendments read, and adopted.

Resolution read, as amended.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 39

Relative to confirmation of appointment of Harold A. Slane to Youth Correction Authority

WHEREAS, The name of Harold A. Slane has been submitted to the Senate for confirmation of appointment by the Governor to the Youth Correction Authority; and

WHEREAS, The Senate, on account of the amount of legislative business and the probable duration of the session, can not adequately consider the matter of such appointment; now, therefore, be it

Resolved by the Senate of the State of California. That the unconfirmed appointment of Harold A. Slane to the Youth Correction Authority be re-submitted by the Governor at the next succeeding session of the Legislature, and be it further

Resolved. That the Secretary of the Senate is hereby directed to file a copy of this resolution immediately after its adoption in the office of the Secretary of State.

(Signed out)

RICH, Chairman
DEUEL
BREED
MYHAND

Resolution read and adopted.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 6.10 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 6.12 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 20, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 20, 1942

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

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

Senator Dillinger, on motion of Senator Luckey.

COMMUNICATIONS

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

WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE
WASHINGTON, January 14, 1942

*Honorable Joseph A. Beek, Secretary of the Senate
Sacramento, California*

DEAR SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of December 22, 1941, addressed to the President, inclosing copy of Senate Resolution No. 15.

Your suggestions have been noted in the department and the correspondence has been made of record for such consideration as circumstances may warrant.

Your interest in National defense is appreciated.

Very truly yours,

E. S. ADAMS, Major General
The Adjutant General

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 35—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 14, of the printed bill, strike out "30", and insert "60".

Amendment No. 2

On page 2, line 15, of the printed bill, strike out "30", and insert "60".

Amendment No. 3

On page 2, line 25, of the printed bill, strike out "30", and insert "60".

Amendment No. 4

On page 5, line 12, of the printed bill, strike out "7", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 22

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Garlison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, and Tickle—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 20, 1942

To the Honorable Members of the Senate
Sacramento, California

GREETINGS: Will the Senate advise and consent to the following appointments to the Youth Correction Authority, the terms to be determined by lot at the first meeting, pursuant to the provisions of the law:

O. H. Close, Ione
 Karl W. Holton, Los Angeles
 Harold Slane, Los Angeles

O. H. Close

O. H. Close, one of the two names chosen from the panel submitted to me by the Advisory Committee, is 52 years of age, educated at the University of Iowa and Stanford University, from which he obtained his A.B. in 1912 and his M.A. in 1914.

From 1914 to 1920 Mr. Close was principal of the San Juan High School at Fair Oaks, and from 1920 to date has been superintendent of the Preston School of Industry.

He is an active member of the State Probation and Parole Association, and has been in active contact with probation officers and their work for 20 years. He has also been an active member of the State Conference of Social Work since 1920.

Mr. Close resides at Ione, California.

Karl W. Holton

Karl W. Holton was selected from the panel submitted to me, is 43 years of age, and received his education at the University of Washington, from which he obtained an A. B. degree in 1923.

Mr. Holton taught a course in probation law at the University of Southern California, and for the past 10 years has served in the following capacities in the Los Angeles County Probation Department. Deputy probation officer, divisional director, director of institutions and personnel, director of juvenile division, director of adult division, chief deputy probation officer, and finally chief probation officer, the post he now holds.

Mr. Holton is considered an expert on juvenile and probation problems and has serving under him a staff of 350 persons and has a budget of more than \$1,000,000.

Mr. Holton resides at 6660 Colgate Avenue, Los Angeles.

Harold Slane

Harold Slane is my independent appointee. He is 37 years of age and received his education at the University of Washington, where he received an A. B. in 1924, and from Southwestern University, where he graduated in law.

Mr. Slane has been closely identified with Christian Endeavor work, Boy Scout activities and Y. M. C. A. and church organizations.

He served as official investigator for the Board of Supervisors of Los Angeles County to investigate the Los Angeles County Welfare Department and its institutions, including particularly child welfare agencies.

Since 1935, Mr. Slane has been a deputy city attorney in Los Angeles.

Under date of December 3, 1941, the Advisory Panel informed me that although it had not included Mr. Slane in the list of persons which it had recommended, "we are of the opinion that Mr. Slane, if chosen as your independent appointee, should make an excellent member of the Youth Correction Authority, working jointly with the two persons selected from the panel submitted to you by the Advisory Panel."

Mr. Slane resides at 1531 West 69th Street, Los Angeles.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 36: By Senators Fletcher, Powers, Gordon, Keating, Brown, Judah, Metzger, Collier, Mixer, Deuel, Biggar and Cunningham—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Previous Question

Senator Cunningham moved the previous question.

Motion carried.

The question being on the suspension of Article IV, Section 15, of the Constitution.

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Senator Fletcher :

Resolved, That Senate Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for

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

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—31.

NOES—Senators Garrison, Phillips, and Swan—3.

Bill ordered transmitted to the Assembly.

Statement of Vote

The above bill was offered the Senate as a "compromise bill." It was not, in my opinion, a compromise. A compromise bill would attempt to meet the point upon which the Lower House is deadlocked.

JOHN PHILLIPS

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: The Committee on Rules to which was referred messages from the Governor, which are hereunto attached in which he appointed Harold Slane, O. H. Close and Karl W. Holton as members of the Youth Correction Authority, has had the same under consideration and respectfully recommends as follows, to wit:

1. That Senate Resolution No. 39 passed and adopted on the nineteenth day of January, 1942, be rescinded.

2 That the appointment of the said Harold Slane, O. H. Close and Karl W. Holton be confirmed by the Senate.

(Signed out)

RICH, Chairman
BREED
DEUEL
TICKLE

MOTION TO RESCIND ACTION ON SENATE RESOLUTION NO. 39

Senator Rich moved that the action whereby Senate Resolution No. 39 was adopted be rescinded.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of O. H. Close, Ione; Karl W. Holton, Los Angeles; and Harold Slane, Los Angeles, as members of the Youth Correction Authority.

The President put the question, "Will the Senate confirm and consent to the appointment of O. H. Close, Karl W. Holton and Harold Slane?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of O. H. Close, Karl W. Holton and Harold Slane as members of the Youth Correction Authority.

MOTION

Senator Swing moved that the sum of \$2,500,000 be appropriated from such funds as may be available to build suitable housing facilities for young men and women of draft age living in migrant camps.

Motion ruled out of order as not within the scope of the call.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 18—Requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2;

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a m

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 35

And reports the same correctly engrossed.

RICH, Chairman

MOTION

Senator Swing moved that the Secretary of the Senate be instructed to have prepared five engrossed certified copies of the proceedings in connection with clearing the Senate records relative to Col Isaac Williams, as contained in the Senate Journal of January 12, 1942

Motion carried.

RECESS

At 12.25 p m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.01 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.45 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was introduced, and read :

Senate Concurrent Resolution No. 20: By Senator Rich—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, and Tickle—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 24

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read

Motion to Re-refer Assembly Joint Resolution No. 24

Senator Kenny moved that Assembly Joint Resolution No. 24 be re-referred to Committee on Governmental Efficiency.

Motion carried.

ADJOURNMENT

At 4 12 p m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 21, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
 Wednesday, January 21, 1942

The Senate met at 10 a.m.
 Hon. Ellis E. Patterson, President of the Senate, presiding.
 Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
 Senator Collier, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Erb of Los Angeles.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 20

Assembly Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Assembly Concurrent Resolution No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 31—Relative to the consideration at a Special Session of the Legislature of subventions by the State to local governmental units.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen;

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California;

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of January, 1942, at 10.30 a.m.

RICH, Chairman

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was offered:

Senate Concurrent Resolution No. 21: By Senator Kenny—Relative to the refund of sales taxes.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 40

Relative to the death of Jay G. Knowles

WHEREAS, On Monday morning, the nineteenth day of January, 1942, our Creator saw fit to relieve of his earthly cares and burdens, Jay G. Knowles, pioneer resident of Sacramento for over half a century; and

WHEREAS, Jay G. Knowles was the father of Joseph L. Knowles, formerly Assistant City Attorney and City Prosecutor for the City of Sacramento over a span of years and at present and over the past year Assistant Counsel in the Office of the Legislative Counsel; and

WHEREAS, Through his ever present courtesy and his tireless, keen and incisive work throughout the Regular Session of 1941 and during the present special session, Joe Knowles has gained the respect, gratitude, and friendship of the members of this Legislature; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate extend their heartfelt sympathy and condolences to Joseph L. Knowles on the death of his father, Jay G. Knowles; and be it further

Resolved, That the Secretary of the Senate is hereby directed to present a suitably prepared copy of this resolution to Joseph L. Knowles.

Resolution read, and unanimously adopted by a rising vote.

RECESS

At 11.20 a.m., on motion of Senator Rich, the Senate recessed until 11.25 a.m.

REASSEMBLED

At 11 25 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

Two communications from Sonoma County Pomona Grange No. 1 relative to dual citizenry of American born Japanese, and the evacuation of Japanese aliens, were presented by Senator Slater, and read.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Senate Bill No. 9

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 9?

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "and Veterans Code, relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the home guards as provided herein, declaring the urgency of this act,".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 9 to 25, inclusive, and insert

"580. Each officer and enlisted man in the State Guard on the effective date of this section shall have the right to determine whether he shall be available for full-time active service in the State Guard or for limited service only. Any member of the State Guard who desires to be available for the limited service only shall so declare in writing within 30 days after the effective date of this section. All persons who become members of the State Guard after the effective date of this section shall declare in writing whether they elect to be available for full-time active service or for limited service.

581. The members of the State Guard on the effective date of this section who elect to be available for limited service and all persons who hereafter become members of the State Guard and declare at the time that they desire to be available for limited service only shall constitute the reserve force of the State Guard. The reserve force of the State Guard shall be designated the home guards.

582. The home guards shall not be available for service except by virtue of the exercise by the Governor of his power to call forth the Militia as provided in Section 1 of Article VIII of the Constitution of this State. No member of the home guards shall be paid for service therein unless called into active full-time service as provided in Section 1 of Article VIII of the Constitution of the State.

583. The members of any unit of the home guards may at any time voluntarily serve on limited active duty, without pay of any kind, pursuant to authorization of such service by The Adjutant General and subject to such general or special orders as The Adjutant General may issue, whenever a sheriff or chief of police requests such unit to volunteer for service to assist the sheriff or chief of police in connection with National defense problems.

584. The home guard shall be organized into such number of units as The Adjutant General may approve, the commissioned and enlisted strength of each such unit to conform generally to the Tables of Organization of the United States Army or Tables of Organization for the National Guard, subject to the provisions of this chapter."

Amendment No. 3

On page 2, line 10, of the printed bill, as amended, strike out "sheiiff of the county", and insert "Adjutant General".

Amendment No. 4

On page 2, lines 25 and 26, of the printed bill, as amended, strike out "and under the order of the sheriff or", and insert "as provided in this chapter and under the order of".

Amendment No. 5

On page 2, line 32, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 6

On page 2, line 33, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 7

On page 2, line 36, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 38 and 39, and insert "590. The".

Amendment No. 9

On page 2, line 42, of the printed bill, as amended, strike out "from the sheriff or".

Amendment No. 10

On page 2, line 49, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out lines 16 to 18, inclusive.

Amendment No. 12

On page 3 of the printed bill, as amended, strike out line 25, and insert "States or of the active membership of the State Guard of this State."

Amendment No. 13

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "the sheriff of a county, or".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 9 by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tinkle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 37: By Senator Crittenden—An act to add Section 690c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Bill No. 37, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Crittenden:

Resolved, That Senate Bill No. 37 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 37

Senate Bill No. 37—An act to add Section 6 90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 11.35 a.m., on motion of Senator Rich, the Senate recessed until 11.40 a.m.

REASSEMBLED

At 11.40 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communication was received and read; and on motion of Senator Luckey, ordered printed in the Journal:

EL CENTRO, CALIFORNIA, January 20, 1942

*J. A. Beek, Secretary of the Senate
State Capitol*

Receipt acknowledged your letter seventeenth transmitting Senate resolution urging investigation and prosecution Alien Land Law evasions. Survey shows

approximately 17,000 acres Imperial County now farmed by Japanese. No doubt considerable land held under subterfuge for ineligible aliens. My office has prosecuted many cases obtaining convictions in some and dismissals in others. Present Alien Land Law should be amended if convictions to be readily obtained on account of difficulty in establishing alien status. One possible solution would be for Federal alien enemy registration records to be made available and admissible in court for law enforcement agencies. The Legislature might adopt joint resolution requesting Congress to enact law to this effect. Legislature might also adopt law compelling all enemy aliens to submit reports to proper State or county office showing character of land being farmed, place and date of birth, nationality, date and place of entry and other factual information. Might place enforcement duty on county agricultural commissioner. United States Supreme Court decisions make it difficult to secure enforcement Alien Land Law. Recommend Legislature amend present law to make enforcement feasible and then United States Supreme Court to hold extra judicial statements admissible. My office will lend every effort to assist in enforcement present law.

ELMER W. HEALD
District Attorney, Imperial County

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Senate Bill No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Senate Bill No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Assembly Concurrent Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 36—Relating to the refund of sales taxes.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Relating to the refund of sales taxes.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 11.42 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.44 a.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 11.45 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Assembly Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Resolution read.

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

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Quinn, Shelley, Slater, Swan, and Ward—22.

NOES—Senators Keating, and Powers—2.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 41

Resolved, That the provisions of Senate Resolution No. 33, adopted January 18, 1942, relating to removal of employees from the pay roll and completion of the work of the session, are hereby adopted to apply to any recess of over three days of this extraordinary session as well as to final adjournment hereof; and be it further

Resolved, That the word "adjournment" as used in said Resolution No. 33 shall apply to adjournment for any recess in excess of three days as well as to final adjournment.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.47 a.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Concurrent Resolution No. 36 refused adoption by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Myhand, Quinn, Shelley, Swan, and Swing—17.

NOES—Senators Biggar, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Slater, Tickle, and Ward—17.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

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

Senate Concurrent Resolution No. 20

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

RECESS

At 11.50 a.m., on motion of Senator Rich, the Senate recessed until 9.30 p.m.

REASSEMBLED

At 9.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

ADJOURNMENT

At 10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 22, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 22, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Collier, on motion of Senator Rich.

Senator Jespersen, on motion of Senator Luckey.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Cooper, San Diego City Manager; Fred Simpson, member, San Diego City Council; Bert Vaughn, State Highway Commissioner, and Jacob Weinberger, San Diego City Attorney.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Van Vleck of Sloughhouse, Sacramento County.

Call of the Senate

Senator Biggar moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 10.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 20?

Amendment No. 1

In lines 1 and 2 of the title of the printed measure, strike out "adjournment sine die", and insert "a recess".

Amendment No. 2

On page 1 of the printed measure, strike out line 4, and insert "recess at 11.55 p.m. o'clock on the twenty-first day of January, 1942, to reconvene at 2 o'clock p.m., on the first day of September, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to the said first day of September, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in this notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each Member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 20 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.20 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.30 a m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

RECESS

At 11.30 a.m., on motion of Senator Rich, the Senate recessed until 11.35 a m.

REASSEMBLED

At 11.35 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES**

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the Home Guards as provided herein, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 11 a.m.

RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Keating and Parkman as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 20 to meet a like committee of the Assembly.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that Senate Bill No. 36 be returned to this body for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

MOTION

Senator Quinn moved that Senate Bill No. 36 be returned to the Assembly for further action.

Motion carried.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21—Relating to the refund of sales taxes.

Resolution read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "available or may be made".

Amendment No. 2

On page 1 of the printed measure, strike out lines 11 to 14, inclusive, and insert "claims by verified records; and, be it further".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Call, Houser, Frederick F., and Bashore as a Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 22: By Senators Biggar, Phillips and Crittenden—Relative to sale prices and containers of milk.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 22, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 22

Senate Concurrent Resolution No. 22—Relative to sale prices and containers of milk.

Resolution read.

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

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 22

And reports the same correctly engrossed.

RICH, Chairman

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 21—Relating to the refund of sales taxes.

Resolution read.

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

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Bill No. 36

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 36?

Amendment No. 1

On page 5, line 4, of the printed bill, strike out "5,000", and insert "7,000".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 36 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Assembly Bill No. 79

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Request for Unanimous Consent

Senator Mixter asked for, and was granted, unanimous consent to take up Assembly Bill No. 79, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mixter:

Resolved, That Assembly Bill No. 79 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 79

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs Burns, Hugh M., Evans and Cain as a second Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Assembly Bill No. 80

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 80, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 80 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 80

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Concurrent Resolution No. 21

Senate Concurrent Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolutions ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: The Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the resolution be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, as amended in Assembly January 21, 1942, strike out line 5, and insert "recess at 6 o'clock p.m., on the twenty-second day of Janu-".

Amendment No. 2

On page 1, line 16, of the printed measure, as amended, strike out the period, and insert "; provided, however, that the President pro tempore of the Senate shall not exercise this authority nor join in such a call unless assent thereto is given by a majority of the members of the Senate Committee on Rules."

DE LAP
PARKMAN
KEATING

Senate Committee on Conference

CALL
HOUSER, FREDERICK F.
BASHORE

Assembly Committee on Conference

MOTION TO TABLE

Senator DeLap moved that the report of the Conference Committee Concerning Senate Concurrent Resolution No. 20 be laid on the table.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 38, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 38

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Quinn:

Senate Resolution No. 42

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-fourth (First Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 38 and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

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

By Senator Mayo:

Senate Resolution No. 43

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-fourth (First Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 38 and to ask if the Assembly has any further communication to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

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

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.50 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

REMARKS

Senator Swan asked that the record show the appreciation of the members for the leadership and helpfulness during this First Extraordinary Session of the President of the Senate, President pro tempore, members of the Committee on Rules, Senators Quinn, Seawell, Fletcher, Swing, Garrison and all who worked diligently to solve the problems before the Senate

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT Your Committee on Rules has examined:

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately;

Senate Concurrent Resolution No. 21—Relative to the refund of sales taxes;

Senate Concurrent Resolution No. 22—Relative to sale prices and containers of milk;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 6 p m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Bill No. 20

Senate Bill No. 24

Senate Concurrent Resolution No. 16

Assembly Concurrent Resolution No. 26

Assembly Concurrent Resolution No. 31

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Joint Resolution No. 2

Assembly Joint Resolution No. 24

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Bill No. 32

Senate Bill No. 11

Senate Bill No. 33

Assembly Bill No. 45

Senate Bill No. 34

Assembly Bill No. 63

Senate Bill No. 10

Assembly Concurrent Resolution No. 14

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MINTER, Chairman

APPROVAL OF JOURNALS

The Senate Journals of the Fifty-fourth (First Extraordinary) Session of Monday, January 12, 1942; Tuesday, January 13, 1942; Wednesday, January 14, 1942; Thursday, January 15, 1942; Friday, January 16, 1942; Saturday, January 17, 1942; Sunday, January 18, 1942; Monday, January 19, 1942; Tuesday, January 20, 1942, and Wednesday, January 21, 1942, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MESSAGES FROM THE ASSEMBLY

At 5.55 p.m., a Committee from the Assembly, consisting of Messrs. Wollenberg, Russell and King, appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn sine die.

REPORTS OF SPECIAL COMMITTEES

Senator Quinn, as Chairman of the Special Committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die in accordance with Assembly Concurrent Resolution No. 38, reported that they had performed their duty.

Also:

Senator Mayo, as Chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die in accordance with Assembly Concurrent Resolution No. 38, reported that they had performed their duty.

APPROVAL OF MINUTES

The Minutes of this legislative day, Thursday, January 22, 1942, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Bill No. 2	Senate Bill No. 16
Senate Bill No. 4	Senate Bill No. 17
Senate Bill No. 5	Senate Bill No. 18
Senate Bill No. 6	Senate Bill No. 19
Senate Bill No. 7	Senate Bill No. 23
Senate Bill No. 8	Senate Bill No. 25
Senate Bill No. 12	Senate Bill No. 26
Senate Bill No. 13	Senate Bill No. 27
Senate Bill No. 15	Senate Bill No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

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

Senate Concurrent Resolution No. 7
Senate Joint Resolution No. 3
Senate Joint Resolution No. 7
Senate Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

MOTION TO ADJOURN

Senator Swing moved that, pursuant to Assembly Concurrent Resolution No. 38, the Fifty-fourth (First Extraordinary) Session do now adjourn sine die.

Motion seconded by Senator Rich.

Motion carried.

FINAL ADJOURNMENT

Whereupon at 6 p.m., the President of the Senate declared the Fifty-fourth (First Extraordinary) Session of the Senate of the State of California adjourned sine die.

ROBERT G. ALDERMAN, Minute Clerk