

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

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# **SENATE DAILY JOURNAL**

**FIRST LEGISLATIVE DAY**  
**FIRST CALENDAR DAY**

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## **IN SENATE**

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**SENATE CHAMBER, SACRAMENTO**  
**Thursday, January 27, 1944**

The Senate met at 11 o'clock a.m., pursuant to the provisions of the Proclamation of His Excellency, Earl Warren, Governor of the State of California, dated January 20, 1944, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor Frederick F. Houser, President of the Senate of the Fifty-fifth 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, John F. Lea, Minute Clerk of the Senate, Joseph F. Nolan, Sergeant-at-Arms of the Senate, were present and occupied their respective positions.

### **ROLL CALL**

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

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

### **PRAYER**

By invitation of the President, prayer was offered by the Rev. Father Richard C. Dwyer.

### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:  
Senator Carter, on motion of Senator Seawell.

### **MOTION TO EXCUSE MEMBER**

Senator Seawell moved that Senator Kuchel be excused for the balance of this legislative session.

Motion carried.

**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 Mary Ann Hettman of San Francisco.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ed Bandy of Woodland and George Holmes of Clarksburg.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred W. Smith of Ojai, member, State Board of Education; and Kirk Cobb of Ventura, County Superintendent of Schools.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Delbert Keith Harter, Jr., of Del Paso Heights, and Al Guidotti, Board of Editors, California Law Review, Berkeley.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Tope, City Attorney of Stockton, and John Williams, Superintendent of Schools, Stockton.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ethel Wickes of Placerville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Ward M. Whetten of Los Angeles.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas Price, Superintendent of Schools, Mariposa County; Charles Schwoerer, Superintendent of Schools, Calaveras County; and Allen Dennison, Superintendent of Schools, Tuolumne County; all of Sonora.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. Wiggins, Superintendent of Schools, Sonoma County; William N. Cunninghame, President, Board of Education, Sonoma County, and Bert Bowers, County School Attendance Officer, Sonoma County, all of Santa Rosa.

On request of Senator Fletcher and Joseph A. Beek, Secretary of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Duke Everett S. Gardener of Balboa.

**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:

**STATE OF CALIFORNIA****OFFICE OF THE SECRETARY OF STATE**

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That I have compared the annexed transcript with the record on file in my office, of which it purports to be a copy, and that the same is a full, true and correct copy thereof.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this 20th day of January, 1944.

[SEAL]

FRANK M. JORDAN, Secretary of State

## EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

## Proclamation

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

I, EARL WARREN, 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, on Thursday, the twenty-seventh day of January, 1944, 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 amending the Election Laws to provide for and facilitate registration and voting by persons in the armed forces and others absent from their places of residence in time of war, and to change the dates of state-wide elections and the times prescribed for proceedings relating to or connected with such elections.

2. To consider and act upon legislation for the reorganization of the State Criminal, Penal and Correctional System, and for the government, administration, operation and enforcement thereof; abolishing, reorganizing, and establishing State agencies in that system and redistributing their powers, duties, and jurisdiction; and exercising the powers granted to the Legislature by Section 7 of Article X of the Constitution.

3. To consider and act upon legislation and a constitutional amendment relating to taxation of property of the United States and receipt of payments in lieu of such taxation.

4. To approve or reject charters and charter amendments of cities, counties, or cities and counties, ratified by the electors pursuant to the Constitution of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twentieth day of January, 1944.

[SEAL]

(Signed)

ATTEST:

EARL WARREN, Governor of California  
FRANK M. JORDAN, Secretary of State

Endorsed, filed, in the office of the Secretary of State of the State of California, January 20, 1944.

FRANK M. JORDAN, Secretary of State  
By CHAS. J. HAGERTY, Deputy

## RESOLUTIONS

The following resolutions were offered:

By Senator Slater:

## Senate Resolution No. 1

*Resolved*, That the Senate do now organize and proceed to elect officers and employees for this Fifty-fifth (Third Extraordinary) Session.

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

By Senator Swing:

## Senate Resolution No. 2

*Resolved*, That Senator Jerrold L. Seawell be and he is hereby elected President pro tempore of the Senate; that Joseph A. Beek be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that John F. Lea be and he is hereby elected Minute Clerk of the Senate; that Rev. Father Richard C. Dwyer 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, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

## OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Jerrold L. Seawell, President pro tempore; Joseph A. Beek, Secretary of the Senate; Joseph

F. Nolan, Sergeant-at-Arms; John F. Lea, Minute Clerk; and Rev. Father Richard C. Dwyer, Chaplain; took and subscribed to the following oath administered by Annette Abbott Adams, Presiding Justice, Third District Court of Appeal:

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

### RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

#### Senate Resolution No. 3

*Resolved*, That the following rules be and the same are hereby adopted as the Standing Rules of the Senate at its Fifty-fifth (Third Extraordinary) Session.

### STANDING RULES OF THE SENATE

#### Convening and Sessions

##### Hour of Meeting

1. The Senate shall meet at 11 a.m., daily, except Sundays, unless otherwise ordered by the Senate.

##### Calling to Order

2. The President, President pro tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present shall proceed with the order of business.

##### Attendance of Members

3. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

##### Order of Business

4. The order of business shall be as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Leaves of Absence.
4. Privileges of the Floor.
5. Communications and Petitions.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Reports of Committees.
9. Motions, Resolutions and Notices.
10. Introduction and First Reading of Bills.
11. Special Orders.
12. Unfinished Business.
13. Consideration of Daily File.
14. Announcement of Committee Meetings.
15. Adjournment.

##### Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

### Officers of the Senate

#### The President

6. The Lieutenant Governor shall be the President of the Senate. He shall have a casting vote when the vote is equally divided and his vote will decide the issue.

The President shall maintain order in the Senate Chamber and in case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

#### The President Pro Tempore

7. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate, and shall have the same powers as the President.

It shall be the particular responsibility of the President pro tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

#### Presiding by Senators

8. The President pro tempore of the Senate may name any Senator to perform the duties of the Chair in the absence of the President. The Senator so named shall be vested, during such time, with all the powers of the President.

#### Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

He shall superintend all printing and clerical work to be done for the Senate and shall have supervision over all attaches and employees of the Senate. He shall assign, reassign or transfer all attaches or employees to their respective duties.

He shall certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

He shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers and records of the Senate and shall not permit any such bills, records or papers to be taken from the desk or out of his custody by any person, except in the regular course of the business of the Senate.

All employees on the pay roll of the Senate are employees of the Senate and not of individual members and they are under the direct control of the Secretary of the Senate. Any insubordination or inefficiency on the part of any employee shall be reported by the Secretary to the Committee on Rules or if a Committee on Attaches be appointed, then to that committee.

#### Sergeant-at-Arms of the Senate

10. The Sergeant-at-Arms shall attend the Senate during all of its sittings, execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Journals, Histories and Files, when printed, on the desks of Senators, at least one hour previous to the opening of session.

### Committees of the Senate

#### Appointment of Committees

11. The Committee on Rules shall consist of the President pro tempore of the Senate, who shall be the chairman of the committee, and four other members of the Senate to be elected by the Senate.

The Committee on Rules shall appoint all other committees of the Senate unless otherwise directed by the Senate and shall designate a chairman of each committee so appointed and a vice chairman of each standing committee.

Ten days before the commencement of any regular session of the Legislature, the Secretary of the Senate shall mail to each member a blank, in a form approved by the Rules Committee, on which the member may indicate his committee preferences and with such blank shall be mailed a stamped envelope addressed to the Rules Committee, care of the Secretary, for the convenience of the member in returning such form with his preferences thereon. All such communications shall be retained by the Secretary unopened and shall be delivered to the Rules Committee immediately upon the organization of the Senate.

**Standing Committees**

12. The standing committees of the Senate at the Fifty-fifth Regular Session shall be the standing committees of this extraordinary session.

**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 insofar 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 upon certain days of the week or to meet any special condition which may arise.

**Quorum of Standing Committees—Vote**

15. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal.

**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.

**Special Investigating Committees**

17. No committee for the investigation of any special subject shall be appointed except pursuant to a resolution which shall be entered in the Journal and referred to the Committee on Rules, and which shall be approved by a vote of a majority of the members elected to the Senate. The subject and purposes of the investigations shall be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purposes so expressed. No such committee shall have authority to extend its investigations to subjects not so expressed, nor beyond the scope indicated in the resolution. Unless otherwise directed by the resolution any committee so authorized shall be appointed within 20 days after the adoption of the resolution.

**No Committee Expenditures Permitted**

18. No member of any committee shall be permitted to incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

**Procedure and Rules****Joint and Concurrent Resolutions and Constitutional Amendments**

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; except, that they shall have but one official reading, which reading shall occur after they have been reported by committee.

**Parliamentary Rules**

20. In all cases not provided for by the Constitution, these Rules, or by the Joint Rules of Senate and Assembly the authority shall be Mason's Manual.

**Suspension or Amendment of Rules**

21. Except as in these Rules otherwise expressly permitted no standing rule or order of the Senate shall be rescinded or changed without a vote of a majority of the members of the Senate, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of a majority of the members of the Senate. All proposed amendments to these Rules shall, upon presentation, be referred to the Committee on Rules without debate.

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

22. Any Senator desiring to introduce a bill shall send it to the Senate desk.

The Committee on Rules shall check all Senate bills prior to introduction and all Assembly bills before reference to committee and shall designate the committees to which they shall be referred.

Under the order of Introduction of Bills, the Secretary shall assign a number to each Senate bill, shall read it the first time, and unless otherwise ordered by the Senate without debate it shall be referred to the committee designated by the Committee on Rules.

Under the order of Messages from the Assembly the Secretary shall read each Assembly bill the first time and unless otherwise ordered by the Senate, without debate, it shall be referred to the committee designated by the Committee on Rules.

**Introduction of Bills by a Committee**

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any member.

**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.

**Senate Resolutions**

25. All Senate resolutions upon being presented shall be given a number by the Secretary. Such resolutions shall be printed in the Journal and indexed in the History and Journal.

**Bills in Committee****Committee Hearings**

26. During the constitutional recess or as soon thereafter as practicable the chairman of each committee shall prepare a schedule of hearings concerning bills referred to the committee. The schedule shall be arranged according to subjects insofar as may be convenient.

The schedules and any changes therein shall be delivered to the Senate as soon as convenient in order that due notice may be given to persons interested in the legislation.

### Substitute Committee Bills

27. A committee may amend into one bill related provisions germane to the subject and embraced within the title; and with the consent of the author the committee may constitute such bill a committee bill by striking out of the heading of the bill the line "Introduced by" and the name of the author and substituting therefor "Substitute committee bill of the Committee on" and the name of the committee.

### Recalling a Bill From Committee

28. The Senate may at any time by 21 votes recall a bill from committee.

### Consideration of Bills

#### Order of Making Files

29. When bills are reported from committee they shall be placed upon the General File, to be kept by the Secretary as follows. All bills when reported to the Senate by the committee shall be placed at the foot of the second reading Senate or Assembly file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Senate or Assembly third reading file, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate second reading file, Assembly second reading file and Senate third reading file, Assembly third reading file. The bills upon third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

An inactive file shall be kept to which bills may be transferred at the request of the author, or on motion, and they shall be so transferred when they have been passed on third reading file without action three successive times. Bills may be carried on the inactive file by author and bill number without setting forth the title.

Bills may be transferred from the inactive file to the second reading file on motion, and after being read the second time such bills will take their place regularly on third reading file and be available for consideration and passage.

Notices of committee hearings shall be published in the File whenever presented by chairmen of committees to the Secretary for that purpose. For such purpose bills will be identified by subject or by number.

### Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

### Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

### Engrossing Bills

32. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted on the File for the original bill.

### Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every such bill, amendment or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signatures of the President or President pro tempore of the Senate and the Secretary or an Assistant Secretary of the Senate and by the corresponding officers of the Assembly and transmitted without delay to the Governor.

### Debate

#### Statement of Motion

34. No motion shall be debated until the same be distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

### Regulations as to Speaking

35. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he may proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.



3. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

4. No Senator shall be interrupted when speaking, and no question shall be asked him except through the presiding officer.

5. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

#### **Order in Debate**

36. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

#### **Right to Address the Senate**

37. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session but the Senate may resolve itself into a Committee of the Whole and while sitting as such committee may be addressed by persons other than members.

### **Questions and Motions**

#### **Amendments to Bills**

38. When amendments to a bill are reported by a committee or offered from the floor, such amendments shall be submitted in triplicate.

Adoption of amendments to any bill in the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

#### **Motion to Lay on the Table**

39. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

#### **Division of a Question**

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

#### **The Previous Question**

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

#### **Call of the Senate**

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon, no member shall be permitted to leave the Senate Chamber except by written permission of the President pro tempore or in his absence of the presiding officer. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote.

No recess can be taken during a call of the Senate. During a call, the Senate may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had during a call of the Senate. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

#### **Reconsideration**

43. On the day on which a vote has been taken on any question a motion to reconsider the vote may be made by any member.

The motion may be considered on the day made or on the succeeding legislative day but may not be further postponed without the concurrence of 27 members.

No vote on a Senate bill may be reconsidered on or after the last day fixed for the consideration of Senate bills prior to adjournment and no vote may be reconsidered on the last day of the session.

When reconsideration of the vote by which any bill was passed has been demanded the Secretary shall not transmit it to the Assembly until the demand has been disposed

of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. This motion shall be put to vote immediately without debate and if not adopted shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate and the vote on the reconsideration shall be on the merits of such main question.

### Voting by Senate

#### Voting on Roll Call

44. Whenever a roll call is required by the Constitution or Rules, or is ordered by the Senate or demanded by three members, every member within the Senate shall without debate answer "Aye" or "No" when his name is called.

The names of members shall be called alphabetically.

No Senator shall be permitted to vote or change his vote after the announcement of the vote by the presiding officer.

#### Excused From Voting

45. When a Senator declines or fails to vote on call of his name he may, after completion of the roll call, and before the announcement of the vote be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he shall be required to vote.

#### Voting by Presiding Senator

46. When the President pro tempore or any other member of the Senate is presiding over the Senate he shall vote on roll call the same as though he were not presiding.

#### 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 30 votes:

1. To introduce bills after the constitutional recess—(Constitution, Art. IV, Sec. 2).

The following actions require 27 votes:

2. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
3. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
4. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
5. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
6. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
7. To change rate of taxation for State purposes—(Constitution, Art. XIII, Secs. 14, 16).
8. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16 $\frac{1}{2}$ ).
9. To remove Railroad Commissioners—(Constitution, Art. XII, Sec. 22).
10. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
11. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
12. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
13. To suspend the Rule against lobbying in the Senate Chamber.
14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage.

The following actions require 21 votes:

15. To amend or suspend the Rules.
16. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
17. To adopt a concurrent resolution approving a county or city charter or amendment thereto—(Constitution, Art. XI, Secs. 7 $\frac{1}{2}$  and 8).
18. To adopt joint and concurrent resolutions.
19. To reconsider bills, joint and concurrent resolutions.
20. To confirm appointments by the Governor or to reconsider the same.
21. To recall a bill from committee.
22. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage.

Actions requiring 14 votes :

23. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

#### **Vote Required for Amendments**

48. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

### **Contents of Senate Journal**

#### **Proceedings to Be Printed**

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal. The committee vote on each bill reported back by a committee, and if a bill is signed out that fact also shall be recorded in the Journal.

#### **Titles of Bills to Be Printed**

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall be printed in the Journal.

#### **Other Matter to Be Printed**

51. Messages from the Governor (other than biennial messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

### **Legislative Printing**

#### **Duty of Secretary to Order Printing**

52. It shall be the duty of the Secretary of the Senate and he is hereby directed during and between sessions of the Legislature to order for the Senate the necessary printing including stationery for the members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary shall order from the State Printer such number of copies of bills, Journals, Histories, Files, forms and other printing as shall be necessary.

It shall further be the duty of the Secretary to order bills and other legislative publications for which there is a demand printed before the supply of same shall become exhausted.

#### **Printing Only on Written Orders; Rush Orders**

53. The State Printer shall not charge any printing or other work to the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to the beginning of the printing or other work. All printing ordered by the Secretary shall be delivered as directed by him. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

#### **Form of Printing Amendments**

54. When any bill of either house is amended it shall be immediately reprinted; new matter shall be printed in italics in the printed bill; and matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill is enrolled, all such italics and "strikeout" type shall be omitted and the bill shall be printed in the usual Roman type.

### **The Senate Chamber**

#### **Admission Within Bar of Senate**

55. It shall be the duty of the Sergeant-at-Arms to prevent all persons except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them from coming within the bar of the Senate unless upon the invitation of the President or a Senator. No visitor shall be allowed upon the floor while the Senate is in session.

#### **Regulations for Lobbyists**

56. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution, or upon any anticipated or proposed bill, measure, or resolution, shall

register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

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

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

No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this Rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and the President pro tempore are charged with the enforcement of this Rule, and this Rule can not be suspended except by a two-thirds vote of the entire Senate.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 1:** By Senator Seawell—Relative to the Joint Rules of the Legislature.

#### Request for Unanimous Consent

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

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

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

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34

NOES—None.

Resolution ordered transmitted to the Assembly.

#### RESOLUTIONS

The following resolutions were offered:

By Senator McCormack:

#### Senate Resolution No. 4

*Resolved*, That the President of the Senate appoint a Special Committee of Three Senators to notify the Governor of the organization of the Senate for the Fifty-fifth

(Third Extraordinary) Session and that the Senate is now ready to receive any communications he may have to make

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

#### Appointment of Special Committee

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

By Senator Crittenden :

#### Senate Resolution No. 5

*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, on motion of Senator Crittenden, adopted.

#### Appointment of Special Committee

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

By Senator McBride :

#### Senate Resolution No. 6

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

<i>President pro tempore</i> .....	Jerrold L. Seawell
<i>Secretary of the Senate</i> .....	Joseph A. Beek
<i>Sergeant-at-Arms</i> .....	Joseph F. Nolan
<i>Minute Clerk</i> .....	John F. Lea
<i>Chaplain</i> .....	Rev. Father Richard C. Dwyer

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

By the Committee on Rules :

#### Senate Resolution No. 7

*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	County	Mileage	Total at 5 cents per mile
Biggar, George M.....	Mendocino.....	480	\$24 00
Breed, Arthur H., Jr.....	Alameda.....	180	9 00
Brown, Charles.....	Inyo.....	1,292	64 60
Burns, Hugh M.....	Fresno.....	338	16 90
Carter, Oliver J.....	Shasta.....	330	16 50
Collier, Randolph.....	Siskiyou.....	590	29 50
Crittenden, Bradford S.....	San Joaquin.....	94	4 70
Cunningham, R R.....	Kings.....	428	21 40
DeLap, T H.....	Contra Costa.....	164	8 20
Deuel, Charles H.....	Butte.....	202	10 10
Dillinger, H E.....	El Dorado.....	100	5 00
Donnelly, Hugh P.....	Stanislaus.....	182	9 10
Dorsey, Jess R.....	Kern.....	550	27 50
Fletcher, Ed.....	San Diego.....	1,146	57 30
Gordon, Frank L.....	Napa.....	94	4 70
Hatfield, George J.....	Merced.....	236	11 80
Jespersen, Chris N.....	San Luis Obispo.....	666	33 30
Judah, H R.....	Santa Cruz.....	336	16 80
Keating, Thomas F.....	Marin.....	210	10 50
Luckey, E George.....	Imperial.....	1,292	64 60
Mayo, Jesse M.....	Calaveras.....	170	8 50
McBride, James J.....	Ventura.....	980	49 00
McCormack, Thomas.....	Solano.....	124	6 20
Mixter, Frank M.....	Tulare.....	444	22 20
Parkman, Harry L.....	San Mateo.....	222	11 10
Powers, Harold J.....	Modoc.....	832	41 60

Senators	County	Mileage	Total at 5 cents per mile
Quinn, Irwin T.	Humboldt	624	\$31 20
Rich, Wm P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	292	14 60
Seawell, Jerold L.	Placer	38	1 90
Shelley, John F.	San Francisco	180	9 00
Slater, Herbert W.	Sonoma	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Tickle, Edward H.	Monterey	474	23 70
Ward, Clarence C.	Santa Barbara	920	46 00
			Total at 10 cents per mile
Officers	County	Mileage	
Frederick F. Houser, President	Los Angeles	912	\$91 20
J. A. Beek, Secretary	Orange	990	99 00
John F. Lea, Minute Clerk	Placer	76	7 60
Joseph F. Nolan, Sergeant-at-Arms	Los Angeles	894	89 40

Resolution read.

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

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

By Senator Brown:

#### Senate Resolution No. 8

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

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

By Senator Tickle:

#### Senate Resolution No. 9

*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 27, 1944, 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; except in the instances of Paul Mason and Margaret Hammond, Assistant Secretaries, who will serve without compensation:

	Seven days per week
Harry Hammond, Assistant Secretary	\$9 00
Margaret Hammond, Assistant Secretary	0 00
Paul Mason, Assistant Secretary	0 00
Margaret Sweeny, Chief Stenographer	7 00
Harry Jordan, Assistant Secretary	7 00
Thomas A. Wright, Assistant Sergeant-at-Arms	6 00
A. P. Bellisle, Assistant Secretary	7 00
Flora Gilliam, Stenographer	6 00
Thelma Smith, Secretary	6 00
Marguerite Bridges, Secretary	6 00
Belle Tomasini, Engrossing and Enrolling Clerk	7 00
N. L. Levering, Journal Clerk	7 00

Resolution read.

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

**AYES**—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Seawell, Swan, Tenney, Tickle, and Ward—24.

**NOES**—None.

**MESSAGE FROM THE ASSEMBLY**

At 11.20 a.m., a committee from the Assembly, consisting of Messrs. Stream, Crichton, and Hollibaugh, 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 FROM SPECIAL COMMITTEES**

The following reports of Special Committees were received:

Senators McCormack, Rich, and Slater, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

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

**MOTION TO PRINT IN THE JOURNAL**

Senator Swing moved that the Report of Senate Interim Committee appointed to investigate the water conditions at Needles, California, be printed in the Journal.

Motion carried.

**Report of Special Committee**

January 27, 1944

*To the Legislature of the State of California  
and To Each House Thereof  
Sacramento, California*

GENTLEMEN: Pursuant to Senate Resolution No. 138, adopted at the Fifty-fifth Session, a committee was appointed to give further study to conditions at Needles, California, caused by the Colorado River since the construction of Boulder and Parker Dams. The committee has pursued its work in accordance with such resolution, and because of the seriousness of the situation and the necessity for immediate action, a partial report of the committee's activities and its recommendations is submitted at this extraordinary session.

The Colorado River forms the boundary between California and Arizona. It is a navigable stream and, as such, is under the complete domination and control of the Federal Government. The source of the Colorado River is in the Rocky Mountains and it empties into the Gulf of California. It carries great quantities of detritus, debris, and silt eroded from the higher water sheds, which, during past centuries, was carried down and deposited along and in the bed of the stream throughout its course, to be again in part picked up and eroded during flood times and carried to its final resting place in the Gulf of Lower California.

An accurate and detailed description of the action of the river and of the bed of the stream prior to Federal interference with its natural tendencies is not now nor is it here necessary. Suffice to say that until controlled by Boulder and Parker Dams, the Colorado River, while a menace during flood times, never seriously endangered the City of Needles or the Santa Fe Railway installations at that point since the construction of the Santa Fe Dike in the year 1914.

With control and development, the Colorado River has gradually and effectively been transformed into a great National asset from which unlimited and untold benefits are now flowing and will continue for all time to come.

For years, the Federal Government gave study to the utilization of this river for the developing of power and for furnishing necessary water for irrigation and domestic uses in and among the States bordering thereon. As a part of the river development, the Federal Government has now constructed, in the order named, the Laguna Dam, primarily an irrigation project for the benefit of lands in Arizona and California; the Boulder Dam, primarily a river control and power project; the Imperial Dam, for the diversion of water into the All American Canal; and the Parker Dam, as a means of diverting water from the Colorado River to and for domestic use within the metropolitan areas of southern California.

These are all Federal projects and are under Federal control. The State is without power to regulate or to interfere with the operation of any of them. River regulation and development by means of the projects aforesaid, while laudable and beneficial to great numbers of people both in California and in adjacent States, has not been accomplished without some injury and detriment to communities and entities which, prior to such development had acquired certain established and firm rights which

should not and can not be completely ignored, as the development of said river continues and the operation of the aforementioned projects is carried on for the benefit of others. This situation is particularly true of Needles, California, and of the Santa Fe Railway Company insofar as its Needles division is concerned.

Long before the construction of any of the additional projects hereinbefore mentioned, The Atchison, Topeka and Santa Fe Railway Company, following instruction of its railway company, established division headquarters at Needles. The Santa Fe has a large investment at that point and all of its transcontinental trains, both freight and passenger, 50 per cent of the movement of which today is military personnel, passes through Needles. It has yards, large shops and other facilities at that point.

The City of Needles is a sizeable community with a population of upwards of 4,000 people and a valuation of approximately \$5,000,000. Not only is the City of Needles division headquarters for the railway company, but a main transcontinental highway passes through the city, it being the California gateway of U. S. Highway No. 66. In addition to the railway company's offices and facilities, other utilities and industries are located there and it is the center for mining, agriculture, and stock raising industries. Interruption of these transportation facilities would seriously impede and delay the movement of military personnel and foodstuffs necessary for the war effort.

The Santa Fe yards, machine shops and other public utilities were of necessity constructed upon lands bordering on the Colorado River and with an elevation only slightly above the normal flow of the river. The City of Needles is likewise located upon lands with a similar elevation.

Prior to the construction of the aforementioned Federal projects on the Colorado River, the only damage at Needles was that resulting from periodic floods. Danger from such floods was well overcome by the construction by the Santa Fe Railway Company, about the year 1914, of a dike along the California bank of the Colorado River for a distance of about 8,000 feet. While the margin of safety provided by this dike was not great, still, under normal and natural conditions, it proved a sufficient protection and safeguard for more than 30 years and would still furnish adequate protection were it not for the rise of the bed of the stream caused by the construction of the Federal projects hereinbefore referred to.

Along about April, 1941, shortly after the Parker Dam was put into operation, sand has begun to appear along and in the channel of the Colorado River, both above and below Topock. Since then the bed of the Colorado River from Topock up to and beyond Needles has gradually filled in so that the river along and adjacent to Needles has continued to rise. On December 8, 1943, when no flood was present, the river elevation opposite the Santa Fe yards had risen to 471 plus feet, whereas the top of the dike at that point has an elevation of only 473 plus feet. It requires no stretch of the imagination to visualize what would happen at Needles and vicinity if only a normal flood should now occur.

Deposition of silt in the backwater reaches of a reservoir is not a peculiar phenomenon. It is the inevitable result of stream laden materials meeting slackened velocity. The Engineers of the United States Bureau of Reclamation recognized this action while they were constructing Boulder Dam. Mr. E. W. Lane, Research Engineer for the bureau, in an article appearing in Engineering News-Record on June 28, 1934, stated, "When a dam is constructed in a stream with a bed of movable material, part of the material which the stream transports will be deposited in the backwater area of the reservoir".

Engineers estimate that approximately 38,000 acre feet of material have been eroded from the Colorado River bed between Boulder Dam and Needles from the time storage began in Parker Dam in 1938 to January, 1943. This is enough material to cover 60 square miles one foot deep. Available measurements show that most of this material was deposited in the backwater area of Havasu Reservoir from Needles to Topock.

We are informed that had there been no release of clear water at Boulder Dam there would have been no additional scouring of the stream bed between the Dam and Needles, and if there had been no storage behind Parker Dam this eroded material would not have been deposited between Needles and Topock. We are advised that the river bed past Needles would have been lowered by the operation of Boulder Dam had it not been for the backwater of Havasu Reservoir.

This action of scouring above and deposition in the vicinity of Needles is still continuing and offers a continuing and increasing menace to the inhabitants of the City of Needles and to the Santa Fe Railway property. Engineers of the United States Bureau of Reclamation, in April, 1942, prepared and submitted to the Chief Engineer of that bureau plans for the solution of this problem. Copy of such plans and estimates of costs, together with recommendations of the bureau, has been filed with this committee. The plan so submitted offers the only satisfactory solution of the problems thus far brought to the attention of this committee.

The situation at Needles as it existed on February 19, 1943, was described to the committee by Mr. William M. Clavpool, Jr., Mayor of Needles, as follows:

The river has always been a problem with the city, away back in the early days even. At that time the river, during the spring flood season, would often cut its banks and endanger the whole community. It was a real menace until about 1914 when the Santa Fe Railway, to protect its own property, put in the present Santa Fe Dike.



That dike starts here at the north end of the town and goes up past what we call the old smelter site and down the river here to the lower end of the town. Now, since that time, 1914, flood waters have not been a menace here. At times, during the big floods, we have had high water over there and it has been rather a problem, but it has never been—we have never been threatened with being washed out like we were before.

Now, when the Boulder Dam was built the city naturally felt that their flood problems were over because the Boulder Dam would regulate the flow of the river and would eliminate those big floods that we formerly had. Our first intimation that all was not well was contained in a letter from William Zimmerman, Assistant Engineer of the Office of Indian Affairs, from Washington, D. C., dated January 18, 1939, in which he, in part, says:

It appears impossible to determine in advance what the effect will be on the Colorado River as a result of the construction of the Boulder and Parker Dams and the possible construction of the Bullshead Dam. It is known, of course, that the water issuing from the Boulder Dam will be clear. The present gradient of the river was established by muddy water and it is reasonably certain that the clear water will pick up and transport silt and sand to a greater or lesser extent. Just how far this recession and subsequent deposition will go seems to be a problem over which even hydraulic engineers differ widely.

Now, the things in Needles went along about the same as usual until early in 1941. That was after the Parker Dam had been completed and Lake Havasu was fairly well filled. During March of 1941, the seepage from the river had become a major problem. During that month the City Council of the City of Needles, under date of March 25th, instructed their city attorney to write letters of protest to the Department of Interior, Bureau of Reclamation, Washington, D. C., and to the Metropolitan Water District in Los Angeles, in which they stated the conditions then prevalent, and that we felt that the erection of the dams and their work on the river was the cause, and asked that something be done. However, we got no action.

In May, 1941, due to the fact that they had a large run-off of water in the upper Colorado, and due to the fact that they did not have sufficient storage in Lake Mead, they let a large amount of water down the river—I believe at first it was 30,000 second feet, and then 35,000, and when they let that large amount of water in, the whole north part of the town was flooded. A lot of families were flooded out and it was a serious proposition, and the local Red Cross secured 20 tents from the Red Cross inside and those people were moved out of that area and also lots of other families moved and lived with friends and relatives on higher ground.

\* \* \*

The water level that we have had up to now (February 19, 1943) has forced probably 20 families to actually move their homes. If the water should raise a foot higher than it was in the past, it will force probably from 100 to 150 families to lose their homes. I might say that in all that district that is now flooded we have fire hydrants, water mains, and also one year before the big flood we paved all those streets over in that district. These are all submerged now, from six inches to two feet."

Mr. J. A. Ward, President of the California Pacific Utilities Company, which operates the gas and electric works at Needles, California, described the situation to the committee as follows:

We have a gas generating station and an electric diesel generating station. We have a transmission line here from Boulder Dam and supply this area and Southern Nevada with power. This plant was established back in about 1908.

The plant in its present location has operated without any serious interference from the river in all these years, and it has had the protection of the small dike along that river there that was built by the Santa Fe Railroad which has protected all of that area for a great many years, regardless of what the stream flow has been. Since we have operated the gas and electric plant, we have never been faced with a serious water situation as we are today.

Last December the water rose to a point where we had to construct a dike entirely around our power plant and the gas plant to keep the water out of it so we could operate it.

The dike is about 20 feet wide and about 5½ feet high, and runs from the end of our property clear around the side of it. That protects our substation pump. We had to raise the substation and put in pumping equipment there to pump the water out from behind the dike so as to keep the water down. We have spent about \$4,000 so far to continue our operations in that area under these present conditions.

I am fearful that if the elevation of the river is raised to 450 feet at Parker Dam that we will have to abandon our gas plant and our electric generating

plant entirely and move it out of there because it would not be safe to attempt to continue to operate it there under present conditions.

Captain Evan D. Talley, who is connected with the United States Army and was with the troops stationed in the vicinity of Needles at the time of the committee hearing, described the situation at Needles as follows:

I have made some observations and I have talked with citizens of the town regarding their problems of sanitation, and I have made some trips on the other side of the track down to the laundry, and observed the numerous dwellings that have been surrounded with water and stagnant pools.

The disposal of waste in this area that has been partially inundated and covered by water makes it a regular breeding place for mosquitoes and from a sanitary standpoint it is impossible for those places, of course, to have cesspools, and outdoor toilets that have been there have been washed away and standing there and soaking, and we would not stand for a similar situation in the Army, and from the standpoint of health of the people here, if they haven't had an epidemic they are indeed fortunate because all the factors are present that are conducive to the possibilities, and take it from the standpoint of troops that are stationed in and around and through this area, they are likewise subject to the same possibilities of infection should an epidemic break out, as are the citizens of this community.

It is a situation that requires immediate attention and immediate correction, to preserve the health of the people, including the troops that happen to be stationed in this vicinity.

Mr. L. J. Foster, the Construction Engineer for the Bureau of Reclamation, said to the committee:

Unless something is done and the reservoir (back of Parker Dam) goes up to 450 feet, there will be much more damage than there is now. The clear water coming down from Boulder Dam picks up silt. The silt gets down to the Needles area. In the old days the silt would go through and go down to the Yuma area and on into the Gulf, but now it can not do that any longer; the backwaters from the Parker Dam stop it, and it stops between here and Topock.

In a report by M. C. Blanchard, Chief Engineer of the Santa Fe Railway Company, filed January 11, 1944, he says:

In the years 1913 to 1921 the Santa Fe built along the riverbank a substantial earth dike heavily revetted with riprap to protect its property, and incidentally the Town of Needles, against the flood flows of the Colorado River. This dike is some 8,000 feet in length and its location is shown by yellow coloring on the map attached hereto. Its cost in round figures has been \$250,000.

At the time of the construction of this dike, neither the Boulder nor the Parker Dams had been built. This dike, therefore, withstood the full effect of the uncontrolled flood flows which annually occurred. The riverbed at that time was a considerable number of feet below the top of the dike, so much so that when the largest floods occurred, there was ample free board between the surface of the flood water and the top of the dike. Until the past year or two it has afforded adequate protection to the facilities of the Santa Fe and the Town of Needles, and still is the basic protection of these interests.

After the building of the Boulder and Parker Dams, the riverbed above, at, and below Needles, began rapidly to rise because of the deposition of silt and sand, this action being progressive and still continuing. This has brought the riverbed, and with it the water level, even with moderate discharges from Boulder Dam, to a point where only a slight free board remains between the water surface and the top of the dike.

In December of 1943, the water surface of the river was approximately  $1\frac{1}{2}$  feet below the top of the dike at certain points, the flow at that time being about 20,000 cubic feet per second. The surface of backwater on the landward side of the dike was about  $1\frac{1}{2}$  feet below that of the river surface. This back water had submerged a large part of the area between the dike and the Santa Fe yards, making it necessary for most of the residents in that area to move out. This back water has reached an elevation where it is now about 6 inches deep in the pit of the Railway Company's turntable, and has also come up to the base of the ballast under the tracks over which engines pass to and from the roundhouse. It also does not have far to rise to reach a point where it will submerge the track and oil unloading facilities which are used for replenishing the supply of fuel oil required for locomotives operating into and out of Needles.

In the year 1943, it became necessary for the Railway Company to enlarge and extend its yard tracks, most of the extension being to the east. In building these tracks it was necessary to protect the embankment, not only for the extension of the yard tracks, but also the freight mains for a distance as far east as the ice house. This protection work also reclaimed the sewage disposal plant which had been out of commission for the past several years. This sewage disposal plant serves not only the Santa Fe Railway but also the City of Needles. It is now being rehabilitated at a very considerable cost. In explanation of the

above protection work, which cost us somewhere between \$30,000 and \$35,000, and shown in red on map attached hereto. I might say that the present channel of the river after leaving the easterly end of the long dike referred to above, swings in against the yard and side track area of the Santa Fe and because of the current striking the fill on which these tracks are laid, it was necessary to protect these fills.

The deposition of silt and sand has now raised the level of the riverbed to such a point that should it become necessary to increase the discharge from Boulder Dam to that which may be necessary for the control of flood flows into Lake Mead, there is grave danger that by reason of this increased discharge the present Santa Fe Dike may be over-topped and thus precipitate the direct channel of the river immediately against the unprotected portion of the Santa Fe yard, with consequent probability of overflowing that portion of the railway facilities which are used for the handling of engines in and out of the Needles Terminal, and the further possibility of washing out portions of the yard tracks. In addition to the increased discharges from Boulder Dam there is likelihood of floods in some of the local streams between Boulder Dam and Needles, some of which have water sheds of considerable magnitude, and runoff flood flows in proportion thereto. If one of these local floods should happen to strike at the time of maximum discharge from Lake Mead, the situation at Needles would be serious indeed.

The Santa Fe and the Town of Needles are not responsible for the conditions which have been created by the construction of these dams, and the agency or agencies which own and/or control these dams should be taking immediate steps to rectify the situation which now exists at Needles and which may become seriously aggravated in the near future. All of the transcontinental traffic handled by the Santa Fe Railroad passes through the Town of Needles, at which point the Railway Company has important yards and engine facilities. Any action of the Colorado River which would make the railway facilities at this point inoperative, would seriously affect the transportation of war and civilian supplies to the Southwest Pacific Coast area of the United States. It is, therefore, highly important that the governmental agency or agencies involved take immediate action to construct proper and adequate flood protection for the City of Needles.

The foregoing statement graphically describes the situation which has occurred at Needles, California, since the construction of the Federal projects on the Colorado River and emphasizes the need for immediate action.

So serious and pressing has the situation become, that three different Legislative Committees have studied it and endeavored to work out amicable and prompt solutions of these problems. While each committee has taken evidence as to the cause for the rise in the river and the consequential submerging of Needles and adjacent territory, none of them has made any definite finding as to the responsible agency, nor is that here necessary. Suffice to say that the condition complained of did not exist before the construction of Boulder or Parker Dams, but has developed since and does now exist.

Whatever may be the cause, it can not be denied that the channel is gradually and persistently filling in the vicinity of Needles, thereby raising the river to higher and ever higher elevations and causing the water to be forced through, around, and eventually over the dike, forming a great stagnant pool, in the very heart of this desert center, which is rapidly becoming a stench to the nostrils and a threat to the welfare of those who must make this community their home.

The end is not yet in sight. The debris, detritus, and silt picked up by the clear waters discharged from Boulder Dam will continue to be carried down and deposited along the course of the stream until the river finally adjusts itself to the restrictions placed upon its flow by the act of man. How much more detritus will be deposited along in front of Needles and how much higher the river bed will be forced is a matter of speculation only. A rise in the stream bed of but a very few feet will practically destroy Needles and the various public utility installations in that vicinity and interrupt both rail and highway transportation.

Hope of averting further damage lies in the immediate raising and extension of the Santa Fe Dike, under the plan suggested by Mr. L. J. Foster, Construction Engineer for the Bureau of Reclamation, in his report of April, 1942. The committee sought to have this accomplished through an amicable arrangement between the Metropolitan Water District, the Federal Government, and the Santa Fe Railway Company, and a number of meetings were held with the hope of bringing the interested parties into such an agreement.

We are now satisfied that no satisfactory amicable solution can be had due to the attitude of the Metropolitan Water District. This does not necessarily mean that the Metropolitan Water District is not sympathetic and is not in accord with the solution proposed by Mr. Foster. The refusal of the district and the reason therefor is well stated in a report made to its board of directors by its engineering and operating committee, filed January 14, 1944, which is as follows:

On August 13, 1943, Senator Ralph E. Swing of San Bernardino, Mayor W. M. Claypool of Needles, Construction Engineer L. J. Foster of the United

States Bureau of Reclamation at Yuma, Arizona, and other interested officials, appeared before the board of directors of The Metropolitan Water District of Southern California, for the purpose of describing a flood condition in the Colorado River at Needles, attributing the condition to the construction and operation of Parker Dam, and urging that the district participate in the construction of protective works at Needles. The matter was referred by the board of directors to its engineering and operations committee for consideration and report.

This subject was discussed at a meeting of the engineering and operations committee on September 3, 1943, and it was concluded that before attempting to reach a decision, the committee should visit and inspect the site of the alleged damage. Such an inspection was made on November 2, 1943.

The matter was subsequently discussed by the committee on November 12, 1943, and on December 17, 1943, at a hearing before the committee granted to Senator Swing and his committee.

The members of the committee are impressed with the seriousness of the situation and with the earnestness and diligence with which the representatives of Needles, and the Legislative Committee, have presented their request. However, to justify the expenditure of district funds, it must appear that some liability exists or that the interests of the district will be advanced by the expenditure.

Consideration of the observations made in the field and of the data presented by the engineering and legal staffs of the district discloses the following facts:

1. That Parker Dam is not responsible for the flood condition and resultant damage occurring at and in the vicinity of Needles.

2. That Parker Dam is not owned, nor is it operated, by the district. It is owned and operated by the United States. The district has no liability to persons or property injured thereby. The district's only connection with the dam arises out of a contract between the district and the United States. Under the contract, certain benefits from the project are available to the district and, with respect to some types of damage claims, the district is in the position of an indemnitor of the United States.

3. Thus, even if Parker Dam were the cause of the damages complained of, any liability that the district might have in the matter would be a liability to the United States, based upon and limited by the terms of the contract referred to. Under no circumstances would any liability on the part of the district run to the owners of injured property. Any questions that may arise as to contract liability should be settled by the parties to the contract, in this instance by the district and the United States.

4. Contributions to the cost of protective works at Needles would not, in the opinion of the committee, advance the interests of the district.

It is therefore recommended that the district do not undertake to participate in the construction of protective works at Needles, and that the Legislative Committee of which Senator Swing is chairman, and the City of Needles, be so advised.

During the meeting referred to in this report, Mr. James H. Howard, chief counsel for the district, suggested that an appeal be made by our committee directly to the Federal Government and its proper agencies for the necessary action. He further suggested that any liability of the district for the situation complained of, should be adjusted between the district and the Governmental agency and not through this committee. With this suggestion we are in accord. It is not the province of this committee to determine the responsible agency nor to adjust any differences that might arise between any such agency and the Federal Government. The suggestion of Mr. Howard that appeal be made to the proper Federal agency for prompt action is timely, and it is by reason of such suggestion that this committee makes this report and recommends the adoption of a suitable resolution calling upon the Federal Government and its agencies to immediately take action to protect the City of Needles and vicinity from further damage from the river conditions hereinbefore referred to.

The situation is urgent, the danger imminent, and even though this be war times, the Colorado River will not hold back, but continues to roll on, piling up more and more silt and debris along its channel, ever increasing the hazards and dangers caused thereby. The remedy is in appeal by our Sovereign State to the Government of the United States for relief and protection for its citizens from the damage and dangers resulting from the construction of Federal projects along and on this turbulent stream.

We recommend the adoption of the joint resolution this day submitted, and further recommend that copies of this report be transmitted with such resolution to the President of the United States, to the Members of the California Delegation in Congress, and to the United States Bureau of Reclamation.

Respectfully submitted.

Senators    ED FLITCHER  
               E GEORGE LUCKEY  
               RALPH E SWING, Chairman  
                  Members of Committee

**RECESS**

At 11.40 p.m., on motion of Senator Seawell, the Senate recessed until call of the Chair.

**IN JOINT CONVENTION**

ASSEMBLY CHAMBER,

SACRAMENTO, THURSDAY, January 27, 1944

At 11.45 a.m., the Senate and the Assembly met in Joint Convention.

**SENATE ROLL CALL**

Hon. Frederick F. Houser, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

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

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36

The President declared a quorum of the Senate present.

**ASSEMBLY ROLL CALL**

Hon. Charles W. Lyon, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

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

Allen, Anderson, Armstrong, Bashore, Beck, Bennett, Berry, Brady, Brown, Burkhalter, Burns, Call, Carey, Carlson, Clarke, Collins, George D. Collins, Sam L. Crichton, Crowley, Debs, Denny, Desmond, Dickey, Dills, Clayton A., Dills, Ralph C., Dilworth, Doyle, Dunn, Erwin, Evans, Field, Fourt, Gaffney, Gannon, Guthrie, Haggerty, Hastain, Hawkins, Heisinger, Hollibaugh, Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton; Kraft, Leonard, Lowrey, Lyons, Maloney, Masson, McCollister, McMillan, Middough, Miller, Niehouse, O'Day, Pelletier, Price, Robertson, Rosenthal, Sawallisch, Sheridan, Stream, Thomas, Thompson, Thorp, Thurman, Waters, Watson, Weber, Werdel, Weybriet, Wollenberg, and Mr. Speaker—75.

The Speaker declared a quorum of the Assembly present.

**REGULAR ORDER OF BUSINESS**

The President announced the appointment of Senators Seawell, Chairman; DeLap, and McBride as the Senate Committee to escort Governor Warren to the Joint Convention.

The Speaker announced the appointment of Messrs. Heisinger, Berry, Hawkins, and Armstrong as the Assembly Committee to escort Governor Warren to the Joint Convention.

**TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 99**

The Speaker announced that, by unanimous consent, Assembly Rule No. 99 would be temporarily suspended for the purpose of permitting the Members' guests to be present on the floor of the Assembly during the Joint Convention.

**PRESENTATION OF THE GOVERNOR**

Hon. Charles W. Lyon, Speaker of the Assembly, presented Governor Earl Warren to the Joint Convention.

## Address by the Governor

Governor Warren then proceeded to address the Joint Convention as follows:

## Remarks by Governor Earl Warren

*Mr. Speaker, Lieutenant Governor Houser, and Members of the Senate and Assembly:*

I have asked you to meet in special session on this occasion because there are four matters of vital importance to our State which in my opinion are the work of this Legislature, and should not be postponed until the Fifty-sixth Regular Session. As you might well imagine, the mere suggestion of the call brought forth requests for the inclusion of numerous matters which, in the aggregate, could have consumed as much of your time as a regular session. Many of these matters were important, and some contained an element of urgency, but, in order to conserve your valuable time, I have limited the call to the following four matters which are vital both from the standpoint of time and subject matter.

Among the matters which I seriously considered for the call is that of returning to Standard Time from War Time. Many individuals and groups have urged me to take such action because of the inconveniences involved in living under the present system. I am convinced that it is a handicap to many of our farmers but also greatly interferes with the efficiency of our school system. Having watched my own little ones start to school every morning in the darkness of night, I was sympathetic to their situations. I therefore consulted with our Attorney General, wrote to the President of the United States, and ascertained whether any action taken by the State could be followed by the railroads and other agencies of interstate commerce. After doing these things I concluded that there is nothing that the Legislature or I can do to change the situation. There is a popular belief that because my predecessor issued a proclamation in connection with the establishment of War Time, that the mere issuance of a contrary proclamation by me would serve to restore us to Standard Time. The Attorney General advises me that such is not the case.

I am advised by the railroads that it would be necessary for them to maintain their schedules according to War Time, and that their problems and those of the traveling public would be multiplied by any attempt to maintain two systems of time in California.

Yesterday I received the following telegram from the President:

In response to your telegram of January 20th concerning California's return to Standard Time, I believe such action now would be ill-advised and that your State should remain on War Time throughout the year 1944. War Department study has indicated that a change to Standard Time would require a greater power generating capacity, with accompanying increase in the use of fuel oil and gas; also of labor and transportation facilities for expanding generating capacity. During the coming year our facilities will be taxed to the limit in preparation for the growing military effort in the Pacific. I am sure you will agree that our industrial schedule should not be jeopardized by any change in our present War Time program.

(Signed) FRANKLIN D. ROOSEVELT

Under the circumstances, it appears to me that no effective action can be taken at this time by either the Legislature or myself.

You are all welcome to see the file on the subject in my office.

The first matter in the call is the question of the voting of our Soldiers. You applied yourselves in a general way to this subject at the regular session by making it possible for company officers to swear and verify the signatures of men in their command. However, since that time, many thousands of our boys have gone to the most distant battlefronts of the world, and it is now apparent that if they are actually to have the opportunity as well as the right to vote, it will be necessary to liberalize the procedure for their registration and the manner of requesting ballots, as well as to lengthen the time between the mailing out and the return of their ballots. I have discussed this matter with your appropriate officers and committees, with our Commission on Interstate Cooperation, the Secretary of State, Legislative Counsel, the Attorney General and the county clerks of the State. It is the consensus of opinion among this group that by the simple process of stepping up the performance of all statutory acts precedent to the election, and the retarding of all acts to be performed subsequent to the election, the elapsed time between mailing out and receiving back Soldiers' ballots can be increased from 26 to 56 days. This additional time, combined with the opportunity to register and vote simultaneously and a more liberal use of air mail where possible, should, with the cooperation of the armed forces, enable our protectors to vote, whether they are stationed in the Sacramento or Nile Valley, and Mojave or Sahara Desert, or the Catalina or Solomon Islands. We do not yet know to what extent the Army and Navy will be able to cooperate in the handling of our election mail. Neither can we guess what if any action Congress will take in connection with Soldier voting. But I know that you will agree with me when I say that regardless of what is done by any of these agencies, we want every Californian in the armed forces to know that his State is doing everything possible to enable him to vote.

wherever he may be. Somehow or other, I have the belief that these Californians—whether they are in fox-holes, on the decks of destroyers, or in a flying fortress—as they look up to the stars and think of our Homeland, will have a clearer understanding of what we are striving for and will receive more Divine guidance than will the remainder of us who are removed from all sense of personal danger and who are too often guided by the prejudices that result from petty irritations rather than from sacrificial service. We need the moral force and the spiritual uplift that will come from their participation in Governmental affairs more than they do, and we want them to vote without regard to color, creed, political belief, or any other artificial classification that tends to divide Americans. I think you will have no difficulty in speedily adopting the recommended bill or some adaptation of it which will accomplish the desired purpose.

The next matter is equally important from the standpoint of time, because it calls for the submission of a constitutional amendment at the coming election. When the California State Constitution was framed in 1879, Section 1 of Article XIII expressly exempted from taxation all property owned by the United States Government. At that time, Federally-owned property outside of the public domain was limited to forts, arsenals, customs houses, post offices, and a very few other such buildings. Government was simple in those days, but since the turn of the century, and particularly in recent years, the Federal Government has engaged in numerous activities believed prior to that time to be the functions of State Government. Hundreds of Federal agencies have sprung into being, some of them strictly governmental, others little different from private business organizations. Many of these agencies and the military forces have purchased outright valuable pieces of property in our State. Such purchase automatically takes them from the tax rolls of our local subdivisions. At the present time about 43 per cent of the area of this State, with a total assessed valuation of several hundred million dollars, belongs to the Federal Government. In two California counties, Alpine and Inyo, the percentage approximates 90 per cent. In Trinity, Tuolumne, Mono, Plumas and Del Norte it approximates 70 per cent, and in El Dorado, Fresno, Lake, Lassen, Mariposa, Modoc, Riverside, Santa Barbara, Sierra, Siskiyou, Tulare and Ventura Counties, it amounts to somewhere between 40 and 65 per cent. Much of this property enjoys the same services of State and local government as does privately owned property, although it does not make an equitable contribution to them. Since 1938, the Federal Government has removed from the assessment rolls of our local governments property of the value of nearly \$100,000,000, resulting in an additional loss of \$2,500,000 in revenue to the local governments involved. Obviously this works a hardship on the finances of many of our local governments. Congress has given some indication that it is interested in granting relief from this situation and has actually authorized the taxation by the States, and their political subdivisions of real property owned by Reconstruction Finance Corporation and its subsidiaries, as well as a few other Federal agencies. Section 1 of Article XIII of our Constitution, exempting as it does from taxation all property owned by the Government of the United States, deprives California of the opportunity to take advantage of the action of Congress. It is reasonable to believe that Congress will in justice grant still further relief along this line. At the present time, however, we are in no position to urge it because we could not accept the benefits if they were given. Therefore, after consultation with the President pro tempore of the Senate and members of the Interim Committee on Taxation, I have had prepared by the Legislative Counsel and the Attorney General a constitutional amendment for submission to the people in the November, 1944, election which will authorize the State of California and its political subdivisions to tax Federal property in those instances where Congress has already consented or may in the future do so. The issue is one of equity, for it would be grossly unfair to California if its Constitution enjoined its political subdivisions from taxing Federal property while other States were doing so.

If you agree with the principle of the proposals, I believe you will have no difficulty in adjusting the details of the proposed amendment to your views.

Third, I have been advised by the League of California Cities that some urgency amendments to certain municipal charters are awaiting action by the Legislature. They can not become effective, of course, until ratified by you. There are only a few of them and I believe that their consideration will not take a great amount of your time.

I now come to the management of our prisons, a matter which has long challenged the interest of the Legislature, the Governor's office and groups interested in penology, but which has never commanded their joint action at any one time. When one focused its attention on the problem, the others were so engaged that their services could not be enlisted. At your last session, a splendid committee of the Senate, after an exhaustive study, filed a report on March 16th, pointing out certain shortcomings in prison management and advocating certain changes which are the basis of my present recommendations to you.

That committee reported in part as follows:

"That entire reorganization of the penal system be made with a director at its head, skilled and trained in modern penological practices \* \* \* and should be given wide powers over the institutions, their management and control."

And this is only one of a series of studies made by the Legislature or at its request during the last 10 years.

In 1934, the Bureau of Public Administration, University of California, rendered a report to the Legislature which in part reads as follows:

"California's present plan of penal administration originated in 1879, when the problems of prison administration and management were comparatively simple, while at the present time the development of prison affairs has become so complex that a lay board of five members can no longer by itself adequately administer the system. Other large States, such as Illinois, Massachusetts, New York, and Ohio, with similar complex prison problems, have found it expedient to organize a separate department of the State Government to deal with this matter. Such a department, headed by a single, qualified executive with wide powers, could develop and put into practice modern and progressive programs dealing with California's Prison System."

Also, the Final Report of the Committee on State Organization submitted to the Governor and the Legislature in 1941, arrived at the same conclusion.

Recent developments caused me to appoint a committee consisting of

Julian H. Alco, Chairman; Member of the Board of Prison Directors  
Charles H. Denel, Senator; Member of the Legislature  
Burdette J. Daniels, Legislative Secretary to the Governor  
Pierce H. Fazel, Analyst, Department of Finance  
Walter Gordon, Member of the Board of Prison Terms and Paroles  
Karl Holton, Director of California Youth Authority  
Joseph H. McClelland, Chief Special Agent the Attorney General

They have confirmed these prior findings.

The fact is that for years everyone who has studied our present system has come to the realization that the structure is unsound and must be reconstructed if we are to make progress. The same weaknesses have been apparent under all boards and I want to say that my remarks today are directed against the system rather than toward the individuals who are administering it. I have known most of the members of the Board of Prison Directors for the past 20 years and, in my opinion, they have all been fine men. However, as at present, conditions have often arisen in the past which showed the weakness of our system and the necessity for change. Sixty-five years ago, in 1879, when our present Constitution was adopted, and when we had one small penitentiary at San Quentin, the management of our Penal System was placed in the hands of a non-paid Board of Prison Management. Since that time, our Prison System has grown until we have four major institutions with thousands in custody and other thousands on parole. The three prisons for men are each under the separate management of a warden, with no central business management, no over-all policy or pattern of custodial care and with each warden subject only to the supervision of the part-time Prison Board, and the informal activities of its members which have often been too personalized to reflect the policies of the board. The present board, according to its own records in the past two years, has met eight times at Folsom, 13 times at San Quentin and 8 times at Chino.

It is logical to expect that loose practices would result from such lack of administrative direction and they have so developed. To merely say that the business practices in vogue are inefficient would be an understatement. Thousands of dollars have been spent according to the whim of a warden and without accounting for it. Hundreds of animals are unaccounted for on the farm, crowds of people as high as 800 have been permitted to eat at the prisons without adequate control or financial accounting to the State, and a general looseness in accountability is without question costing the State thousands of dollars each month.

On the custodial side, the classification of prisoners is wholly inadequate. The selection of prisoners for the various work camps is without policy or pattern with the result that during the past year 100 convicts have escaped. Of these, 3 are murderers; 32 crimes of first degree robberies were committed which means gun men; 7 first degree burglaries and 30 crimes of second degree burglary were committed; 4 rapists and other sex criminals. There is a general looseness in discipline and a system of so-called "con boss" rule that spells favoritism and injustice. There is a low morale in the guard lines, and the authority of the "convict bosses" has often been greater than that of the captain of the guard.

Our parole system as administered by the Board of Prison Terms and Paroles and the Bureau of Paroles which is under the jurisdiction of the Board of Prison Directors is not an integrated unit and can not be said to be effective.

Under our system there is no official contact between the Women's Institution at Tehachapi and the prisons for men—and the Youth Authority is disassociated from both.

What almost every investigating body has recommended, and what I now suggest to the Legislature, is that we reorganize our system so as to assemble in one department of our State Government (to be known as the Department of Corrections) all of our corrective institutions; that in order to have a sound over-all business administration and a complete pattern for custodial care, we have a Director of Corrections with authority to manage our institutions and with definite responsibility to the Governor for the standards of care and management maintained. In this department we suggest that there be a policy-forming board to be known as the Board of Corrections.



consisting of the three members of the Youth Authority as now constituted, an Adult Authority of three members, which would be the full-time successors to the present part-time Board of Prison Terms and Paroles, and two members of the Board of Trustees of the Women's Institution at Tehachapi.

The changes made in the duties and responsibilities are not great but it is the belief of those who have worked on the program that the inconsistencies and conflicts of jurisdiction now existing between the Board of Prison Directors, the Board of Prison Terms and Paroles, and the Bureau of Paroles have been eliminated.

It is my belief that in so organizing our corrective system we can approach our problems from a balanced point of view. The crime problems of youth and women are inseparably connected with those of men. Unfortunately, too many of the graduates of our reform schools soon matriculate at San Quentin. From that time on they become a product of our prison and parole system.

I believe we can have a corrective system for youths that will do a far better job than we have yet done in preventing children from becoming confirmed criminals. I believe we can have an enlightened prison system that will reflect sound business management and rehabilitating custodial care—not a cruel system, nor even a harsh system, but a system that does recognize discipline as the basic essential of orderly conduct. I am sure we can improve the standards of parole and encourage more men to lead an honorable life than has been done in the past. All of these things we can do if authority and responsibility are made commensurate with one another.

The question has been asked: Why should this action be taken in special session? In my opinion, there are several reasons. First, we can not continue to talk about without acting on a subject which is of such importance to the safety of every home in California. Over 90 per cent of the men in our penal institutions eventually leave them to become our neighbors. Whether they are to be better or worse after their experience depends largely upon our prison and parole system.

At the present time we have fewer prisoners in our penitentiaries than at any time in 20 years. This is a product of the war. It invariably happens that way. Ten years ago with 2,000,000 less people in the State we had 8,500 prisoners as compared with 8,000 today. But this is the lull before the storm. War has a brutalizing effect upon humanity and every war is followed by a tidal wave of crime. It is certain to come to us; a very few years after the war will without doubt see 10,000 men in our penitentiaries. Now is the time to prepare for the storm.

If we can not house 5,000 prisoners properly now, what will we do then?

There is another reason why I ask for action now. The Board of Prison Directors, in order to remedy the defects, is pressing me for innumerable jobs to be paid for out of the Emergency Fund which we are faithfully endeavoring to conserve in accordance with your wishes. The board is now requesting from that fund, money for 26 new employees at San Quentin at a cost of \$60,000 per year. Ten permanent guards are requested for Folsom. I do not believe they are necessary but realizing the chaotic condition there, I have authorized the employment of them for a period of three months. I have also authorized the employment of a stenographic secretary to eliminate a convict boss secretary. Eight supervisors have been approved for a project at the Mira Loma Army Quartermaster Depot and there is a current request for a supervisor of clothing. In the aggregate these represent a large expenditure. I have no way of knowing the merits of the request, but I can not see why our Prison System would require 50 more employees than it has had at a time when our present prison population was almost twice its present size. This is particularly true, when at most the creation of the new positions will merely be a gesture toward waving the tide back rather than to remodel the structure along modern lines.

In the preparation of the suggested bill, I have counselled with the Attorney General, the officers of your bodies and committees, the Legislative Counsel, the Bureau of Public Administration of the University of California, members of the Board of Prison Directors, and the Board of Prison Terms and Paroles, the Director of Federal Prisons and interested groups. We believe we have prepared a sound bill—one that will, in all respects, warrant analysis and public scrutiny. We are bringing it in conformity with the Civil Service System of the State and making the principal appointments subject to confirmation by the Senate. I was pleased yesterday to receive the following telegram from Mr. James V. Bennett, Director of Federal Prisons.

"Believe that proposed criminal and penal reform bill is sound and progressive and will make possible much needed improvements in California prison system by centralizing authority and responsibility and (the application of modern administrative methods to your prisons). The principles underlying California method of sentencing and treatment of youthful and adult offenders are eminently sound and forward looking and need only to be implemented by the forthright administration I believe this bill and your leadership will make possible. Congratulations and best wishes."

I hope you will agree with the principles we are forwarding in this bill and that you will establish them in the law of our State. I want to be helpful in the establishment and administration of a modern system of penology. I have had some experience in the field of law enforcement and I believe that it is as important to society for us to do our best to rehabilitate prisoners as it is to convict them of their crimes. It is

only in that manner and by a program which will prevent children from entering a life of crime that we can adequately protect the name of California from the consequences of criminal conduct.

Juvenile delinquency is greatly on the increase, and it must be remembered that unless these wayward youths are diverted to normal lives they will be the criminals of tomorrow. Your fine Assembly committee is working diligently in this field. We will be happy to work with it and other related committees in an effort to attack our crime problem as a whole. We can be helpful if you give us a structure that is consistent with present-day penological methods and with modern business practice.

#### ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 12.45 p.m., the Speaker of the Assembly declared the Joint Convention adjourned.

#### IN SENATE

#### REASSEMBLED

At 12.50 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

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

The following resolution was offered :

**Senate Concurrent Resolution No. 2:** By Senator Crittenden—Relative to approving an amendment to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof at a general municipal election held therein on Tuesday, October 12, 1943.

#### Request for Unanimous Consent

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

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

**Senate Concurrent Resolution No. 2**—Relative to approving an amendment to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof at a general municipal election held therein on Tuesday, October 12, 1943.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34  
**NAYS**—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. 3:** By Senators Breed, Deuel, Slater, Mayo, and Judah—Relative to the death of Friend W. Richardson.

**Request for Unanimous Consent**

Senators Breed and Slater asked for, and were granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3**

**Senate Concurrent Resolution No. 3**—Relative to the death of Friend William Richardson.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—36.

**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. 4:** By Senator Judah—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of May, 1943.

**Request for Unanimous Consent**

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

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4**

**Senate Concurrent Resolution No. 4**—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of May, 1943.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

**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 Joint Resolution No. 1:** By Senator Swing—Relative to memorializing the Bureau of Reclamation, Secretary of Interior, and Secretary of War to take immediate action to protect Needles, California,

and vicinity, from further damage and dangers resulting from the filling in of the Colorado River bed and the rise of the river since the completion of Federal projects upon that river.

Without reference to committee. Ordered held at the desk

**Senate Constitutional Amendment No. 1:** By Senator Seawell—Proposed amendment to Article XIII, Section 1 of the Constitution, relative to revenue and taxation.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 1:** By Senators Deuel, Gordon, Hatfield, Mayo, and Swan—An act providing for the reorganization of the State Criminal, Penal and Correctional System, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 2:** By Senators Breed, Slater, Salsman, Tickle, Parkman, Crittenden, Biggar, Ward, Dillinger, Quinn, Hatfield, Luckey, and McCormack—An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 951.5, 2050.5, 2053.5, 2792.5, 2799.5, 2807.5, 2839.5, 2842.5, 2843.5, 2892.5, 5901.6, 5901.7, 5902.6, 5904.5, and 7964.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections

Code, relating to elections, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Elections

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1944

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

Hon. Charles W. Lyon	-----	<i>Speaker</i>
Hon. Thomas A. Maloney	-----	<i>Speaker pro tempore</i>
Arthur A. Ohnimus	-----	<i>Chief Clerk</i>
C. William Queale	-----	<i>Minute Clerk</i>
Willie Ogg	-----	<i>Sergeant-at-Arms</i>
Rev. Clarence A. Kircher	-----	<i>Chaplain</i>

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### ADJOURNMENT

At 1.10 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, January 28, 1944, out of respect to the memory of former Governor Friend W. Richardson.

JOHN F. LEA, Minute Clerk



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

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# SENATE DAILY JOURNAL

**SECOND LEGISLATIVE DAY**  
**SECOND CALENDAR DAY**

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO  
Friday, January 28, 1944

The Senate met at 11 a.m.

Hon. Frederick F. Houser, 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, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Herman Jones of Shoshone, California, Mrs. Vina Jones of Sacramento, Mrs. Catherine Spainbower of Lone Pine, and Mrs. Dorothy Cragen, Superintendent of Schools, Independence.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. H. W. Churchman of San Diego, and Mr. Harold Ward of Orchard, Michigan.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Theo. Nickle, Superintendent of Schools, Tulare County.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jere Hurley of Yreka, and Mr. Geo. A. Tebbe of Yreka.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edward A. Ericson of San Francisco.

## COMMUNICATIONS

The following communications were received, read, and on motion of Senator Tickle, ordered printed in the Journal:

By Senator Tickle:

LOS ANGELES, CALIFORNIA, January 27, 1944

*Honorable Edward H. Tickle*  
*Chairman Republican State Central Committee*  
*Senate Chamber*

Today is California's hour of destiny. You, the elected representative of her people, can meet the National challenge for that great American leadership needed in this hour. To the demand that arises from 48 States reply "Here, take the man of California we have found incomparable, Governor Earl Warren." You, his co-workers, with whose aid he has worked the California miracle within 12 months, may say "We will lend you, for a period of National service, this illustrious native son of California who has opened a new era in this Golden State, that he may work a new miracle of understanding and cooperation for America." As a veteran, the Governor's call of today is evidence of his ever mindfulness of the interest of our National defenders. His recommendation for prison reorganization and reform is of National moment. The unexcelled Warren qualities of leadership, his executive acumen, will be needed by America. What an imprint has already been made upon the Country by Governor Warren's State of record accomplishments! You, who share with him the credit for these accomplishments, can best recount them to a responsive Nation. You can exult in recommendation of a leader who has redeemed the State from a destructive partisan of bitterness, restoring it to constructive cooperation, and to unity unrivaled. Although a former Member of California Legislative Body, I offer this appeal expressive merely of the sentiments of an average American citizen of long residence in this Commonwealth. Give California the preeminence our beloved State merits. Grant California the honor of offering to America a priceless inspiring leadership. Indorse the record of Governor Earl Warren by resolution that will commend him to the Nation and to his party convention as the builder of confidence, of character, and of faith in our American institutions so vitally needed both in the defense and in the preservation of our Country.

Yours for California and for America.

FREDERICK M. ROBERTS

BUREAU OF PRINTING  
 SACRAMENTO (14), January 27, 1944

*Hon. Joseph A. Beek, Secretary California Senate,*  
*State Capitol, Sacramento, California*

DEAR MR. BEEK: There has been deposited this day with the State Treasurer for the account of the Legislative Printing Fund our check for \$3,954.04. This represents sales of Legislative printing for the period from July 1, 1943, to December 31, 1943. Our sales for this period at cost price were \$11,933.50. Publications received by the Legislature from the Bureau of Printing, Documents Division, cost of which is to be deducted from this amount, total \$7,979.46. We are therefore reimbursing your printing account in the sum of \$3,954.04.

Respectfully submitted.

GEORGE H. MOORE, State Printer

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA  
 SACRAMENTO (14), CALIFORNIA, January 27, 1944

*Hon. Joseph A. Beek, Secretary*  
*State Senate, State Capitol, Sacramento, California*

DEAR MR. BEEK: Attached hereto is a copy of a resolution dealing with the matter of combining the Presidential primary and State primary elections in order that the military forces can vote at the 1944 National and State elections.

American principles of justice and equality demand that none of our citizens be denied the right of franchise.

This would also mean a saving of over \$2,000,000 to the common property taxpayer in the 58 counties of California and would be a very material saving in vital manpower hours and essential war materials, such as paper, rubber and gasoline, with many other savings so absolutely necessary in this all-out effort.

This matter has received very careful consideration and has the endorsement of the Supervisors of California, and we earnestly urge your favorable consideration.

Respectfully submitted.

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA  
 ROSCOE L. PATTERSON, President  
 J. H. HUNTER, Secretary



COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA  
SACRAMENTO, CALIFORNIA

**Resolution**

In the matter of combining the Presidential primary and State primary elections in order that the military forces can vote at the 1944 National and State Elections

WHEREAS, A combining of the Presidential primary and the August primary elections in the year 1944 would facilitate providing for voting by members of the armed forces; and

WHEREAS, Such combination would facilitate the delivery of ballots to members of the military forces in the field of action; and

WHEREAS, Such consolidation would effect a saving of over \$2,000,000 to the common property taxpayer in the 58 counties of California; now, therefore, be it

*Resolved by the Board of Directors of the County Supervisors Association of California*, That it favors legislation adequately providing for the right of voting on the part of members of the armed forces and legislation providing for a consolidation of the Presidential primary and the August primary in the year 1944.

The above resolution was unanimously approved at a regular meeting of the Board of Directors of the County Supervisors Association of California, held in the Supervisors Room, Courthouse, Oakland, California, Friday, January 21, 1944.

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA  
ROSCOE L. PATTERSON, President  
J. H. HUNTER, Secretary

[SEAL]

By Senator Crittenden :

STOCKTON, CALIFORNIA, January 27, 1944

*Senator Bradford S. Crittenden*

*Senate Chamber, Sacramento, California*

The Board of Supervisors of the County of San Joaquin are in favor of the consolidation of the May and August primary elections and request your support. This would effect the saving of \$25,000 for this county

SAN JOAQUIN COUNTY BOARD OF SUPERVISORS  
W. R. RUGGLES, Chairman

**RESOLUTIONS**

The following resolution was offered :

By Senator Hatfield :

**Senate Resolution No. 10**

Relating to the illness of Peter P. Myhand

WHEREAS, The Members of this Senate are sorry to learn that their friend and former colleague, Peter P. Myhand, has but recently been released from the hospital following a serious illness; and

WHEREAS, Peter P. Myhand has faithfully and ably served the people of the State of California as Member of the Senate from 1938 to 1942, as member of the State Board of Agriculture, and as Councilman and Mayor of the City of Merced, and is now actively interested in carrying out the provisions of the California Food and Fibre Act; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Members of this Senate do hereby express their sympathy to Peter P. Myhand over his illness, and wish him a speedy and complete recovery; and be it further

*Resolved*, That a suitably engrossed copy of this resolution be presented to Peter P. Myhand.

Resolution read and unanimously adopted.

**MESSAGES FROM THE GOVERNOR**

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 27, 1944

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto :

HERBERT C. JONES, resident of the City of San Jose, Attorney at Law and former State Senator, to the Board of Trustees, Agnews State Hospital, vice Dr. E. W. Hitchman, term expired, for the term prescribed by law. Appointed October 30, 1943.

- MRS. MARY HAYWARD, resident of Santa Clara, business woman in real estate and insurance business, to the Board of Trustees, Agnews State Hospital, vice B. D. Draper, term expired, for the term prescribed by law. Appointed October 30, 1943.
- C. C. COTTRELL, resident of San Jose, Attorney at Law, to the Board of Trustees, Agnews State Hospital, vice Charles McDonald, term expired, for the term prescribed by law. Appointed October 30, 1943.
- C. C. POMEROY, resident of San Jose, retired business man and chairman of Draft Board No. 109, San Jose, to the Board of Trustees, Agnews State Hospital, vice Dr. A. Knudsen, term expired, for the term prescribed by law. Appointed October 30, 1943.
- REV. JOHN J. LAHERTY, resident of San Jose, Priest of St. Joseph's Catholic Church; active in social work for many years and a member of the parole board for that district, to the Board of Trustees, Agnews State Hospital, vice C. V. Shessler, term expired, for the term prescribed by law. Appointed October 30, 1943.
- MAYNARD GARRISON, a resident of Pasadena, a native of Ceres, California, member of the firm of Betts and Garrison, active in the insurance section of the American Bar Association, to Insurance Commissioner vice Anthony J. Caminetti, Jr., term expired, for the term prescribed by law. Appointed October 1, 1943.
- GEORGE H. WILSON, a resident of Clarksburg, director of the National Sugar Beet Assn., California Asparagus Assn., and American Farm Bureau Federation, to the California Farm Production Council, representing field crops, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- CAMILLE A. GARNIER, a resident of Puente, Los Angeles County, president of the Los Angeles County Farm Business Federation, producer of market vegetables, to the California Farm Production Council, representing truck crops, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- LOREN BAMERT, a resident of Ione, president of the California Cattle Raisers Assn., widely known for raising pure bred cattle, to the California Farm Production Council, representing live stock, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- A. J. MCFADDEN, a resident of Santa Ana, president of the California State Board of Agriculture, chairman of the agriculture committee of the State Chamber of Commerce, official of California Fruit Growers Exchange and the California Walnut Growers Assn., to the California Farm Production Council, representing citrus fruits and walnuts, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- W. L. SMITH, a resident of Buttonwillow, director of the National Cotton Council and California State Grange, member of the State Board of Agriculture, to the California Farm Production Council, representing cotton, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- FRANK M. SHAY, a resident of San Jose, president of the California Prune and Apricot Growers Assn., to the California Farm Production Council, representing deciduous fruits, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- JOE HART, a resident of Modesto, Stanislaus County dairyman, past chairman of the California Farm Bureau's dairy department, and prominent in other Western dairy groups, to the California Farm Production Council, representing dairy industry, for the term ending at the pleasure of the Governor. Appointed June 24, 1943.
- JAMES A. GUTHRIE, a resident of San Bernardino, president of San Bernardino Daily Sun, member of the advisory board, Automobile Club of Southern California and City Traffic and Safety Commission, also member of board of directors, San Bernardino Chamber of Commerce, to the California Highway Commission, vice Helen MacGregor, term expired, for the term prescribed by law. Appointed September 14, 1943.
- C. ARNHOLT SMITH, a resident of San Diego, one of the leading bankers in Southern California, president of the Clearing House Association of San Diego, president of the United States National Bank and National Iron Works of San Diego, to the California Highway Commission, vice Dora Shaw Heffner, term expired, for the term prescribed by law. Appointed September 14, 1943.
- HOMER P. BROWN, a resident of Placerville, general manager of the Diamond Springs Lime Company, member El Dorado Chamber of Commerce, director of Mother Lode Highway Association, to the California Highway Commission, for the term prescribed by law. Appointed September 14, 1943.

CHESTER H. WARLOW, a resident of Fresno, is a lawyer, banker and oil company executive, member of the roads and resorts committee of the Fresno County Chamber of Commerce and of the executive committee of the local council serving on committee of roads and highways, to the California Highway Commission, vice W. T. Sweigert, term expired, for the term prescribed by law. Appointed September 14, 1943.

F. WALTER SANDELIN, a resident of Ukiah, hotel owner and manager, past president of Ukiah Rotary Club and Ukiah Chamber of Commerce, chairman of the transportation committee of the Redwood Empire Association, also vice president and director, to the California Highway Commission vice self, term expired, for the term prescribed by law. Appointed September 14, 1943.

HARRISON R. BAKER, a resident of Pasadena, well known real estate man, prominent in social, civic, and business organizations, member of the Pasadena Planning Commission, one of the foremost real estate valuation experts in Southern California, to the California Highway Commission, vice Verne Scoggins, term expired, for the term prescribed by law. Appointed September 14, 1943.

EDGAR E. LAMPTON, a resident of Los Angeles, past subcontractor, Deputy Labor Commissioner, public and labor relations director for Automobile Club of Southern California, active in campaigns to enlist the cooperation of car owners in the war effort, to the California Unemployment Insurance Appeals Board, for the term prescribed by law. Appointed August 27, 1943.

MICHAEL B. KUNZ, resident of Sacramento, member of the Plumbers Union for 31 years, city councilman and labor representative, past manager of the U. S. Employment Service, representative of the Sacramento-Yolo Building Trades Council, to the California Unemployment Insurance Appeals Board, for the term prescribed by law. Appointed August 27, 1943.

HOMER W. BUCKLEY, resident of Oakland, State Director of Civilian Protection, past director of the California League of Cities, chairman of the city attorney's section of the League, member of the American Bar Association and past president of the Lawyers Club of Alameda County, to the California Unemployment Insurance Appeals Board, for the term prescribed by law. Appointed August 27, 1943.

T. H. MUGFORD, resident of Sacramento, in State service since 1922, Department of Finance as Assistant Superintendent, Division of Budgets and Accounts, Board of Equalization as Sales Tax Administrator, member of the National Tax Association, to Chief of the Division of Accounts and Tax Collections, Department of Employment, and member, California Employment Stabilization Commission, for the term at the pleasure of the Governor. Appointed September 23, 1943.

JAMES G. BRYANT, resident of Burlingame, Athletic Director for Schools, WPA and Social Welfare in Michigan, Regional Representative Bureau of Employment Security in Cleveland and San Francisco, Deputy Regional Director of War Manpower Commission in San Francisco, in charge of regional operations of U. S. Employment Service, to the Department of Employment, Chief of the Division of Public Employment, and member California Employment Stabilization Commission, for the term ending at the pleasure of the Governor. Appointed September 23, 1943.

JAMES R. YOCKERS, resident of Los Angeles, in fire service 19 years, Deputy Fire Marshal, Lieutenant (Senior Grade) in U. S. N. R., released by Navy for this post, to State Fire Marshal, vice Jay W. Stevens, resigned, for the term ending at the pleasure of the Governor. Appointed May 24, 1943.

JULIAN ALCO, businessman, resident of the City and County of San Francisco, to the State Board of Prison Directors, vice self, term expired, for the term prescribed by law. Appointed January 15, 1944.

CHARLES M. WOLLENBERG, San Francisco welfare official, executive secretary in charge of camps, food and clothing for the Red Cross in connection with San Francisco fire disaster, past superintendent of San Francisco County Hospital and Home for the Aged and Infirm and the Laguna Honda Home, for 27 years, President of the Masonic Home for the aged at Decoto and of the Children's Home at Covina, director of the Red Cross in San Francisco and active in the State Department of Public Health, to the Director of Department of Social Welfare, vice Martha A. Chickering, for the term ending at the pleasure of the Governor. Appointed November 1, 1943.

KARL W. HOLTON, resident of Los Angeles, Probation Officer for Los Angeles County, member of Youth Authority since its organization, to Youth Authority, vice self, term expired, for the term prescribed by law. Appointed October 1, 1943.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 5:** By Senator Ward—Relative to approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 4, 1943.

**Request for Unanimous Consent**

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

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5**

**Senate Concurrent Resolution No. 5**—Relative to approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 4, 1943.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1944

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

Assembly Concurrent Resolution No. 7

Assembly Concurrent 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 Concurrent Resolution No. 7**—Relative to the death of former Governor Friend W. Richardson.

Held at the desk.

**Assembly Concurrent Resolution No. 6**—Relative to Miss Eleanor Miller.

**Request for Unanimous Consent**

Senator Tenney 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 Miss Eleanor Miller.

Resolution read, and adopted by a rising vote of the following Senators:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None

Resolution ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following remarks by Assemblyman Nelson S. Dilworth, regarding the death of Miss Eleanor Miller, printed in the Journal:

##### Remarks by Assemblyman Nelson S. Dilworth

A score of years is a long time in anyone's life. It is a long time in the history of a young and growing State. It is given to few Legislators to serve for two decades in the lawmaking chambers of any State.

Only one woman has been so honored by her fellow citizens and it has been the great privilege of this Assembly from 1922 to 1942 to be graced by the presence of the late Honorable Eleanor Miller.

On the nineteenth of December, last, it pleased Almighty God in His providence to call her home from her labors on earth. No Member of this Assembly was more highly esteemed by its membership, no member was ever more faithful in attendance upon her duties. No matter how long the hours, no matter how great the strain, her gentle presence was always here and her persuasive words of wisdom kindly given for the benefit of us all.

The late Honorable Eleanor Miller was most generous with her time and talents for the benefit of her home city of Pasadena and for the State of California. Thousands are mourning the passing of a dear friend and counselor. To me, as a newcomer in this Assembly eight years ago, she was a never-failing source of dependable information and guidance. No member was more helpful. When a guest in our home, she was never too busy to pay attention to my children's questions. The youth of California have lost a true friend and a powerful advocate in Eleanor Miller. No cause was dearer to her heart than the care and welfare of crippled children or orphans.

Her eloquent voice was often raised in this chamber in behalf of her sisters, the women of California. Many just and wise statutes of this State are the work of her legislative career in behalf of the members of her sex. The establishment of care and services for the weak and erring was the fruit of her toil and the measure of her spirit of forgiveness. The segregation of women prisoners in a separate institution for their rehabilitation directed by a separate board of women is a monument to her unrelenting zeal for the welfare of the erring women of our State.

An author of note, active in civic affairs of her home city, a faithful teacher and leader in her church, her loss is irreparable to our State.

No longer will her persuasive words fall on our ears, but the inspiration of her memory will linger with each of us through the years to encourage us to noble, kindly deeds.

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

The following resolution was offered:

**Senate Joint Resolution No. 2:** By Senator Dorsey—Relative to increase of price of crude petroleum.

##### Request for Unanimous Consent

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

#### CONSIDERATION OF SENATE JOINT RESOLUTION NO. 2

**Senate Joint Resolution No. 2**—Relative to increase of price of crude petroleum.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel,

Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.  
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 Senators Crittenden, Hatfield, Luckey, and McCormack—Relative to memorializing Congress to enact legislation to make possible the 1944 Sugar Beet Program recently announced by the Federal War Food Administration.

#### Request for Unanimous Consent

Senator Crittenden 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 memorializing Congress to enact legislation to make possible the 1944 Sugar Beet Program recently announced by the Federal War Food Administration.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

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

#### CONSIDERATION OF SENATE JOINT RESOLUTION NO. 1

**Senate Joint Resolution No. 1**—Relative to memorializing the Bureau of Reclamation, Secretary of Interior, and Secretary of War to take immediate action to protect Needles, California, and vicinity, from further damage and dangers resulting from the filling in of the Colorado River bed and the rise of the river since the completion of Federal Projects upon that river.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

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

The following resolution was offered:

**Senate Constitutional Amendment No. 2:** By Senators Collier, DeLap, Dillinger, Mayo, Rich, Swing, Parkman, Tickle, Breed, McCormack, Tenney, Ward, Quinn, and Seawell—Relative to revenue and taxation.

Referred to Committee on Revenue and Taxation.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1944

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

Senate Concurrent Resolution No. 3  
Senate Concurrent Resolution No. 4  
Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Seawell asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel, printed in the Journal.

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO (2), CALIFORNIA, January 27, 1944

*Honorable Jerrold L. Seauell*

*Senate Chamber, State Capitol, Sacramento, California*

**CREATION OF INTERIM COMMITTEE AT A SPECIAL SESSION—No 281**

DEAR SENATOR SEAWELL: It is my opinion that the Legislature can not at the special session called to convene January 27, 1944, effectively create an Interim Committee to Investigate the Silk Industry.

In 1939, our Supreme Court held that it required an act of legislation to create a committee with power to act after final adjournment (*Special Assembly Int. Com. vs. Southard*, 13 Cal. (2d) 497; *Swing vs. Riley*, 13 Cal. (2d) 513).

In 1940, Section 37 was added to Article IV of the Constitution conferring the power to create such a committee by resolution. Such a resolution, in my opinion, is an act of legislation and under Section 9 of Article V of the Constitution would have to be on a subject specified in the Proclamation convening the Legislature to meet in special session. I find in the Proclamation convening the Legislature to meet January 27, 1944, no subject specified that would cover or include investigation of the silk industry.

In this connection, I would call to your attention the fact that the Assembly at the 1943 Session, by House Resolution No 137 (Assembly Journal for 1943 at p 1113), passed a resolution for such an investigation. However, that resolution, as finally adopted, created no committee but did urge "the Governor, the Assembly Interim Committee, and only those State agencies that have jurisdiction over such an industry," to initiate such an investigation as soon as possible.

Yours very truly,

FRED B. WOOD, Legislative Counsel

**REPORTS OF STANDING COMMITTEES**

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, January 27, 1944

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

Senate Bill No. 1

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; noes 1

SWING, Chairman

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3301, and 3325 of and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code, amending Section 7501 of and adding Section 7053 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article IIM of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 27 of the title of the printed bill, after "3301," insert "3305".

**Amendment No. 2**

On page 2, line 2 of the title of the printed bill, strike out "Sections 11100 and 11101", and insert "Section 11100".

**Amendment No. 3**

On page 2, lines 6 and 7 of the title of the printed bill, strike out "adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391;".

**Amendment No. 4**

On page 4 of the printed bill, strike out line 9, and insert "Council."

**Amendment No. 5**

On page 4, line 23, of the printed bill, strike out "The"; and strike out all of lines 24 to 27, inclusive.



**Amendment No. 6**

On page 4 of the printed bill, between lines 30 and 31, insert  
"5059 This title shall not affect the powers or jurisdiction of the Department of Public Works as to road camps pursuant to Article 4, Chapter 5, Title 1, Part 3 of this code."

**Amendment No. 7**

On page 6, lines 38 and 39, of the printed bill, strike out "the director, who shall be the chairman,".

**Amendment No. 8**

On page 6, line 40, of the printed bill, strike out "two", and insert "three".

**Amendment No. 9**

On page 6, line 42, of the printed bill, after "women", insert "The director shall be ex officio member of the board but shall not be entitled to vote."

**Amendment No. 10**

On page 10 of the printed bill, between lines 27 and 28, insert  
"SEC 12 5. Section 3305 of the Penal Code is amended to read:  
3305 The trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.  
*In addition they shall be entitled to a per diem of twenty-five dollars (\$25) per day for not to exceed ten (10) days in any month for attendance upon meetings of the trustees or the Board of Corrections.*"

**Amendment No. 11**

On page 11 of the printed bill, strike out lines 7 and 8, and insert "State Government. Each constituent unit of the department shall be free and independent of the other units."

**Amendment No. 12**

On page 11, lines 11 and 12, of the printed bill, strike out "The Attorney General shall be the head of the department."

**Amendment No. 13**

On page 11 of the printed bill, strike out lines 26 to 44, inclusive.

**Amendment No. 14**

On page 16, line 22, of the printed bill, after "transferred", insert "and retransferred".

**Amendment No. 15**

On page 16, line 28, of the printed bill, strike out "Finance", and insert "Corrections".

**Amendment No. 16**

On page 16, line 36, of the printed bill, strike out "Finance", and insert "Corrections".

**Amendment No. 17**

On page 16, line 37, of the printed bill, strike out "upon the order of the State Board of Control,".

Amendments read.

**Request for Unanimous Consent**

Senator Swing asked for, and was granted, unanimous consent to have Amendments Nos. 2, 3, 11, 12, and 13 withdrawn

Amendments Nos. 1, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 17 adopted.

Bill ordered printed, engrossed, and to third reading.

**RESOLUTIONS**

The following resolution was offered:

By Senator Tickle:

**Senate Resolution No. 11**

WHEREAS, The Legislature, through the enactment of Chapter 2 of the Fifty-fifth Session, repealed those sections of the Political Code establishing the salaries of officers and employees of the Legislature and provided that such salaries should be fixed by resolutions of the respective houses; and

WHEREAS, No resolution has been adopted fixing the salaries of the Secretary, Sergeant-at-Arms, Chaplain, or Minute Clerk of the Senate; now, therefore, be it

*Resolved*, That the following schedule is hereby established as the salaries of the following Senate officers for this Fifty-fifth (Third Extraordinary) Session of the California Legislature, payable weekly, seven days per week:

Secretary -----	\$10 00 per day
Sergeant-at-Arms -----	8 00 per day
Chaplain -----	4 00 per day
Minute Clerk -----	9 00 per day

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

#### ADJOURNMENT

At 1.09 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 30 a.m., Saturday, January 29, 1944, out of respect to the memory of Miss Eleanor Miller.

JOHN F. LEA, Minute Clerk

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

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# SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY  
THIRD CALENDAR DAY

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO  
Saturday, January 29, 1944

The Senate met at 10.30 a. m.

Hon. Frederick F. Houser, 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, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elizabeth Miller, Deputy State Attorney General, formerly of Corcoran.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Delbert Keith Harter, Instructor, and the following students of the Grant Union Junior College: Beverly Bristow, Given DeMerritt, Margaret Murdock, Barbara Moore and June Anderson, Mardelle Harter of Del Paso Heights; and Ed. I. Cook, Dean of Sacramento Junior College, Sacramento.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Teresa M. Kimberle, 57 Unger Avenue, Buffalo, New York; Elizabeth M. Nickles, 38 Elizabeth Street, Albany, New York; Barbara E. Sullivan, 15 Muller Avenue, Cambridge, Massachusetts; and Mary E. Connally, 345 Livingston Avenue, Albany, New York.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Otto Wallenstein, Ilsa Wallenstein, Hon. Clarence Morris, Municipal Judge; James J. Shelley, and Private Ted Hudson, U. S. A., all of San Francisco.

### COMMUNICATIONS

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

(COPY)

ASSEMBLY, CALIFORNIA LEGISLATURE, January 28, 1944

*Honorable Frederick F. Houser, President of the Senate  
Senate Chamber, Sacramento (14), California*

DEAR GOVERNOR: May I invite your attention to the opinion of the Legislative Counsel which is printed in the Assembly Journal of January 27, 1944, at pages 10 and 11, concerning the possibilities of giving legislative bills a name which would identify them as being sponsored by both an Assemblyman and a Senator.

I have appointed a committee consisting of Assemblymen Sam L. Collins, Alfred W. Robertson, and Charles M. Weber to further study this question. I am sure the Assembly Committee would be pleased to confer with a like committee from the Senate if such a committee were appointed.

With best and kindest wishes, I am

Respectfully yours,

CHARLES W. LYON

Above communication referred to Committee on Rules.

LOS ANGELES, CALIFORNIA, January 27, 1944

*Honorable Fred Houser, Lieutenant Governor, and  
Member of the California State Senate  
State Capitol*

Today is California's hour of destiny. You, the elected representative of her people, can meet the National challenge for that great American leadership needed in this hour. To the demand that arises from 48 States reply "Here, take the man of California we have found incomparable, Governor Earl Warren." You, his co-workers, with whose aid he has worked the California miracle within 12 months, may say "We will lend you, for a period of National service, this illustrious native son of California who has opened a new era in this Golden State, that he may work a new miracle of understanding and cooperation for America." As a veteran, the Governor's call of today is evidence of his ever mindfulness of the interest of our National defenders. His recommendation for prison reorganization and reform is of National moment. The unexcelled Warren qualities of leadership, his executive acumen, will be needed by America. What an imprint has already been made upon the Country by Governor Warren's State of record accomplishments. You, who share with him the credit for these accomplishments, can best recount them to a responsive Nation. You can exult in recommendation of a leader who has redeemed the State from a destructive partisan of bitterness, restoring it to constructive cooperation, and to unity unrivaled. Although a former Member of California Legislative Body, I offer this appeal expressive merely of the sentiments of an average American citizen of long residence in this Commonwealth. Give California the preeminence our beloved State merits. Grant California the honor of offering to America a priceless inspiring leadership. Indorse the record of Governor Earl Warren by resolution that will commend him to the Nation and to his party convention as the builder of confidence, of character and of faith in our American institutions so vitally needed both in the defense and in the preservation of our Country.

Yours for California and for America.

FREDERICK M. ROBERTS

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1944

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

Assembly Concurrent Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1944

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. 2

Assembly Concurrent Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Concurrent Resolution No. 8**—Relative to Henry E. Carter.

Without reference to committee.

**Assembly Concurrent Resolution No. 1**—Relative to the death of H. S. G. McCartney.

Without reference to committee.

**Assembly Concurrent Resolution No. 2**—Relative to approving certain amendments to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of May, 1943.

Without reference to committee.

**Assembly Concurrent Resolution No. 3**—Approving amendments to the charter of the City of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1943.

Without reference to committee.

#### MOTION TO PRINT IN JOURNAL

Senator Donnelly moved that the Partial Report of the Interim Fact-Finding Committee on Japanese Resettlement, be printed in the Journal.  
Motion carried.

#### Partial Report of Fact-Finding Committee on Japanese Resettlement

January 27, 1944

*To the President and Members of the State Senate of California*

Your committee, appointed and authorized by Senate Resolution No. 122 to investigate the question of Japanese resettlement, involving the relocation of Japanese internees and evacuees in the State of California, and empowered to make representations and recommendations to the Federal Government as advisable on any matter relating to the subject of its investigation during such times as the Legislature might not be in session, makes this, its preliminary and partial report:

Your committee has held meetings and hearings at Modesto, Turlock, Merced, Watsonville, Salinas, Madera, Fresno, Los Angeles, Tule Lake, and San Francisco and has investigated the subjects of Japanese language schools, dual citizenship, Alien Land Law violations, and the relocation of Japanese during and after the war.

At the conclusion of the Turlock meeting, your committee adopted the following resolution on June 17, 1943:

#### Representations and Recommendations of California State Senate Fact-Finding Committee on Japanese Resettlement

WHEREAS, The California State Senate on May 2, 1943, adopted Senate Resolution No. 122 relative to appointment of a Senate Fact-Finding Committee on Japanese Resettlement under which the Members of the State Senate whose names are attached to this resolution were regularly appointed as members of such committee, and

WHEREAS, Under the terms of said resolution this committee is empowered to make representations and recommendations to the Federal Government as it may be advisable on any subject relating to the subjects of its investigation during such times as the Legislature may not be in session, and

WHEREAS, The committee has held meetings whereat many witnesses have testified before the committee and evidence has been introduced relative to the subject under investigation from which this committee has formed definite conclusions which impel the committee to forward to the Federal Government the result of such investigation and its conclusions therefrom, in so far as such investigation pertains particularly to the inadvisability of allowing the return to the Pacific Coast area of any Japanese during the period of the war with Japan, and

WHEREAS, We find from such evidence the following facts to be true:

(1) The return of any Japanese, alien and native born, to the Pacific Coast area would be dangerous to our military safety because (a) there is no test by which the loyalty to our Government can be determined in the case of any individual Japanese; (b) to permit Japanese to return enables the infiltration of alien enemy Japanese who would be indistinguishable from such returned Japanese; (c) practically all alien born Japanese and a large percentage of American born Japanese residing in California prior to their evacuation gave their primary loyalty to the Japanese Government and to the purposes and practices of that government, and that the menace determined by the military authorities, enunciated by General John L. DeWitt, to our security because of the presence of these people in our midst that led to their concentration and evacuation would be recreated by their readmission into this Pacific Coast area;

(2) That within the last few months there has grown among our people such a strong antagonism to all Japanese because of the treachery, barbarities, and inhumanities practiced by Japanese soldiers that to permit the return of any Japanese to this area will undoubtedly result in riots and breaches of the peace;

(3) That the drains upon the manpower of our police forces have been so heavy and the extra burden caused by the war upon our under-manned police forces that they will be greatly handicapped in the added work of maintaining law and order and guarding against sabotage and espionage that would result from the reintroduction of any Japanese in the Pacific Coast area during the period of this war;

Therefore, be it resolved: (1) That this committee is unalterably opposed to the reintroduction of any Japanese into the Pacific Coast area; (2) that this committee strongly recommends to the Federal Government that all Japanese now in relocation centers be retained therein until the termination of the war; Be it further

*Resolved*, That copies of this resolution be forwarded to each member of the California Delegation in both houses of the Congress of the United States, and to D. S. Meyer, Director of War Relocation Authority, Washington, D. C.

SENATOR HUGH P. DONNELLY, Chairman

SENATOR HERBERT W. SLATER

SENATOR IRWIN T. QUINN

SENATOR GEORGE J. HATFIELD

SENATOR JESS R. DORSEY

After the conclusion of the Tulalake hearing your committee formulated, and transmitted to the President and the California Delegation in the Congress of the United States, the following report:

**Report of the California State Senate Fact-Finding Committee on Japanese Resettlement Involving Relocation of Japanese Internees and Evacuees in the State of California, and the Conditions Found at Tulalake Segregation Camp, and Recommendations Pertaining Thereto**

This committee has been, since June of 1943, holding meetings in various places in California, studying the Japanese problem. Japanese, including alien and American born, were evacuated from certain military zones to concentration camps by the Commanding General of the Western Defense Command. Something over 112,000 such persons were evacuated from the Pacific Coast States. From our various hearings, which were held in the State of California, a large portion of these Japanese, alien and nonalien, had religious, ideological and family ties with the enemy which had been developed and strengthened by the activity of numerous pro-Japanese organizations. A considerable number of Japanese-American citizens had been sent to Japan where they had been indoctrinated in Japanese philosophy of life and government, from which it is apparent that alien Japanese control the business of the Japanese communities and the activities of the various Japanese organizations. It is the opinion of this committee that, as the war in the Pacific continues, the Pacific Coast

will play a greater part in the manufacture and shipping of necessary materials of war to the Pacific Area, and that the danger from sabotage and espionage has been by no means eliminated; that we must continue to be ever vigilant.

That since the evacuation of the Japanese, serious questions of policy in the administration and the handling of the evacuees in the various camps have arisen

With this background your committee was called upon to investigate the situation that developed at Tulelake and in that investigation the question uppermost was the policy and manner of handling of these Japanese internees, and particularly the camps in Tulelake in the State of California.

This committee spent five days in investigating and holding hearings at Tulelake and in the Tulelake Segregation Center. Many witnesses, including employees, former employees of this center, and citizens residing outside the center were examined, and also including the Project Director, and the Western Regional Director.

The evidence introduced before this committee brought forth the following facts as to the Tulelake situation:

1. That, in August of 1943, a segregation of the disloyal Japanese from the supposedly loyal Japanese was put into effect; that many of the so-called loyal were taken out of Tulelake and sent elsewhere; and that the known disloyal Japanese from the centers throughout the Nation were concentrated at Tulelake, with the result that on or about November 1, 1943, there was in the camp approximately 16,000 such Japanese.

2. That the testimony shows and this committee finds, as a fact, that there were in the center Japanese subversive organizations.

3. Beginning with the segregation and prior thereto, the Japanese internees commenced a series of demands, refusal to work, demonstrations, and riots.

4. The Japanese internees were being given sufficient and wholesome food, the food being supplied by the Army Quartermaster Corps from the same source which our uniformed forces are being fed; that in addition thereto, they were supplied vegetables and other balanced diet obtained in the community.

5. Their living conditions were satisfactory and ample.

6. They were provided with sufficient entertainment and recreational facilities.

7. They were provided with adequate hospitalization and competent physicians and nurses.

8. The administration of the camp afforded opportunities for work for which they were paid, in addition to their accommodations, such work being farming and construction, handling supplies and the raising and slaughtering of meat and other camp activities.

9. The committee believes that most of these continued demands, refusals to work, and requests that were made upon the WRA authorities in charge were not warranted by the facts, but were made a part of a definite plan of the disloyal Japanese in the center to dominate the center and the authorities in charge.

10. That the policy of handling the situation and the camp was that of conciliation, of granting one request after another, and that as soon as one request was granted there were always further demands made. There was no end to it. The administration of the camp lacked firmness and was utterly void of any definite policy. The Director of Tulelake, R. Best, admitted on the stand that no definite policy was given to him by any higher authority to handle this camp, composed of known disloyal Japanese, any differently than so-called loyal Japanese centers or camps.

11. That under the plan that was followed in the administration of the Tulelake Center, no order or directive could be given to any internee. He could simply be requested to cooperate through a Japanese spokesman.

12. That there was a total lack of any adequate internal security under the WRA administration; that to handle a camp of approximately 16,000, mostly disloyal Japanese, there was only a police force of seven men, none of whom was permitted to carry weapons. That there was no protection by a proper man-proof fence between the living quarters of the Caucasian personnel or the administration center and the Japanese colony up to the time of the military taking control, and that the Japanese had free access at all times to the areas occupied by the Caucasian personnel, the administration building, warehouses, and garages, and were constantly found in these places

13. That such Japanese were continually using toward the Caucasian personnel, vile, obscene, and indecent language, complaints of which were continually made by the personnel to the superiors without any apparent attempt upon the part of such superiors to correct such abuse.

14. That among the Caucasian personnel were certain employees who, as shown by testimony, advised the Japanese internees that if they continually made demands and applied pressure, they could get anything they wanted.

15. That the Japanese internees were organized under the leadership of known hostile segrgees who staged a number of anti-American demonstrations such as the celebration of the emperor's birthday and the birthday of the grandfather of the

emperor at which celebrations the Japanese flag was prominently displayed and at which celebrations they made obeisance to the Emperor of Japan

16 That thousands of knives were stolen or made; that great quantities of meat were wantonly destroyed; that hundreds of acres of vegetables were lost or destroyed because of the refusal of the internees to harvest them, the contention being that the harvesting of such crops would help augment the American food supply. Various articles of much value were constantly being stolen, or disappeared; great damage was done to the fire alarm system; and equipment such as farm equipment and trucks were maliciously damaged and destroyed; that the administrative heads of the various departments were not given any support in controlling or handling the affairs of their departments, and were given to understand that they would have to get along with the Japanese as best they could or somebody else would be found to do the job.

17. That on November 1, 1943, National Director Dillon Myers of the WRA visited Tulelake Center. While he was in the camp, at the noon meal, it was announced in all the Japanese dining rooms that they would be addressed by Mr. Myers at the administration building. This was not a fact, as Mr. Myers had not agreed to address them or to meet with them, although it had been agreed that Mr. Myers would meet with the Japanese on Tuesday afternoon. Notwithstanding, the Japanese internees, estimated from 4,000 to 8,000, gathered around the administration building at approximately 1:15 p.m., surrounding it upon all sides. Many of them were seen to be carrying under their arms cardboard boxes afterwards found to be filled with straw, saturated with oil. Sacks of straw, saturated with oil, were placed about the building. Some Japanese were seen carrying large knives or daggers. At that time, many of the white personnel were in the administration building; others were escorted there by Japanese, and when they protested they were forced into the building. Violent and obscene language was used in the hearing of women and children, and Japanese guarded all the doors and all the approaches, allowed no one to leave the building, and some that did attempt to leave were pushed back into the building. The Japanese brought with them a loud speaker system which they set up in the administration building so that they could talk to the Japanese surrounding the building. It was estimated that there were about 150 of the white personnel surrounded in this administration building. On the outside, Japanese guards were placed around the barracks where the women and other Caucasian personnel were living and were not permitted to leave. Japanese guards were stationed on the top of buildings; they took possession of the trucks; they removed the caps from the gasoline tanks, poured oil around the floors of the garages and the automobiles owned by the white personnel and the Government. At the beginning, a committee of 17 Japanese came into the administration building, went into the office of Mr. Best, where National Director Myers and Regional Director Cozzens and others were thus imprisoned. A Japanese, by name, Kuratomi, was the spokesman. He was a Japanese born in San Diego, California. The Japanese called in from the mob outside three Japanese reporters to take down the proceedings of the meeting, and Mr. Best called in two Caucasian secretaries. Through Kuratomi these demands were made. We quote from the official stenographic report of the proceedings, a copy of which is attached hereto as Exhibit A, taken by Mr. Best's secretaries, as follows:

KURATOMI: We have been asked to bring up their grievances, requests and demands to you (I don't know whether you would like the word "demand" but nevertheless that is the word that has been used to us personally) so that you may be able to get an over-all picture of how ill administered this center is. This has been directed to Mr. Myer. \* \* \* Among other things we want to ask you today that we be treated humanely from this Government, this Government of the United States. If the administration should continue to treat us as it has been in the past, it is the feeling of the residents that we can report the whole affair to the Japanese Government through the Spanish Counsel. \* \* \* Now the question is what was the reason for terminating the entire farm workers without advance notice?

BEST: You want that answered now?

KURATOMI: Sure.

BEST: You were given every notice that if you did not go to work we would have to dispose of the crop. Your committee sitting in this room stated that you were not interested in harvesting this crop. Isn't that right?

KURATOMI: That is true. \* \* \*

I think that everybody agrees that the Caucasian staff does not understand the Japanese. All these representatives here would agree to the statement right now that this whole incident started from the fact that the Administrative personnel, as a whole, do not know the psychology of Japanese people, that is you mention these things more or less from the standpoint of laws, rules and regulations of the WRA or any other agency. We desire to transmit your interpretations or your answer to the people and I am sure that the people will not be satisfied with your answers because that is something a little different as far as psychology is concerned. I for one know that if we are to make such a report as this to the people outside, we as a committee, cannot very well guarantee what the reaction might be of the people waiting



outside. I want you to give me an answer to this question in regard to the farm situation that I can transmit to the people outside. \* \* \* Therefore, as soon as this conference with you gentlemen is completed we will make a report to the public to that effect. \* \* \* Then the people here—I want you to get this straight, Mr. Best—the people here in this Center were notified of the conference we had with you and an announcement came out the very following day. The people want that statement retracted. \* \* \* I assure you that I am trying to make you understand what I am talking about because it carries very heavy weight. \* \* \* This is not a complaint. We don't get anywhere with complaints. Consequently, it is turning into demands. The people want the immediate removal of all the Caucasian doctors and nurses and we want a definite answer today. \* \* \* Let me say this, Mr. Myer, I don't want to see any violence, however, unless you don't remove these people I have mentioned from the hospital until such a time as an investigation has been held I cannot guarantee the actions of the people. This is not a threat. I cannot stop these people from swarming over to the hospital and getting after the doctors. I don't want to see any violence take place but I cannot guarantee what the people will do if we have to give them this answer.

Threats and demands were made as shown by the above excerpts from the testimony taken during the discussion between Mr. Myers, Mr. Best, and Mr. Cozzens with the Japanese committee headed by Kuratomi. This evidence shows that some twenty demands were made, such as: All control of hospital to be taken over by Japanese, and Caucasian doctors and nurses discharged; better food; uniform porches on barracks; bathrooms, better latrines and service, dust control of the roads; Federal meat inspectors; demands for more buckets, brooms, mops; more closets; six ambulances to be in operation; the center administration to recognize a control organization or committee of the Japanese, and to recognize various Japanese committees; unemployment compensation to be made available to all Japanese workers out of employment; demand for the removal of Mr. Best, Mr. Zimmer, Mr. Schmidt, Mr. Kallam, Mr. Peck, Mr. Kirkham, all administrative heads.

All these people were imprisoned in the administration building from approximately 1.15 p. m. to 5.15 p. m., during which time Mr. Dillon Myers, National Director; Mr. Cozzens, Regional Director; and Mr. Ray Best, Project Director; and all of the white personnel of said camp were the prisoners and under the absolute control of the Japanese. Upon the breaking up of the demonstration, the concluding speaker over the loud speaker system was a Shinto priest who requested that the Japanese surrounding the building show their allegiance to the Japanese Emperor by the usual custom of removing their hats, turning to the East and bowing three times. This was done.

Contrary to the order issued by Director Best, forbidding the Japanese to ever assemble on administration grounds following the demonstration on Monday, November 1st, on Thursday evening, November 4th, several hundred Japanese armed with clubs commenced to congregate in small groups about the Caucasian personnel living quarters of the administrative section where acts of violence were committed; and Internal Security Officer, Edward H. Borbeck was severely beaten and was found in an unconscious condition. They surrounded Best's home and had a truck in which to remove him, and threatened his life and thereupon Best called in the Military. Shots were fired, and the Japanese driven back into the colony by the Military.

18 The evidence shows that following the demonstration last mentioned, Director Best called a meeting of the personnel and said to them:

From here on out all information about what took place in WRA will come from the Army. I don't want any of you to go out and talk. I hope you are wise enough to accept this warning.

From the foregoing facts, this committee decides and determines, and reiterates its former findings, that the Military should be retained in full control and operation of said camp at the Tululake Center in California.

Our committee believes that it is because of the lack of any definite policy of the WRA and the continual unnecessary appeasement of the Japanese internees that the condition at Tululake Center developed; that if a definite policy of firmness had been understood both by the Japanese and the administrative officers from the beginning, this condition would never have developed. It is our firm belief that if the Army had been administering the affairs of the center, and doing the police work, these demonstrations and incidents would not have occurred. We find that the Japanese in the Tululake Center have been treated with kindness, fairness, and with utmost consideration, despite their disloyalty and acts of sabotage and thievery, we believe that if the Army were in control of the center, doing the work assigned to the Internal Security Officers, the Army would be in a position to prevent the occurrences that have taken place at Tululake and at the same time permit the treatment of the internees with the same fairness, humane consideration and tolerance indicative of the American way of life.

This committee further reiterates and finds, that no Japanese evacuee should be permitted to return to California during the war; that the policy and plan stated

by the National Director, Mr. Myers, of removing these evacuees from the camps throughout the Nation and distributing them in California on the Coastal Area should not be countenanced.

That in pursuance of the sentiment expressed in the preceding paragraph, this committee, on December 11, 1943, forwarded to the President, to the Secretary of War, and to the Chairman of the California Delegation in Congress, the following telegram. We quote:

*To Honorable Franklin D. Roosevelt, President of the United States  
Honorable Henry L. Stimson, Secretary of War  
Honorable Clarence F. Lea, Chairman of the California Delegation in Congress  
House Office Building, Washington, D. C.*

Washington dispatches published here today that Army has already permitted the movement of Japanese back to West Coast and some Japanese reported already here, and that the Western Defense Command has adopted a policy of permitting Japanese evacuees to return to this Area in opposition to the often-expressed convictions of the overwhelming majority of the People of California that no Japanese should be allowed on the Pacific Coast during the continuance of the War.

The California State Senate Fact-Finding Committee on Japanese Resettlement in session in San Francisco unanimously and vigorously protests such action and policies. After several months of investigation throughout California, and the holding of numerous hearings, this Committee fears and knows that the relocation in this State of the Japanese during the War will inevitably lead to violence and bloodshed, thus creating an excuse for the mistreatment of American civilian and military prisoners in Japan, many of whom are citizens of this State. Furthermore, because of the extreme difficulty, if not impossibility of determining the loyalty of any Japanese, foreign or native born, we believe that such action would further the dangers of sabotage and espionage, endangering the security of a vital and important military area on the Pacific Coast. Peace officers of California in every hearing have strongly urged that Japanese be not permitted in California during the War period. We urge that you do all in your power to prevent any such unfortunate and disastrous action or policy as that indicated by the Washington dispatch.

**CALIFORNIA STATE SENATE FACT-FINDING COMMITTEE  
ON JAPANESE RESETTLEMENT**

SENATOR HUGH P. DONNELLY, Chairman  
SENATOR HERBERT W. SLATER  
SENATOR IRWIN T. QUINN  
SENATOR GEORGE J. HATFIELD  
SENATOR JESS R. DORSEY

We believe that the retention by the Army of the control and operation of the Tulelake Relocation Center will prevent a recurrence of such outbreaks as shown by the testimony taken by this committee.

Respectfully submitted this 11th day of December.

**CALIFORNIA STATE SENATE FACT-FINDING  
COMMITTEE ON JAPANESE RESETTLEMENT**

SENATOR HUGH P. DONNELLY, Chairman  
SENATOR HERBERT W. SLATER  
SENATOR IRWIN T. QUINN  
SENATOR GEORGE J. HATFIELD  
SENATOR JESS R. DORSEY

Your committee will report further at a subsequent time.

Respectfully submitted

SENATOR HUGH P. DONNELLY, Chairman  
SENATOR HERBERT W. SLATER  
SENATOR IRWIN T. QUINN  
SENATOR GEORGE J. HATFIELD  
SENATOR JESS R. DORSEY

**Exhibit A**

*Conference With Evacuees Tulelake Center 11/1/43*

The following took place while the committee was assembling for a meeting in Mr. Best's office at 1.30 p.m. November 1.

Mr. Best received a telephone call reporting the incident at the hospital.

MR. BEST: What is going on at the hospital, George?

KURATOMI: I don't know.

MR. BEST: They have beaten up Dr. Pedicord, they are tearing down property. Dr. Pedicord is badly beaten up and they are going from one ward to another destroying property.

KURATOMI: We will stop it.

MR. BEST: They have beaten up Dr. Pedicord. That will have to be stopped right away.

Committee sent some men over to hospital.

*Conference With Evacuees, Tulake Center, Newell, California*

Meeting in Mr. Best's office at 1.30 p.m., November 1, 1943

Present:

Dillon S. Myer	Herbert Hoshiko	Shizuo Kai
R. B. Cozzens	Hijino Takada	Kaichi Yamamoto
R. R. Best	Isamu Sugimoto	Harry Nogawa
C. E. Zimmer	George Kuratomi	T. Inouye
S. Cahn	Mits Kimura	Isamu Ichida
Willard E. Schmidt	Matsunaka Nakao	Y. Kobayashi
M. Lucas (Reporter)	Satoshi Yoshiyama	Fred H. Mori
	Sonji Kodama	Ichiro Hayashi
	Maso Hatano	

KURATOMI: I would like to ask about the notes of the meeting we held the other day. Is that ready?

BEST: It will be ready. I have been away and Miss Lucas had a lot of work to do. Will get it as soon as it is prepared. Didn't you have a copy?

KURATOMI: Yes, but some questions were not answered and we are rather anxious to get it.

BEST: I told you that as soon as I got back I intended to meet with you and discuss every point in question, and we would go to work on that, which I will do.

KURATOMI: It is very unfortunate that it has come to this point. However, there are some things being brought up. The residents have asked that these be transmitted to you. Here are some of the things. First of all, we want you to know that we understand our position and status in here. We do not want to commit any riots or conduct ourselves in a disorderly manner. The people outside are here to express their dissatisfaction and anger about the Center administration.

BEST: Just on the whole or do you charge on some specific thing?

KURATOMI: I do not know if you can call it a charge. I will explain those things later. We have been asked to bring up their grievances, requests and demands to you (I don't know whether you would like the word "demand" but nevertheless that is the word that has been used to us personally) so that you may be able to get an over-all picture of how ill administered this center is. This has been directed to Mr. Myer.

BEST: I will appreciate it if you will direct everything to me. It is very unfortunate that Mr. Myer is visiting here during a time like this. I will appreciate it if you will direct everything to me and we will leave Mr. Myer out of it. I am here and I want you to put it all to me direct.

KURATOMI: I will be frank with you. I know how unfortunate it is that this had to happen when Mr. Myer was present. Why this came up today will be explained later. Among other things we want to ask you today that we be treated humanely from this Government, this Government of the United States. If the administration should continue to treat us as it has been in the past, it is the feeling of the residents that we can report the whole affair to the Japanese Government through the Spanish Counsel. These are not accusations or threats, they are facts to prove the things which we are bringing up now.

BEST: You will make specific charges, I presume.

KURATOMI: Yes, later. We believe the American democratic principles are at stake. The Congress of the United States should have an appropriation sufficient to care for the welfare and well being of the center residents. However, they have been insufficient and there have been mismanagements permitted by Caucasian personnel to greatly jeopardize the true intentions of the United States Government towards Japanese evacuees in the Center. If such conditions are allowed to continue to exist the democratic quality of the United States will be greatly injured. The Caucasian personnel at this Center, with few exceptions, are known to be hostile to Japanese evacuees. Mr. Best has failed to keep faith with us. He has failed us within two days after promising to cooperate with us for the improvement of the center living conditions. By his deed and acts he has lost complete faith with the center residents. What Mr. Best says today is not to be applied for tomorrow. His inhumane treatment can be best illustrated by one incident which occurred very recently at this Center. As all of us know, some 29 persons were injured in a recent auto mishap and the residents still feel that the WRA has been responsible for the accident. Mr. Best as Project Director seemed very indifferent. He showed no concern over the accident apparently because not once has he expressed his regrets. When Mr. Kashima died, as a result of the accident, the Center residents decided to make his funeral a center-wide affair. Mr. Best refused to grant the residents the use of the outdoor stage or the

auditorium, the reason being that Mrs. Kashima, widow of the deceased, did not wish such an affair. He refused to send a representative to the funeral for the same reason. When Mr. Ernst, project director at Topaz, can send a telegram of condolence, why couldn't Mr. Best do the same inasmuch as he is right here. If further verification is necessary we are prepared to call in Mrs. Kashima. Deploable conditions at the hospital have caused the ire of the center residents. It is a wonder beyond our imagination how the residents of this center in the past let such conditions exist at the base hospital. The residents feel that the WRA should be held responsible for the ability and efficiency of the caucasian doctors and nurses sent to this Center.

BEST: They haven't stopped over at the hospital. Dr. Pedicord has been beaten very severely and is asking for military police. What would you boys do in a case like that?

KURATOMI: I don't know.

BEST: What would you think about it?

KURATOMI: Maybe if I read some more you can see some of the reasons.

MYER: I think we need to know about this now.

KURATOMI: Some of the reasons?

MYER: Not the reasons. We need to know who is going to be responsible for stopping this situation at the hospital right now.

KURATOMI: Some of the boys have gone over to stop it now. They came of their own accord. We didn't know they were going to do that. I think they will stop everything if we shall continue to talk this over.

MYER: No question of talking it over now. We can't sit here and let property be destroyed and Dr. Pedicord's life be jeopardized.

BEST: Something has got to be done right now.

KURATOMI: Shall we wait?

BEST: Yes, we will wait till it is stopped over there. That has got to stop.

KURATOMI: Will send some more boys over.  
(waited for report from hospital)

KURATOMI: Here are some questions I would like to ask that were not answered in the last conference, namely: What would be the status of these Center residents by the American Government and by the Japanese Government from the interpretation of International Law? Then, there is a demand from the Center residents that this Center should be designated for all those persons who have intention of going back to Japan when the opportunity presents itself. Can you answer me those questions, Mr. Best?

BEST: Will you read those questions again, George?

KURATOMI: (Reread questions)

BEST: If you mean are you considered as prisoners of war, I can answer that. You are not prisoners of war.

KURATOMI: We are called "segregants." Is there any other name applicable to the status of the center residents other than the word "segregant"?

BEST: If there is I don't know it.

KURATOMI: Mr. Myer?

MYER: Evacuees. We simply called this Center the Tule Lake Center because it is not a relocation center. It is, as you know, for those people who want to return to Japan and other people who will not indicate full loyalty to the American Government. It is not an internment camp, such as the Department of Justice has jurisdiction over. It is not a prisoner of war camp. We expect, if it is agreeable to you people to carry on a peaceable operation at this center and carry out the same policies, insofar as they can apply, as in other relocation centers.

MYER: That is our intention if it is feasible. The events today indicate that we may have some difficulty in doing that.

KURATOMI: In regard to the second question. The residents would have this Center designated for all those who have intention of going back to Japan sooner or later. Would there be some solution to that?

MYER: Can't give you a final answer to that. It will have to be worked out on the basis of what is feasible from the standpoint of what is available in the way of a physical program to work that out. This is something that you and we, the WRA, have to work out. If it is not satisfactory we will look into it. I cannot make any commitment until the problem is studied more carefully.

KURATOMI: It is a possibility?

MYER: There is a possibility to anything that lies within the scope of my domain to decide. Nothing more than that.

KURATOMI: You wouldn't stay there is a possibility?

MYER: No. Because I don't want to imply any promises that I can't carry out. I want to be very careful to have the policies understood. I don't commit myself if I can't produce. I don't want to do that until we can study the problem. We have to know how many people are involved—who should stay here and who can go somewhere else and a lot of other things have to be considered.

KURATOMI: Have you taken into note the friction between the people who have expressed their desire to go back to Japan and those who are still loyal to this country. There are still quite a lot in this Center at the present time.

MYER: Certainly. Those who are considered loyal to this country will still have an opportunity to be considered for movement elsewhere. No question about that.

KURATOMI: How soon do you think the process of segregation can be completed?

MYER: I don't think it possible to estimate. Things are in a state of flux. We will have to get a program in order. I haven't been here long enough to know what the situation is. You people haven't given me an opportunity to talk to the people who have the records.

KURATOMI: Can you give us an answer before you leave?

MYER: I don't know if I can give an answer before I leave. It may take quite some time to study the situation. When you are dealing with thousands of people, in order not to do an injustice to the people it takes time to work out a procedure.

KURATOMI: Here is a question I would like to ask. It was announced the day after our conference with Mr. Best that all the farmers were terminated as of October 16, or 19, I am not sure about the date. (19th confirmed) and consequently the farmers are very furious over the fact that they were more or less terminated without previous warning so to speak, because there has been a statement that has Mr. Kallam's signature to the effect that these farmers did not go on strike. They merely stopped work until negotiations were completed. When we made the announcement over the result of our conference with Mr. Best, the farmers naturally felt they would be permitted to go back to work. However, just before they started back to work a notice was already published that they were terminated as of October 19 so the farm committee came to see Mr. Zimmer and tried to talk with him so that misunderstandings would be clarified. However, unfortunately for everyone concerned, the farmers request to return to work was refused by Mr. Zimmer because, he stated, an Administrative Instruction No. 29, was that it, Mr. Zimmer?

ZIMMER: 27.

KURATOMI: Cannot be altered That was the statement wasn't it, Mr. Zimmer?

ZIMMER: Right.

KURATOMI: The people who worked in the packing sheds were terminated because there was no work for them. That statement is natural, however, they were given termination without at least a week's advance warning. Consequently, they are very much dissatisfied and if my memory is correct Mr. Best promised during our conference, that he would talk things over with the farm committee which would be chosen from the people to talk and plan for the future farm at this Center.

BEST: For next year, why don't you add.

KURATOMI: Now the question is what was the reason for terminating the entire farm workers without advance notice?

BEST: You want that answered now?

KURATOMI: Sure.

BEST: You were given every notice that if you did not go to work we would have to dispose of the crop. Your committee sitting in this room stated that you were not interested in harvesting this crop. Isn't that right?

KURATOMI: That is true.

BEST: When you represented all the farmers?

KURATOMI: That is right.

BEST: There isn't any farm now and there wasn't any farm from that time on.

KURATOMI: But that isn't the way we were terminated at Topaz. If a person

CAHN: We don't have to give a week's notice for termination. On this project it has been the custom to give a week's notice if the administration terminated a person because there wasn't enough work to do or if the evacuee was terminating. Either way. It is sort of a gentlemen's agreement but is not a regulation. When people are away from work without an excused absence he can be terminated without notice. A penalty of an additional day for each day of unexcused absence can be imposed. However, this additional penalty was not imposed. It could have been. They were terminated for refusal to work.

KURATOMI: Mr. Kallam's statement mentioned the fact that this stoppage of work was not to be considered a strike.

CAHN: It wasn't considered a strike. If it had been a strike there would have been a conclusion to be reached between the evacuees and the administration and they would have been carried on the payroll until the issue was settled. This was not a strike. There was no issue at stake. They just did not go to work. No one came to see anyone to say why they weren't at work. If you refuse to work you can be terminated and penalized an additional day for each day you don't show up. Of course there are many factors that can keep a person from working—illness, or other emergencies at home and there is the possibility that there would not be an opportunity to report the absence. We will wait five days for notice. We waited the five days. In this case did not penalize for special reasons. These people were terminated as of the date Mr. Best indicated there would be no harvesting of the farm.

KURATOMI: Of course there is this point too. That in the past Mr. Best repeatedly stated he would not recognize any representatives of any committee or any organization.

BEST: What! I never said that

KURATOMI: That has been said. A statement was published in the Tulean Dispatch that I would and wanted to meet with a representative committee, but they never came.

KURATOMI: After the statement was published the committee realized that you do entertain or receive representatives of any committee. Therefore they came to get assurance that the statement was correct and reported to the Center representatives. Until that time no one came to see you for the reason just mentioned. I have enough people here to verify the fact that you wouldn't see a committee before that.

BEST: George, are you still referring to our first conversation?

KURATOMI: One of them.

BEST: Are you referring to the statement I made to you the first time you were in here?

KURATOMI: Yes. Would you like to repeat it? Do you remember what you said?

BEST: Now I understand. That is where they got it. I definitely told you the very first time that you arrived that I would make no public statement at that time. You are the only ones I told it to. You know why I said it.

KURATOMI: Don't know what your intentions were behind saying that.  
(short discussion in Japanese)

KURATOMI: The members of the farm committee said that the first time they found out that you accept representatives of any group was known to them on the 21st of October. Therefore, he feels that if the crews are to be terminated on the 19th they were, in a sense, terminated prior to the time they found out that you do recognize representative committees. They couldn't negotiate with you because of the statement they already had and didn't feel they could come unless some official announcement could be made from you that you do accept representative committees. They didn't come because they didn't want to be penalized for something they did not intend. That is the answer for not coming to see you before that date.

BEST: Get along to the rest of the questions. I can't do anything about it because they didn't come in. We tried to have people come out in the open about it. Couldn't get anyone to come in. I asked them to, but nobody came up here. At the time you came up here they didn't want any farm. Get on to the next question.

KURATOMI: I think that everybody agrees that the Caucasian staff does not understand the Japanese. All these representatives here would agree to the statement right now that this whole incident started from the fact that the Administrative personnel, as a whole, do not know the psychology of Japanese people, that is you mention these things more or less from the standpoint of laws, rules and regulations of the WPA or any other agency. We desire to transmit your interpretations or your answer to the people and I am sure that the people will not be satisfied with your answers because that is something a little different as far as psychology is concerned. I for one know that if we are to make such a report as this to the people outside, we as a committee, cannot very well guarantee what the reaction might be of the people waiting outside. I want you to give me an answer to this question in regard to the farm situation that I can transmit to the people outside.

MYER: I want to say this about the farm question. I have been in constant touch with Mr. Best on this problem. He had crops to be harvested. I authorized him to wait a few days, which he did, to see whether or not folks would go to work. We took the chance of having the crops frozen. No one came to discuss the situation or to negotiate with him for several days as I understand it. When you folks said you didn't want the crops I had Mr. Best make arrangements for getting it harvested. Such arrangements were made only as far as this particular crop is concerned. Mr. Best has indicated he is ready to talk

about future crops next year. He had to look ahead. He did that on the authority of the national director, I want you to know that. From the standpoint of public relations and from the standpoint of future needs we had to go ahead and get it done. That is all there is to say on it.

KURATOMI: At any rate, we here as a representative committee, feel that since this was brought up it has become a problem not only among the farmers but it has become a problem for the concern of every single individual on the Center. Therefore, as soon as this conference with you gentlemen is completed we will make a report to the public to that effect. However, are you prepared to meet the representatives from the packing shed and from the farm crew at a later date to discuss minor problems with them?

BEST: We will meet with any group, George, at any time and discuss any problems. I have assured you of that before.

(Kuratomí to Kai in Japanese)

(Others in Japanese)

KURATOMI: It is the unanimous opinion of the representatives that if you are willing and prepared to make such an agreement or such arrangements with the farm group or packing shed crews at a later date to discuss minor problems with them that this will be worked out.

BEST: We discussed this with you the other day. I thought you understood it.

MYER: May I make another statement?

BEST: Surely, go ahead.

MYER: It is my understanding and I think I do understand the situation, George, that your committee discussed this with Mr. Best before and indicated that you did not want the crops harvested, that you did not want to raise vegetables to be shipped out and did not want anything shipped in. There is a food shortage and there are people dependent upon that crop. Mr. Best understood me and I understand Mr. Best. We took action to have the crop harvested. I want that made clear on the record.

KURATOMI: The people in the Center felt that they would harvest the crops necessary for this Center.

BEST: You said you didn't want the crop. You said no. Definitely no.

KURATOMI: If you will look back on the record you will find that we said this: The people of the Center are willing to harvest and raise a crop for this Center.

BEST: I said we would work with you to get a good agricultural committee to start working this winter so we would know what plans to make for next year. This is exactly what I said.

KURATOMI: Will you meet with the farm crew with the status that they are designated?

BEST: We will meet with them regardless of their status. Status doesn't mean anything to me. I will discuss any problem at any time with your group or any other group.

KURATOMI: Then the people here—I want you to get this straight, Mr. Best—the people here in this Center were notified of the conference we had with you and an announcement came out the very following day. The people want that statement retracted. It is not so much from the standpoint of money but the principle involved of having an announcement made the day following after we had such an agreeable conference with you. If the statement is retracted we could make a report to the people. If we make a report as it is now the people will not be satisfied. I don't expect you can understand that from a Japanese psychological standpoint. I assure you that I am trying to make you understand what I am talking about because it carries very heavy weight.

BEST: Can we speak frankly?

KURATOMI: Of course, Mr. Best. I am speaking frankly.

BEST: To use terms that I can understand, if I do not retract the statement you will lose face; if I do retract it, I will lose face. Is that it?

KURATOMI: I was not thinking about that necessarily. When we represent anybody, we talk for the people we represent. We have to work for the benefit and feeling of the people and we are thinking about them. What I want you to understand is that if you should agree to this about retracting this statement which came out the day you were not here, then the people's feeling would calm down. I want you to understand that feeling.

BEST: Wasn't that a true statement I put in the paper? That is what you are talking about, isn't it?

KURATOMI: The statement to the effect that farm workers were terminated as of October 19.

BEST: I didn't publish anything like that.

KURATOMI: It had your signature on it but it came out the day you were not here

CAHN: He is talking about the statement regarding the badges.

BEST: Oh, I thought he was talking about something different.

CAHN: As a result of termination we asked them to turn in their badges by a certain date or pay 50¢ if they didn't turn them in.

MYER: May I ask a question? I am a little confused. It is not quite clear what statement it is that Mr. Best made that you would like to have retracted.

KURATOMI: The statement that came out about badges.

BEST: About badges? I don't know what you are talking about. I will have to see that.

MYER: May I make a suggestion? I certainly don't see any objection to holding that up until you have had a chance for negotiation.

BEST: That never came to me evidently. It probably was sent out by the payroll section or the employment office.

CAHN: The statement probably was not interpreted correctly. It has been the policy of the placement office since the beginning of this project to turn in the badges upon termination or pay 50¢. We were running close to the end of the payroll period and the termination slips had to be prepared and processed so we asked that the badges be turned in by a certain date or the 50¢ be paid.

KURATOMI: I think Mr. Myer has the right idea.

MYER: I want to make it clear. It doesn't make any change in policy if the badges are held until you have had a chance to meet with the farm committee.

KURATOMI: If you had talked with the committee and then put the notice out that would make sense. I don't know if you get my feeling. I am trying to explain it the best I can. The fact that the notice came out before the farm committee had a chance to talk with you angered the people. I am not talking for myself, I am talking for the people.

MYER: May I make another comment, I am sure Mr. Best understands and I understand that you felt you were representing the whole group, including the farm group.

KURATOMI: The farm workers felt that the problem was a little bit too big for them to decide so naturally they brought the problem to the center committee which was chosen from one person from each block. After the center committee discussed this with the residents they decided that they didn't want to harvest a crop beyond center consumption. Therefore we made that statement when we came over here. However, after the conference we had with you, Mr. Best, it was decided to turn the farm problem back to the subcommittee which represented the farm people to talk and discuss with you the minor problems as they came up. If they had talked with you before the notice came out it would have been no problem. If you could retract that statement until after the farm group talks with you there will be no problem.

BEST: We are not going to delay the payroll.

KURATOMI: That is the point I am trying to emphasize. I am trying to tell you what the Japanese psychology viewpoint is. Some minor things seem important to you. It is not the standpoint of money that they want the statement retracted but from the standpoint of principle.

BEST: I certainly have no objection to leaving the point on badges until after we talk the whole matter over.

KURATOMI: Termination date and badges?

MYER: The termination date is a very definite thing. I am sorry we can't do anything about that but we can hold off on the badges until the matter is talked over further.

KURATOMI: Here is the thing I want you to understand. We are not so much concerned about the pay. If the workers had been terminated on the 19th or 20th it would make no difference if the workers had talked with Mr. Best first and knew what the date was. The farm workers would have had knowledge of the procedure after the meeting so that they would not have felt so bad. That the announcement came before the farm committee talked to Mr. Best caused this problem from the farm crew. That is the point I am trying to emphasize; I am not telling you to change the date. It would be the 19th, 23rd, or 25th or anything for that matter.

MYER: Let me make this clear. We cannot put the people back on the payroll when there isn't any work to do at the moment. We can wait on the matter of badges until we have a chance to look at the problem together but I can't under our government procedure put people back on the payroll when they are not on the job.

KURATOMI: You don't understand. They don't want to be put back on the payroll when they aren't on the job. As long as they were terminated on the 19th that would be all right if they had known it before they were terminated. They don't care what date it was if they had known before.



MYER: That stands. I have already indicated that I think it perfectly all right to hold the badges and let this be the last phase of the story until we get a chance to talk to the farm committee.

KURATOMI: Then the statement will be retracted until after we have had a chance to talk it over.

COZZENS: It means that the badges will be held up but they will still be removed from the payroll as of the 19th

MYER: It means just that, and they can't be put back.

KURATOMI: I am not talking about when they were terminated. My point is, as I said time and time again we are objecting from a Japanese psychological standpoint. If this announcement to the effect that they were to be terminated on the 19th were to be held up we don't care if they were terminated on the 20th or any other date. The only thing was that if the farm committee which was working on this case had a chance to talk with you and you named the date and then the notice came out after they met with you there would be no problem. I don't know if you get what I mean.

BEST: You can't do that on any employment. It is the practice to terminate people when they stop working in any business. You might not get to talk to a person for a long time after he quit working. It is a mechanical detail of employment. If a man never came to talk to you then they would be on the payroll forever. It just can't be done that way.

KURATOMI: Are you planning to continue such a practice in the future.

BEST: I am probably all mixed up on the point you are trying to make. But I will tell you this—we have a very established employment procedure, however, we are going—as I told you the other day—to have a better employment procedure. Mr. Cahn is very much interested in that and is working on that now. If there is anything in our present employment practices that doesn't meet with your approval, suggestions will be considered.

KURATOMI: That is not what I am talking about. It is the principle of it that is involved not the terminating procedure. I am talking about the principle.

MYER: When you are talking about the future is it as to whether the people will have an opportunity to talk to Mr. Best in the future before terminating

KURATOMI: That is still another point. If the farm committee had met with Mr. Best and had understood that these workers were being terminated on the 19th there would be no problem. Instead of that when it came out these people didn't know anything about it. That is what I am trying to get at. I don't think you quite understand my point.

ZIMMER: Here is what George means. If this statement were retracted till the farm committee were to meet then you don't care what kind of a statement comes out, but to have it come out before the meeting they think advantage was taken of the committee. Is that the idea George?

KURATOMI: That is the point, yes. It is a very important point too.

BEST: There isn't anything very difficult about solving that problem in the future

ZIMMER: Nothing difficult about solving it now. It stands whether it is retracted or not, but if that statement could be retracted until this committee met with Mr. Best and then came out it would be okay?

KURATOMI: That is the right idea

BEST: No reason why it can't be done that way.

MYER: I want you to understand they will not be put back on the payroll.

KURATOMI: That is clear now.

WEBBER: Couldn't you put it to the effect that it was a misunderstanding

CAHN: That is not so. It was not a misunderstanding. The regulations provide that persons are automatically terminated 5 days after they do not report for work. An additional day of penalty can be added for each day over that. The penalty was not given. The Project Director has the right to remove the prejudice if sufficient reason is given for not having worked

MYER: Just say for the record that you will withhold the statement until after Mr. Best has had a conference with the committee.

CAHN: I just want it understood that it was not a misunderstanding (received report from hospital at this point)

BEST: They are still having trouble at the hospital. What are you going to do about it?

MYER: Let us stop this discussion until that sort of thing is stopped. We can't go on under that kind of a situation.

(Mr. Schmidt and an evacuee go to check up on hospital situation)

(Reported under control)

KURATOMI: We are sorry about the interruptions.

BEST: How much longer are they going to carry on the demonstration outside.

KURATOMI: It is not a demonstration.

BEST: What would you call it?

KURATOMI: There has been no trouble at all. They are waiting for the answers to these questions.

(returned with report from hospital that situation under control)

MYER: Couldn't we move right along. My time is limited and we are going to have a lot of business to take care of.

KURATOMI: Are any Japanese persons, that is loyal Japanese persons, coming to harvest the crop here?

MYER: May I answer that? We are going to take care of the harvesting of the crop outside and I have no comment to make now. You folks did not want to do it so we arranged to have it done outside and I cannot make any comment. In view of the decision we will have to keep that as a separate issue. I am sorry.

KURATOMI: The last two nights there has been merchandise taken out of the warehouse from this Center. Do you know the reason?

BEST: We might take merchandise out any time. We are accountable for it and we can ship it out or we can ship it in any time we want to.

KURATOMI: We are interested in the merchandise taken out because of the fact that one mess hall couldn't receive their share of the goods that were to be distributed.

BEST: Let's get along. I will set down for the records that we will meet with any mess hall committee on those things. We haven't any records here and can't discuss those things at this time. If you want to get into details it takes time, George.

KURATOMI: We can't make such a report. They want a definite report and I doubt if that answer will do.

BEST: It is our property and we are accountable for that property. We can do what we want to with it.

KURATOMI: Because of the fact that some merchandise was taken out of this Center some mess halls suffered a shortage.

BEST: I would want to get into that thoroughly. I would want to find out exactly what was supposed to be delivered and was not and what mess halls were short. I want to know that.

KURATOMI: When you do find out what happened will you take proper action?

BEST: What would be proper action. Maybe I don't know what the proper action is. I certainly will see that all staple commodities as far as the Quartermaster can supply will be kept here. I will see that the mess department keeps those things in here and supplies them to the mess halls.

KURATOMI: I am not satisfied with your answer as yet. We have to make a definite statement as to why this food was taken out and why the mess halls suffered.

MYER: Mr. Best gave you his answer. I am sorry but there will be no report why the food was taken out. I don't feel that it is necessary to report every movement made. If you request an investigation regarding such a case and if it is proven that they were short, proper action will be taken. We will have to wait and see the results of an investigation. I am sorry to say we cannot be in position to report to the community on every movement of trucks. The residents are supposed to have food and if they don't get any investigations will be made. We don't have time to go into all those details now. Proper action will be taken as far as we can do that, George.

KURATOMI: There are incidents in the hospital too. Dr. Pedicord made two appendicitis patients wait until it was almost too late and this has happened in the last week's time. One person is suffering from meningitis. This man took some of the children out on a picnic some place and one of the children struck his eye with a stick. He couldn't bear the pain, consequently he went to the hospital and the caucasian doctor over there said it was nothing serious and no need for him to worry and for him to go on home. It pained so he insisted on being examined. It was of no avail. He had to pick one of the evacuee doctors over there to examine him but these doctors, as you know, are subordinate to the caucasian doctors and have very little authority, almost no authority in fact, and they have to get every little detail from the caucasians. The chief doctor tried to see if any case of meningitis was apparent but before he got to it they told him to stop such an examination so he went back and he still couldn't bear the pain. Then he came back to the hospital again, and the doctors do not know whether this man will survive. Another case here in the hospital. One mother went over there because she had a baby and the doctor, without taking proper precautions, gave her a couple of morphine injections. As a result the baby came out dead. It was a stillborn baby. There are many cases such as that to prove the inefficiency and indifference of caucasian doctors in this hospital. It was decided by the evacuee doctors in this center that if such doctors are to stay in this Center and more or less see people die from day to day they

cannot stand to see such a thing exist. So it was decided last night to ask the resignation of each and every caucasian doctor and each and every caucasian nurse who feel so superior that some of them believe they know more about medicine than the Japanese doctors who have had big practices and lots of responsibility. It has been said that some of the caucasian doctors employed here don't even have licenses to practice medicine. Dr. Pedicord allows only one ambulance to be in operation on Sunday for 18,000 people. He takes the keys to the other ambulances and has forbidden the ambulances to be driven. You must be aware of the complications which might arise from such an instance. We feel that the request and demands from the hospital evacuee staff to remove the caucasian doctors and nurses from the hospital should be done as soon as possible for the well being of the people in this Center.

MYER: Are you through?

KURATOMI: Yes.

MYER: In the very first place we are willing to have any suggestions that you folks have. You can sit down and talk it over with Mr. Best. As I told you before we can't operate on the basis of demands. We are willing to take criticisms from your group and check and investigate them and take action accordingly. We are always willing to have criticisms and suggestions but not demands.

KURATOMI: These are the criticisms by the evacuee nurses and doctors.

MYER: We will be very glad to check into it. In view of what has happened over at the hospital today it will have to be checked very thoroughly and will take some time. It will have to be checked and investigated.

KURATOMI: Whatever might have taken place over there and to Dr. Pedicord in particular might be justified, and some of the boys couldn't wait until the conference was over.

MYER: We are not going to argue about that now.

KURATOMI: We have a man here who can tell you what happened in his family.

FUKAHARA: I am Block Manager of Block 16. Sunday night at 7:00 o'clock I had a report from my sister-in-law requesting an ambulance because her child was burned with hot water. I rushed to the phone which is only 35 or 40 feet away and an ambulance came and he was taken directly to the hospital and given some kind of a treatment on the outside and bandaged and put in a room and left there until morning without being seen by another doctor and when questioned by the nurses about his welfare was told by a caucasian doctor, Dr. Marks, that it wasn't anything serious. A Japanese doctor was called in and there were four looking on when they injected plasma, or whatever it is called. They could find only one container of it, which is not sufficient to save a child. They worked desperately but he died this morning at 2:00 o'clock. If the burn was as serious as that why didn't the caucasian doctor take care of him between 7:15 at night until early in the morning when the Japanese doctors took over.

MYER: I am certainly sorry about the baby.

FUKAHARA: It should be the responsibility of the WRA or Dr. Pedicord to take full blame for what happened as far as I can see.

COMMITTEE: That's right.

MYER: We will go into the matter thoroughly. This case and any other case you may have will be investigated thoroughly. We can't do it in the face of demands. I think you folks are interested in having a peaceful center. The WRA is interested in giving it to you. But we can't operate on the basis of demands and scenes of the type we have here today. We just can't operate like that. Generally speaking, the record has been pretty good on medical service. We will go into that matter, however, just as soon as we can get to it. We can't go into it today. I am no judge of that particular type of thing. I will be glad to have all the facts and I am not going to make any commitment until I get them. A judge never makes a decision until he gets both sides.

KURATOMI: This is not a complaint. We don't get anywhere with complaints. Consequently, it is turning into demands. The people want the immediate removal of all the caucasian doctors and nurses and we want a definite answer today.

MYER: That is impossible because I have been on the project only 6 or 7 hours and haven't even had a chance to look around.

KURATOMI: Let me say this much. This has been a request from the evacuee doctors and nurses that you arrange to have all the caucasian doctors and nurses removed from this hospital for the reason that they don't want them and the people have the same feeling. Let me say this, Mr. Myer, I don't want to see any violence, however, unless you don't remove these people I have mentioned from the hospital until such a time as an investigation has been held I cannot guarantee the actions of the people. This is not a threat. I cannot stop these people from swarming over to the hospital and getting after the doctors. I don't want

to see any violence take place but I cannot guarantee what the people will do it we have to give them this answer.

MYER: I have never taken any action under threat or duress.

KURATOMI: It is not a threat, it is a fact. I am just explaining the actual tension.

MYER: I realize what exists. Someone is responsible for that. The people are pretty well whipped up. I am sure the tension would be much greater if I made concessions without going into the facts. I cannot make concessions without going into the facts of the matter. I am very sorry that is the situation. In view of what has happened at the hospital today I cannot take action until we investigate the matter. That is final.

KURATOMI: Do you want us to make the statement just as you said it.

MYER: You may state it as you wish. I hope you will give them the facts. Tell the people that I am here. I hope to go quietly about my work looking into the problems of the Center with the evacuees and the administrative staff. This is my first trip since the segregation movements started. The movements are not yet complete. We hope to get a completely representative group of the Tule Lake center to come up here to discuss their problems. You folks are serving in a temporary capacity until a truly representative committee has been chosen. On matters of immediate concern we will go into the matter. I am sorry but I will not make any commitments that require action of removal of any personnel without seeing the other side.

FUKAHARA: I don't belong on this committee. I am so grieved at the loss of my nephew that I wanted to speak to you so you can look into the matter. However, I am not being a party to any demands. I worked under Mr. Shirrell and Mr. Coverley and I don't want to make any trouble. I just wanted you to know the facts. I will be glad to be excused. I feel out of place here.

KURATOMI: Remember what I said. This is not my personal feeling or personal opinion. We are here to represent the people and so speak for the people and you might see this thing actually take place, I cannot say.

MYER: I don't think you or any member of this committee have any ulterior intentions and I certainly don't think you want anyone here asking me to make a commitment on ten minutes notice on a matter as grave as you have presented. I just couldn't do it.

KURATOMI: How soon can you make it.

MYER: I will give you an answer just as soon as I can. First I have to get the facts together. If I can find time while I am here I will, but I can't promise you that I can get all the facts together in that time.

KURATOMI: Let me ask then that these caucasian nurses and doctors refrain from coming into the hospital for the time being. This is not a demand but a reasonable request. I don't think it is going to hurt anybody. We are asking you to do this because we don't want any violence.

MYER: I am not ready to do that under the circumstances. I have to get all the information together and know all the facts. I am sorry I cannot commit myself now. We will go into the matter and give it further consideration.

KURATOMI: Mr. Peek who is the head of Mess Management in this Center is responsible for making allotments of food to each mess hall. The goods were never brought in according to the menus. Many items such as milk and eggs are absolutely necessary to the growth of children. Before I go into this mess management statement and its facts and figures Mr. Sugimoto can present it for further clarification.

SUGIMOTO: These are the findings the food investigation committee gave me. This was necessitated by the fact that when we came in, the segregants felt that the food was qualitatively and quantitatively below that of the other Centers. They waited a few days but the food continued to be worse than it was in September so with the records existing right here in the Tule Lake Center these facts were investigated. During the month of September the cost of food per person per day was 27¢ a day including the food products produced within this Center. I think you signed the administrative instruction, Mr. Myer, regarding 31¢ per person for whatever food products were consumed over and above the food produced at this Center. But the way this food was computed in September it was all in one, with the amount of 27¢ per person per day including the food produced here. The average cost of subsistence on October 3 which was an average day one record was available and at that time the average was found to be 27¢ per person per day including the food produced here. Going back to the above statement, during the month of September vegetables and eggs and farm produce raised in this Center and well over 11,000 dollars and this is equivalent to about 3¢ per person per day. That included in the 27¢ makes the cost per person per day about 24¢. The commodities brought and shipped in from the outside by WRA are figured according to the OPA meat ration system to feed 14,700 persons. By computing the points at 95,359 it was short rationed to the evacuees and over rationed to the caucasian personnel mess hall, which is

in operation here, to the extent of 34,133 points, so there was enough shipped in to be distributed to the people in this center but was evidently over rationed to the project employees and 168,000 points of processed food was bought and shipped into this project where only 127,000 points were needed but the funny part of it is that it was over rationed to the extent of 7,325 points to the caucasian mess hall and under rationed to the evacuee mess halls according to the existing records in the warehouse. And another item, between the time of September 17 and September 30 there is a record of 1,880 pounds of beef being dumped for reason of being unfit for human consumption and we thought this beef was to be government inspected. Investigation reveals that the caucasian mess hall not only gets some of the project meat but takes the choicest part of it. They get the cuts such as T-bone, rib steaks and tenderloin steaks. That part goes to the personnel mess hall and the evacuee mess halls get what is left. All of these items are contributing factors about which these evacuees in this camp are complaining, because they are not getting their proper share of food that comes into the project.

MYER: Let me say that if it proves to be true that you are not getting the food that you are supposed to be getting, that will be corrected immediately. Furthermore, proper action will be taken to have someone operate it. I know there are problems in mess management. We are investigating them. It will be necessary to go into the matter thoroughly. If you have any facts that will help Mr. Cahn or Mr. Best they will be delighted to have them. Let me say it is the responsibility of the WRA to provide the proper food. If the evacuee mess halls are not getting the points because someone else is, that will be corrected. I hope we can get this matter taken care of quickly. I am just as much interested in it as you are. I want to say one thing, that the developments within the last week or two within this Center may affect the immediate supply as it will take some time to get some of the products of the type that is produced in other Centers. That will have to be taken into consideration in looking out for immediate needs. I want to repeat it is the policy to trade with other centers to provide food in the quantity and quality necessary. Without that we will have to wait and get what food is available from the Quartermaster. I am sure that Mr. Best and Mr. Cahn are just as interested in getting those facts because we have a record to take care of. We will be pleased to have any information that we can so that we can get into it and get this straightened out soon.

KURATOMI: If we are called in to clarify these problems we will be glad to furnish any information we have and follow along as food is the concern of all the people. We are not asking for the impossible. We are not asking for things that can't be had outside.

MYER: There is no argument about that between us. We are not going into that now. Do you want to say anything Mr. Best or Mr. Cahn?

#### TULE LAKE CENTER—11/1/43—SB

MR. CAHN: All these things we will clarify, when going into detail.

We have been working on it for several weeks—checking ration points, taking inventory, and renting space in Klamath Falls. We had our own inspection of meat in the last 30 days. We had a government inspector—for the first time—inspecting all meat and vegetables that came into this Center. It is true they did not approve all the meat, but the meat that was rejected was sent back to the point of origin.

MR. KURATOMI: Going on to the question. As a request from the colonists, we want you to promise us that uniform porches, and latrine service improvements be made at once, dust control of the road should be attempted immediately. This has been more or less of a repetition. We have asked for them before.

MR. BEST: We agreed on that the other day.

MR. KURATOMI: What later attempts have been made?

MR. BEST: We agreed that you would have a committee and we would try to devise a standard porch and try to compute the total number of porches from that figure and prepare an estimate of what the entire program would cost, and if approval could be secured for lumber, nails, and other materials going in there from the WPB. We said that we would consider it. We told you that the other day.

MR. KURATOMI: Many units are still without brooms, buckets, mops, and other essentials. They still lack privacy, because the walls are up on one side only. The women cannot dress without being seen. There are still no closets. We are still waiting for buckets and brooms. This is my personal matter. I am not going to wait until the administration furnishes me with all these essentials. I am going to keep a record of it. If Mr. Myer wants to see all this, he can come down. It is a mess and I don't see how the people in responsible positions could be so indifferent to the welfare of the colonists.

It is a request from the Center residents that at all times, six ambulances should be in operation. This will be more or less of a repetition. Nevertheless, I will bring it up. The Center residents want you to recognize a Central Organization to report for the colonists on all matters concerning the welfare of the

residents. They also want you to recognize various committees which will work with the administration on some of the functionings of the Center. They also want you to promise that the hospital be supervised more humanely and that the Japanese doctors in this Center be given equal authority as those of the Caucasian doctors. As you all know, employment in this Center is very grave, and the people want unemployment compensation made available to all the workers who find no employment, just as soon as possible.

Going back a little, what steps are being taken to furnish each unit with sufficient essentials?

MR. BEST: I couldn't tell you. I don't know.

MR. CAHN: We had a quantity of brooms on hand and issued those. We didn't have the buckets; we couldn't buy them, but I do think that Mr. Black has gone into the matter and has issued the brooms we had on hand; we had 20,000 at that time. I don't know if Pete Zimmer could tell you more about the buckets.

MR. KURATOMI: There is an order out from the Civic Organization to all block managers, saying that no buckets, etc., were to be issued to the residents.

MR. CAHN: I repeat, the instruction was to issue all brooms on hand. As I said, we had 20,000 in stock. We had no buckets and we couldn't buy any today any place. They are just not for sale.

MR. KURATOMI: What do you want us to do?

MR. CAHN: As I say, Mr. Black is working on that problem, and also on what you can use in place of it.

MR. KURATOMI: Well, who is responsible for putting us in these centers?

MR. BEST: Let's not go into that now.

MR. CAHN: I am only discussing the problem as it arose at that time. Orders were given to issue them. I know that the problem has not been dropped and that they are working on it.

MR. KURATOMI: We have been told to leave the brooms and buckets in Jerome, because they would be reissued here, but nothing has been done about it. I certainly think that the administration should do everything within its power to acquire these for us, because I don't see how you gentlemen could be so indifferent. I wish you were in our position.

MR. CAHN: The assumption that we have been indifferent is not so. The problem was approached by the Community Management Division here immediately. I know they have taken steps to secure the necessary items for cleanliness and sanitation.

MR. KURATOMI: About these units: They have only plaster boards on one side. You could hear people talking and you have to whisper all day long, and the embarrassment to us is beyond words. Many are without closets and the women cannot change their clothes without being seen from the outside. No attempts are being made to rectify these conditions. I believe it is about time something should be done, at least to show that the administration is sincere about the welfare of the residents here.

PETE ZIMMER: Do you realize that all partitions that are put in during the day, disappear by night?

MR. KURATOMI: Let me ask you this. Suppose you are put in a unit with nothing in there; wouldn't you do something like that?

MR. ZIMMER: But can't you see that we can't gain on it at all? Housing tells us that this unit could be partitioned today. The partition is put in, but by tomorrow, it's not there. It's gone. Somebody else has it. I would much rather they took material that is not put up. When they keep taking those partitions, we can't gain on our work. Do you realize what I mean? Over in block 66, we partitioned nine buildings. Only two partitions were left in a week.

MR. KURATOMI: About this Central Organization or committees to work with the administration. I am sure that Mr. Best is in agreement with this.

MR. BEST: I told you that if there is a fair representation of everybody, then that is what we wanted to work with. The quicker the better. Mr. Black was instructed to work through you or any committees you send to him to devise such a meeting.

MR. KURATOMI: I am sorry that you gentlemen had to sit such a long time but I think Mr. Myer or any other gentleman has heard all the grievances, and dissatisfaction of the Center residents that came to a boiling point today. There is a statement here from the residents demanding the removal of Mr. Best as Project Director; Mr. Zimmer as Assistant Project Director; Mr. Schmidt, who is head of the International Security Division, for letting over 20 tons of food pass without stopping it at once; Mr. Kallum, Head of the Agricultural Division, who is directly responsible for the termination of the farm workers; Mr. Peck, who is responsible for the management of all the mess division; Mr. Kirkman, of the Warehouse Division, who allowed 20 tons of food to be taken out of the warehouse; all the Caucasian doctors—five of them—and all

the nurses to be dismissed from this Center administration. This is just about all that we have on hand, and there are many minor points that could be brought up which would take days to clarify.

Consequently, I feel that the committees should be entrusted with the responsibility of working out minor details. The last statement just made in my statement is a statement as requested by the Center residents. I would like to emphasize that and repeat it. This is a request not among the representatives here, but from the Center residents, to have these persons removed from the Center administration.

MR. MYER: Have you finished?

MR. KURATOMI: Yes.

MR. MYER: All I have to say further is this. I am glad to have had the opportunity to meet with you. I want to say that I have absolute confidence in Mr. Best, or I wouldn't have placed him here. I placed him here because I felt that he had understanding, courage, and would know how to work with you people in working out your problems. I still think that as far as personalities are concerned, I came up here to go over with him, problems in relation to personnel or any other problems that he might have. I am going to accept his recommendations and will probably make a few of my own. I want to make it quite clear that Mr. Best is in charge, and that we can't operate on the basis of demands, but only the basis of sitting down and talking things over. There is only one agency I know of who operates on the basis of demands. We don't operate that way. I want to repeat. The War Relocation Authority has been in operation for a year and a half. We have gone through a good many trials and tribulations and troubles. We have been investigated twice by the United States Congress, as regarding the population and problems of these people. They have said things about your problems which I haven't agreed with.

We have tried to get together on facts and have tried to do it within the limits of the policies and our particular administration. We hope we can work with you. If we can't, I presume there will be someone else working with you. I don't know who that would be. I am sure you are not interested in having trouble. When I went into this position, I knew there would be some trouble and I was prepared for it. I am still prepared for it. When you have suggestions, bring them to Mr. Best. Don't bring them in the way of demands. That embarrasses him and it embarrasses you. We can't meet demands. We are operating under the United States Government and have to follow certain policies. We are willing to investigate charges and are willing to take action if we find they are based on facts. I am much obliged to you for coming in. I am sure that you will want to operate on that kind of basis, and if you don't, there will have to be some other kind of basis worked out. I am not here to make threats. I don't make threats. We stand on what we are trying to do. We think our program has been pretty sound, so far, and that the evacuees generally understand that. I think you have some difference of opinion in this Center. While I don't know how many people you represent, I doubt that you represent all of them. I hardly think that you represent everybody's point of view. It is difficult to represent everybody's point of view when there are 15,000 people here. I hope that I can have an opportunity to devote my time and attention to the problems represented here within the next 24 hours or so and I want to get at some facts and I am sure that is what you want me to do.

MR. KURATOMI: This case was just brought up. In block 34, I don't know which corner, there has been an evacuee picked up by an Army jeep and this man was inside a box. Around 50, rather stout, and he wore a beige hat, and I wonder if there is some way for you to check it up.

MR. BEST: You say an Army jeep?

MR. KURATOMI: Yes. He was picked up, I imagine.

MR. BEST: When?

MR. KURATOMI: Just now. These people saw it:

Kiyohara  
Saito  
Nakano

MR. BEST: I can call the army up and ask them.

(Upon later questioning, Mr. Kuratomi was unable to furnish the name of the man in question.)

MR. MYER: We will be glad to look into that. We are taking so much time, I feel we should get around and get the job done. We will check with the Army and will report the facts to you.

MR. KURATOMI: I would like to say in a concluding statement, that as we have already stated, we are not here for trouble and we don't expect to have any unnecessary commotions and we are sincere and feel that the rights of the evacuees here are being jeopardized and sometimes trampled upon, and I feel that you are a man of character and will see justice as it is and try to rectify some of the wrongs that might have been committed by some of the Caucasian personnel. We are

depending on you and would like to say that we would like to get these answers or questions clarified for answer, just as soon as possible, because the people are waiting and the sooner we can give them the facts, the sooner these problems will be dissolved and we will have a peaceful center that much quicker.

MR. MYER. First, gentlemen, it will not be possible to give you answers to all these questions this afternoon. Thank you very much for the compliment. We will try to operate on the basis of justice and I want to repeat that I don't want any misunderstanding on that. Mr. Best has checked with me on policy every time. People do things that we don't always know about, both among the evacuees and the administrative staff. I am much obliged to you and I hope that you will remember that we cannot operate on the basis of demands and the sooner we understand that, the better we will be getting along. We will operate on that basis, of sitting down with you folks as we have this afternoon.

MR. KURATOMI: Will it be all right for us to report to the people?

MR. BEST. You are reporting to your people. I don't know what you want to say to your people.

MR. KURATOMI: Mr. Myer, will you say a few words?

MR. MYER: I would be glad to say hello to your folks, if you want me to. I will tell them in summary what I have told you. I will be very glad to tell them.

## REPORTS OF STANDING COMMITTEES

### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 28, 1944

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred: Senate Constitutional Amendment No. 2.

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; absent 5.

RICH, Chairman

Above reported resolution ordered to third reading.

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 29, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1

And reports the same correctly engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

### Senate Resolution No. 12

WHEREAS, This Third Extraordinary Session of the Fifty-fifth Session has been called to consider amendments to laws relating to voting by the members of our armed forces, a complete reorganization of our Penal System, the legislation with reference to taxation of property of the United States in addition to the approval and rejection of city and county charter amendments; and

WHEREAS, Such questions are of vital importance to the people of the State of California; and

WHEREAS, The solution of such problems call for mature and deliberate study by the Members of the Senate, and, in order to enact proper legislation on such subjects, it may be necessary to compile and make available to the Legislature various facts, statistics and information which can not be procured without considerable effort and expense; and

WHEREAS, In such work of ascertaining such facts and securing information for the use of the Senate in its deliberation upon the questions submitted to it, it will be expeditious and economical to appoint a committee whose responsibility shall be to ascertain such facts, secure such information and statistics as may be of assistance to the Senate in enacting legislation upon the questions submitted to it at this extraordinary session; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a Special Committee on Legislative Information and Processes, consisting of the Members of the Senate who are Chairmen of the following standing committees: Rules, Finance, Governmental Efficiency, Judiciary, Revenue and Taxation, and Attaches; and be it further

*Resolved*, That the committee hereby created shall, during the Fifty-fifth Third Extraordinary Session of the Legislature and any recess thereof, make such studies



as may be necessary, and ascertain such facts and information, to secure such statistics for the use of the Members of the Senate as to enable it to better consider the questions submitted to it at this Third Extraordinary Session, and to enact appropriate legislation upon the subjects being considered in such extraordinary session; and be it further

*Resolved*, That such committee shall take such steps as may be necessary to coordinate the work of the various committees of the extraordinary session in considering questions properly before such session in order that there be no duplication of work or effort; and be it further

*Resolved*, That to enable the committee hereinabove provided for to perform the duties assigned to it, said committee shall have and may exercise the following powers and duties:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees of one or more members from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To meet at any and all times prior to adjournment of this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(6) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(7) To report its findings and recommendations to the Senate; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate and other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee or by a subcommittee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation and shall not be allowed mileage; 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 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, or if incurred by a subcommittee, by the member or members of such subcommittee, 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 Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Rich, Salsman, Seawell, Slater, and Swan—23.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolutions were offered:

**Senate Joint Resolution No. 4:** By Senators Burns and Gordon—Relative to memorializing the President and the Congress of the United States in relation to the restoration of ordinary standard time in the winter months.

Referred to Committee on Rules.

**Senate Joint Resolution No. 5:** By Senators Donnelly, Slater, Dorsey, Hatfield, and Quinn—Relative to substitution of United States Army for War Relocation Authority in the administration of Tule Lake Japanese Center and other internment camps.

Referred to Committee on Military and Veterans Affairs.

**Senate Joint Resolution No. 6:** By Senators Quinn, Slater, Mixter, DeLap, Luckey, Dorsey, Tenney, and Swing—Relative to memorializing the President and Congress of the United States in relation to discharge of disabled veterans from the armed forces.

Referred to Committee on Military and Veterans Affairs.

**REQUEST FOR UNANIMOUS CONSENT**

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

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 8**

**Assembly Concurrent Resolution No. 8**—Relative to Henry E. Carter.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Tenney 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 the death of H. S. G. McCartney.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Tenney 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 amendments to the charter of the City of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1943.

Resolution read.

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

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Tickle 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 approving certain amendments to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of May, 1943.

Resolution read.

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

**AYES**—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—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. 7:** By Senator Salsman—Relative to commending the patriotic efforts of the United States Treasury Department, Defense Savings Staff and those of the volunteer workers in cooperation therewith in the Fourth War Loan Drive and urge generous public support thereof.

**Request for Unanimous Consent**

Senator Salsman 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 commending the patriotic efforts of the United States Treasury Department, Defense Savings Staff and those of the volunteer workers in cooperation therewith in the Fourth War Loan Drive and urge generous public support thereof.

Resolution read.

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

**AYES**—Senators Brown, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—25

**NOES**—None.

Resolution ordered transmitted to the Assembly.

### CONSIDERATION OF DAILY FILE

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 1**—An act providing for the reorganization of the State Criminal, Penal and Correctional System, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700 1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

Bill read third time.

**RECESS**

At 12.42 p.m., on motion of Senator Seawell, the Senate recessed until 2.15 p.m.

**REASSEMBLED**

At 2.15 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Assistant Secretary Harry A. Hammond at the desk.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1**

**Senate Bill No. 1**—An act providing for the reorganization of the State Criminal, Penal and Correctional System, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

Bill read third time

**Motion to Amend**

Senator Keating moved the adoption of the following amendments:

**Amendment No. 1**

On page 7 of the printed bill, as amended, strike out lines 25 to 52, inclusive; and on page 8, strike out lines 1 to 4, inclusive, and insert  
"6051. The provisions of Article XXIV of the State Constitution and of the State Civil Service Act, except as hereinafter provided, shall apply to, and the term "State civil service" shall include, State officers and employees not heretofore included in

the State civil service and who were directly appointed or employed by the State Board of Prison Directors or any warden of a State prison except:

(a) Appointees of the Governor and persons holding positions designated to be confidential pursuant to paragraph (5) of subdivision (a) of Section 4 of Article XXIV (for the purposes of which paragraph the Adult Authority, the Youth Authority, the Director of Corrections and the wardens shall be considered separate boards, commissions and officers) shall remain exempt from civil service.

(b) Persons whose employment requires them to be members of any profession, who shall be appointed by a warden subject to the approval of the director and may be removed by the director.

Persons who left such employment subsequent to January 1, 1940, or who hereafter may leave to enter the military service of the United States but who, had they remained in such employment, would have been entitled to probationary status under this section shall be accorded the full protection of Sections 152.5, 152.6 and 174 of the State Civil Service Act.

The director has the power to employ and fix the compensation of officers and employees of the department who are covered by the State Civil Service Act except officers and employees appointed and employed by the Adult Authority, the Board of Trustees of the California Institution for Women, and the Youth Authority.

6052. All officers and employees in the department in the State civil service except those under the Youth Authority, the Adult Authority and the Board of Trustees of the California Institution for Women, are subject to all of the provisions of the State Civil Service Act except Section 170 relating to tenure, Section 171 relating to disciplinary suspensions, and Section 173 relating to other disciplinary and punitive actions. The excepted officers and employees are subject to all the provisions of the State Civil Service Act and Sections 6053, 6054 and 6055 do not apply to them.

6053. The director or, pursuant to the authorization of the director, any warden of a State prison having jurisdiction, may immediately, for disciplinary purposes, suspend an employee without pay for a period not exceeding 60 days in any calendar year. Such suspensions without pay may be effected by service upon the employee, in the manner provided in Section 41.5 of the State Civil Service Act, within 10 working days of the date of such suspension, of a written statement setting out clearly the delinquency for which the suspension was made a copy of which at the same time must be filed with the State Personnel Board. The suspended employee shall have the right to file with the State Personnel Board, with the director and the warden a written explanation or answer to such reasons. Any employee may appeal to the State Personnel Board within 30 days after service of the reasons forming the basis of such suspension on the grounds that the written reasons are untrue or that said suspension had not been made in good faith. The State Personnel Board shall within 30 days of such appeal hold such hearing or investigation as it may deem necessary, and in rendering a decision the State Personnel Board may affirm or disaffirm the suspension.

6054. The tenure of every permanent employee holding a position under the provisions of this chapter and the State Civil Service Act shall be during good behavior, but any such employee may be temporarily separated from the State civil service through layoff or leave of absence as provided in the State Civil Service Act, or through suspension as provided in this chapter, and may be permanently separated through resignation as provided in the State Civil Service Act or removal as provided in this chapter, or may be permanently or temporarily separated through retirement as provided for in the State Employees' Retirement Act.

6055. (a) The tenure of every permanent employee holding a position under the provisions of this chapter shall be during good behavior, but any such person may be removed, demoted, suspended, or reprimanded, or otherwise disciplined under a procedure in conformity with the provisions of this chapter which shall be set up by rule of the State Personnel Board for any of the following causes: Fraud in securing appointment, incompetence, inefficiency, physical or mental disability, insubordination, dishonesty, drunkenness on duty, intemperance, addiction to the use of narcotics or habit-forming drugs, conviction of a felony or misdemeanor involving moral turpitude, immorality, discourteous treatment of the public or other employees, improper political activity, wilful disobedience, violation of the provisions of this chapter or of the Rules of the State Personnel Board, or of the rules of the department or any agency of the department, or for any other failure of good behavior or any other act or acts which are incompatible with or inimical to the public service or to the proper administration of penal institutions.

(b) The director or, pursuant to the authorization of the director, the warden of any State prison, on his own motion or on the filing of written charges with him by any person or by the State Personnel Board, may discharge any permanent employee subject to the provisions of this chapter for any of the causes set out above. Such dismissal may be effected by serving charges upon the employee, in the manner provided in Section 41.5 of the State Civil Service Act which charges shall be made in writing and clearly state the specific act or acts of the employee constituting such cause and a copy of which shall be filed with the State Personnel Board. The dismissal shall be effective at once upon the filing of charges on the employee.

(c) Within 30 days after the filing with it of a copy of the charges, the State Personnel Board may, or at the request of the discharged employee shall investigate the grounds for dismissal. Such investigation need not necessarily take the form of a formal hearing. If at the end of 30 days from the filing of a copy of the charges with the State Personnel Board no hearing has been initiated by the board or requested by the discharged employee, the charges shall be deemed to have been confirmed by the board and the employee shall stand dismissed.

(d) If upon investigation the State Personnel Board shall find or the employee shall prove that the grounds for dismissal were not as required by the chapter or are not sustained, or if the board shall also find or the employee shall prove that the employee is a fit and suitable person to fill the position from which he was discharged, the State Personnel Board may modify the order of dismissal by restoring the employee to duty or to his original place on the eligible list or by suspending, transferring, or otherwise disciplining the employee.

(e) The director or, pursuant to authorization of the director, the warden of any State prison, may for disciplinary purposes suspend, transfer, or otherwise discipline any employee under the same procedure outlined above to govern dismissals."

#### Amendment No. 2

On page 8, line 5, of the printed bill, as amended, strike out "6053", and insert "6056."

#### Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 11 to 19, inclusive, and insert "the State Civil Service Act."

#### Amendment No. 4

On page 13, line 29, of the printed bill, as amended, after "Authority", insert "The Chief State Parole Officer shall be exempt from Civil Service."

Amendments read.

#### Motion to Table

Senator Deuel moved that the amendments offered by Senator Keating be laid on the table.

Motion withdrawn.

#### Amendments Withdrawn

Senator Keating withdrew his amendments.

The question being on the passage of Senate Bill No. 1.

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

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—Senators Carter, Collier, Crittenden, Dillinger, Shelley, and Tenney—6.

Bill ordered transmitted to the Assembly.

### REPORTS OF STANDING COMMITTEES

#### Committee on Elections

SENATE CHAMBER, SACRAMENTO, January 29, 1944

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

Senate Bill No. 2

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

Committee membership 7; committee vote: Ayes 5; noes 2.

BREED, Chairman

### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 2**—An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 951.5, 2050.5, 2053.5, 2792.5, 2799.5, 2807.5, 2839.5, 2842.5, 2843.5, 2892.5, 5901.6, 5901.7, 5902.6, 5904.5, and 7964.5 to, and to amend Sections 293.5, 296.5, 5901.5, and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "2053 5," insert "2540.1, 2571 5, 2630 5,".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 12 to 15, inclusive, and insert "Nothing contained in this act shall affect any municipal, district, or local election, except such of them as may be consolidated with the presidential primary, direct primary, or general election, it being the intent that this act shall apply only to the presidential primary, the direct primary, the general elections and elections consolidated with them."

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 28 to 36, inclusive, and insert "51. Whenever by any provision of any law of this State relating to the presidential primary, the general election, any election consolidated with either of them, or to the direct primary, the doing of any act relating to the application for or delivery of absent voters' ballots for such election, or the doing of any act towards the placing on or removal from the ballot of the name of a candidate, including any act in relation to the circulation, signing, or filing of any document or paper, the examination thereof or certifying thereto, or the certification, posting, or publication of names of candidates is required to be done on or".

**Amendment No. 4**

On page 2, line 44, of the printed bill, strike out "as to", and insert "or compiling of".

**Amendment No. 5**

On page 2 of the printed bill, between lines 50 and 51, insert "This section shall not apply to or affect any date, time, or period specified in Sections 2050 5, 2053 5, 2256, 2630 5, 2706, 2839 5, 2843 5, 2892 5, 3045, 3105, 3107, 3935 5, 7964 5, 8136, 8140, 10502, 10601, or 10601 5."

**Amendment No. 6**

On page 3, line 5, of the printed bill, between "forces" and "or", insert "or auxiliary branch thereof,".

**Amendment No. 7**

On page 3, lines 9 and 10, of the printed bill, strike out "will be necessarily and unavoidably", and insert "believes that he will be"

**Amendment No. 8**

On page 3, line 39, of the printed bill, between "same" and "together", insert "in the return envelope but not in the identification envelope".

**Amendment No. 9**

On page 3, line 40, of the printed bill, between "ballot" and "to", insert "enclosed in the identification envelope,".

**Amendment No. 10**

On page 3, lines 48 and 49, of the printed bill, strike out "for said election".

**Amendment No. 11**

On page 3, line 50, of the printed bill, after "time", insert "prior to the election".

**Amendment No. 12**

On page 4, line 14, of the printed bill, strike out "absent voter's ballot", and insert "identification envelope".

**Amendment No. 13**

On page 5 of the printed bill, between lines 44 and 45, insert

"SEC. 15. Section 2540.1 is added to said code, to read:  
2540.1. A party is qualified to participate in any primary election:

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 3 per cent of the entire vote of the State, or for any one of its candidates who, upon the date of such gubernatorial election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and who was the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 per cent of the entire vote of the State; or

(b) If on or before the ninety-fifth day before any primary election it appears to the Secretary of State as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters,



equal in number to at least 1 per cent of the entire vote of the State at the last preceding Gubernatorial election, have declared their intention to affiliate with that party; or

(c) If on or before the ninety-fifth day before any primary election there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 per cent of the entire vote of the State at the last preceding Gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated therein, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters thereon shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point black-face type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

(d) Except that whenever the registration of any party which qualified in the previous direct primary election falls below one-tenth of 1 per cent of the total State registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group. The Secretary of State shall immediately remove the name of such party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

SEC. 16. Section 2571.5 is added to said code, to read:

2571.5. A statement of the number of voters in his county at the close of registration on the eleventh day prior thereto shall be transmitted to the Secretary of State by each county clerk at the following times:

- (a) On the twenty-ninth day before each Presidential primary.
- (b) On the one hundred fourth day before each direct primary.
- (c) On the twenty-ninth day before each direct primary.
- (d) On the twenty-ninth day before each general election.

The statement shall show the total number of voters in the county, the number registered as affiliated with each political party and the number who declined to state a party affiliation.

SEC. 17. Section 2630.5 is added to said code, to read:

2630.5. All sponsors' certificates and declarations of candidacy by sponsors which are required to be filed in the office of the Secretary of State shall, after being left with the county clerk, be forwarded by him on or before the seventy-second day prior to the direct primary election to the Secretary of State, who shall receive and file them. The county clerk shall forward with the sponsors' certificates and declarations of candidacy by sponsors a statement showing the total number which have not been marked "not sufficient."

#### **Amendment No. 14**

On page 5, line 45, of the printed bill, strike out "15", and insert "18".

#### **Amendment No. 15**

On page 6, line 15, of the printed bill, strike out "16", and insert "19".

#### **Amendment No. 16**

On page 6, line 49, of the printed bill, strike out "17", and insert "20".

#### **Amendment No. 17**

On page 7, line 5, of the printed bill, strike out "18", and insert "21".

#### **Amendment No. 18**

On page 7, line 11, of the printed bill, strike out "19", and insert "22".

#### **Amendment No. 19**

On page 7, line 24, of the printed bill, strike out "20", and insert "23".

#### **Amendment No. 20**

On page 7, line 35, of the printed bill, strike out "21", and insert "24".

#### **Amendment No. 21**

On page 7, line 47, of the printed bill, strike out "22", and insert "25".

#### **Amendment No. 22**

On page 8, line 10, of the printed bill, strike out "23", and insert "26".

#### **Amendment No. 23**

On page 8, line 19, of the printed bill, strike out "24", and insert "27".

#### **Amendment No. 24**

On page 8, line 25, of the printed bill, between "and" and "shall", insert ", unless the applicant is already a registered elector,".

#### **Amendment No. 25**

On page 8, line 27, of the printed bill, strike out "25", and insert "28".

**Amendment No. 26**

On page 8, line 32, of the printed bill, after "affiliation", insert " , or, if the applicant has not indicated his affiliation with a political party, a nonpartisan ballot".

**Amendment No. 27**

On page 9, line 1, of the printed bill, strike out "26", and insert "29".

**Amendment No. 28**

On page 9, line 9, of the printed bill, strike out "27", and insert "30".

**Amendment No. 29**

On page 9, line 16, of the printed bill, strike out "by reason of his service".

**Amendment No. 30**

On page 9, line 17, of the printed bill, strike out the comma.

**Amendment No. 31**

On page 9, line 29, of the printed bill, strike out "28", and insert "31".

**Amendment No. 32**

On page 9, line 33, of the printed bill, strike out "29", and insert "32".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**RESOLUTIONS**

The following resolutions were offered:

By Senators Hatfield, McBride, Crittenden, Donnelly, Ward, Dorsey, Fletcher, McCormack, Salsman, Gordon, Slater, Cunningham, Swing, and Kuchel.

**Senate Resolution No. 13**

**WHEREAS**, California effectively contributed to the winning of the war by increasing the production of food and fiber during 1943, despite handicaps resulting from war conditions; and

**WHEREAS**, It is fitting and proper that tribute be paid to those who have been instrumental in contributing to this achievement; and

**WHEREAS**, Such results could not have been attained without the cooperation of our Sister Republic, Mexico, and those of its citizens who left home and families to labor in strange fields in furtherance of the cause of the United Nations; and

**WHEREAS**, The citizens of Mexico, while engaged in agricultural work in this State, have at all times comported themselves so as to reflect honor and glory upon their Country and to bind more strongly the ties of friendship that exist between this Country and the United States of Mexico; and have, in addition to their intensive efforts in the cause of producing food and fiber, aided the prosecution of the war by the purchase of war bonds, and have cooperated fully and completely with civilian and military authorities at all times; and

**WHEREAS**, The responsible officials of the Republic of Mexico and of this State and Country have been zealous to foster the friendly atmosphere that has been engendered by this mutual effort upon the part of this Country and the United States of Mexico; now, therefore, be it

*Resolved by the Senate of the State of California*, That it hereby expresses its appreciation to the Republic of Mexico and to its citizens who have made common cause with us, and to all participating officials for their efforts to enable this State to bring its shoulder effectively to the wheel of production; and be it further

*Resolved*, That it is the sincere desire of this Senate that California may continue to have as its guests the citizens of its southerly neighbor, and that the existing spirit of understanding and good will shall continue to flourish; and be it further

*Resolved*, That copies of this resolution shall be sent by the Secretary of the Senate to the President and Vice President, and to the Secretary of State with the request that, if he deem it appropriate, the sentiments of this Senate be made known to the proper officers of our Sister Republic.

Resolution read, and unanimously adopted.

By Senators Shelley, Swan, Keating, Powers, Dorsey, and Burns:

**Senate Resolution No. 14**

Relating to memorializing Congress urging the enactment of a Federal Absentee Voters Law covering servicemen and servicewomen

**WHEREAS**, Approximately 10,000,000 citizens are now in the military services and Merchant Marine of the United States; and

WHEREAS, The vast majority of these American citizens are eligible to vote; and  
WHEREAS, Our Service Men are now fighting in a global war to maintain our form of government; and

WHEREAS, It is necessary for the success of that governmental system that the vote of the people be truly representative; and

WHEREAS, Those in the military forces and Merchant Marine should be given the maximum opportunity for voting; and

WHEREAS, Several States have enacted statutes varying in their provisions, while other States have wholly neglected to provide any procedures for voting by members of the services; and

WHEREAS, There is an imperative need for adequate, uniform machinery for absentee balloting by our military and Merchant Marine personnel; and

WHEREAS, The Federal Soldier Voting Law now in effect is not satisfactory; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Congress be memorialized to pass such legislation as will set up a simplified uniform ballot distributed by Federal authorities and that such ballots be distributed to the members of the armed services and to the Merchant Marine; and be it further

*Resolved*, That the Secretary of the Senate be hereby ordered to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of War, to the Secretary of the Navy, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Resolution read, and referred to Committee on Military and Veterans Affairs.

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

The following resolution was offered:

**Senate Concurrent Resolution No. 6:** By Senator Seawell—Relative to Harry Lane Englebright.

#### Request for Unanimous Consent

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

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

**Senate Concurrent Resolution No. 6**—Relative to Harry Lane Englebright.

Resolution read, and adopted by a rising vote of the following Senators:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38

NOES—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article XIII thereof, relating to revenue and taxation.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

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 Joint Resolution No. 8:** By Senators Breed, Dillinger, McCormack, Ward, Tickle, Biggar, and Crittenden—Relative to memorializing Congress to enact legislation to enable the transmission by air of election ballots and returns to and from locations where men of the armed forces may be stationed.

Referred to Committee on Military and Veterans Affairs

**Senate Bill No. 3:** By Senators Collier, DeLap, and Dillinger—An act to amend Sections 202 and 4986 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 4:** By Senator Swing—An act making an appropriation for expenses of Members of the Senate pursuant to Section 352 of the Political Code.

Referred to Committee on Rules.

**Senate Bill No. 5:** By Senator Dillinger—An act to amend Sections 2453, 2454, 2600, 2621, 2626, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897 and the article heading of Article 4 of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631 and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Referred to Committee on Elections.

#### RESOLUTIONS

The following resolution was offered:

By Senator Powers:

##### **Senate Resolution No. 15**

WHEREAS, There has been submitted to the Legislature at this special session the question of taxation by the State of California of Federal property located within the State or the receipt of payments in lieu of such taxation; and

WHEREAS, It will be necessary to amend the Constitution of the State of California before it will be possible to tax any such property of the United States in the State of California; and

WHEREAS, It appears that it will be advisable for the Legislature to have before it at the next regular session such information concerning the taxation of Federal property or securing of payments in lieu of such taxation as will enable the Legislature to enact such legislation as may be necessary to accomplish such purpose; now, therefore, be it

*Resolved*, That a Senate Interim Committee on Taxation of Federal Property is hereby created. The committee shall consist of five members and shall be appointed by the Committee on Rules; and be it further

*Resolved*, That it shall be the duty of this committee to make a study of all problems which may arise in connection with the taxation of federal property within the State of California, or the receipt of payments in lieu of such taxation, to study the best means of accomplishing such purpose, and to report to the Senate at the Fifty-sixth Session its recommendations with reference to such problem; and be it further

*Resolved*, That said committee shall have and may exercise all of the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules and Senate Rules; and be it further

*Resolved*, That said committee shall have power:

(1) To select a vice chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing on the subject matter of this resolution;

(7) To meet at any time during this session of the Legislature or after the final adjournment thereof;

(8) To report to this Senate at any time prior to final adjournment of the Fifty-sixth Regular Session of the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to make all necessary means to compel the attendance of witnesses and procure testimony;

(10) To do any and all things necessary to carry out the purposes and intent of this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) 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 ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of four thousand dollars (\$4,000) 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 disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**ADJOURNMENT**

At 3.45 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Sunday, January 30, 1944, out of respect to the memory of Henry E. Carter, H. S. G. McCartney, and Harry Lane Englebright.

JOHN F. LEA, Minute Clerk

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

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# SENATE DAILY JOURNAL

**FOURTH LEGISLATIVE DAY**  
**FOURTH CALENDAR DAY**

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO  
Sunday, January 30, 1944

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, 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, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### 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 Dayton Murry, Commander, Third District American Legion; Clair Shumate, Commander, Fort Humboldt Post American Legion; Bernard Q. Bartlett, Chairman, Draft Board; George G. Cloney, Member of Draft Board, all of Eureka.

On request of Hon. Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. Houghton, Commander of the Department of California, American Legion, El Monte, California; James Fisk, Adjutant, Department of California American Legion; Edmund Bolt, prominent member of the Department of California American Legion.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Aldo Guidotti, Boalt Hall Law School, Berkeley.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Homer J. Stream of Piedmont.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frederick F. Houser, wife of the Lieutenant Governor.

On request of Hon. Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Earl Warren, wife of the Governor of California.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. U. S. Abbott, Miss Elizabeth Ditto, and T. H. DeLap, all of Richmond; and Mrs. W. P. Rich of Marysville.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carroll J. Holt, Assistant Executive Officer, Boy Scouts of America; and daughter, Miss Dianne Holt, both of Sacramento.

On request of Senators Dorsey and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Harvey Veon, and Mr. and Mrs. H. R. Veon, both of Sacramento.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Arthur Dryden, United States Air Corps, and Mrs. Dryden, of Sacramento.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter A. Gordon, her sister, Mrs. Ella Hurd, and father, John Fisher of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hubert Scudder, former Assemblyman, Real Estate Commissioner.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1944

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. 5  
Senate Joint Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered and enrolled.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, January 29, 1944

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 8  
Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

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

QUINN, Chairman

Above reported resolution ordered to third reading.

#### MOTION TO PRINT REPORT

Senator Hatfield moved that the Secretary of the Senate be instructed to have 2,500 copies of the Partial Report of the Interim Investigating



Committee Concerning Japanese Resettlement printed in pamphlet form, and made available to the Members.

Senator Judah seconded the motion.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1944

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

Assembly Bill No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 6**—An act to amend Sections 202 and 4986 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Assembly Joint Resolution No. 11**—Relative to the President's Birthday and the March of Dimes.

#### Request for Unanimous Consent

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

#### CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 11

**Assembly 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 Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuebel, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1944

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

Assembly Joint Resolution No. 1

Assembly Joint Resolution No. 2

Assembly Joint Resolution No. 7

Assembly Concurrent Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 1**—Relative to memorializing Congress to simplify the income tax returns.

**Request for Unanimous Consent**

Senator Tenney 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 Congress to simplify the income tax returns.

Resolution read.

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

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolutions were read:

**Assembly Joint Resolution No. 2**—Relative to memorializing Congress to enact legislation providing for monthly payments upon honorable discharge for persons now in the armed forces of the United States.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 7**—Relative to the enactment of legislation by Congress permitting the taxation of property belonging to the United States by the States and their political subdivisions.

Referred to Committee on Revenue and Taxation.

**Assembly Concurrent Resolution No. 9**—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 second day of November, 1943.

Without reference to committee.

**REPORTS OF STANDING COMMITTEES****Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 30, 1944

**MR. PRESIDENT.** Your Committee on Military and Veterans Affairs, to which were referred:

Senate Joint Resolution No. 5

Senate Joint Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

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

QUINN, Chairman

Above reported resolutions ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Quinn 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 substitution of United States Army for War Relocation Authority in the administration of Tule Lake Japanese Center and other internment camps.

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, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salzman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Quinn 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 memorializing the President and the Congress of the United States in relation to the discharge of disabled veterans from the armed forces.

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, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salzman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RECESS**

At 12.36 p.m., on motion of Senator Seawell, the Senate recessed until 3 p.m.

**REASSEMBLED**

At 3 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Above resolution ordered enrolled.

### RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

#### Senate Resolution No. 16

WHEREAS, The Senate on April 7, 1943, by Senate Resolution No. 97, directed the Secretary of the Senate to have the chairs in the Senate Chamber repaired and upholstered at an estimated cost of not to exceed \$12 per chair; and

WHEREAS, Such service has been performed at a cost of approximately \$9 per chair, including cartage to and from San Quentin, now, therefore, be it

*Resolved*, That the Treasurer be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$309.16 to pay to the State Department of Finance and transportation agencies for materials and transportation necessary in connection with repair and upholstery of Senate chairs.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

By the Committee on Rules:

#### Senate Resolution No. 17

*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 five hundred dollars (\$500) in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, typewriter repairs, illuminating resolutions, expressage, bills from State Department of Finance, 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.

Resolution read.

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

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 29, 1944

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

Senate Resolution No. 15

Senate Joint Resolution No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5, committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Burns 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 in relation to the restoration of ordinary standard time in the winter months.

The roll was called.

**Call of the Senate**

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

Motion carried. Time 3.27 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 Rules**

SENATE CHAMBER, SACRAMENTO, January 29, 1944

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

Senate Bill No. 4

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

Committee membership 5; committee vote: Ayes 4; absent 1

SEAWELL, Chairman

Above reported bill ordered to second reading.

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

At 3.34 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Joint Resolution No. 4 adopted, by the following vote:

**AYES**—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Kuchel, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Swan, Swing, Tenney, and Ward—24.

**NOES**—Senators Biggar, Breed, Carter, DeLap, Judah, Keating, Mayo, McBride, Salsman, Shelley, and Slater—11.

Resolution ordered transmitted to the Assembly.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 4**—An act making an appropriation for expenses of Members of the Senate pursuant to Section 352 of the Political Code.

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

**Resolution to Suspend Constitutional Provision**

The following resolution was offered.

By Senator Swing:

*Resolved*, That Senate Bill No. 4 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, 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, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.  
NOES—None.

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

#### CONSIDERATION OF SENATE BILL NO. 4

**Senate Bill No. 4**—An act making an appropriation for expenses of members of the Senate pursuant to Section 352 of the Political Code.

Bill read third time.

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

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 30, 1944

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred: Assembly Joint Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

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

RICH, Chairman

#### REQUEST FOR UNANIMOUS CONSENT

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

#### CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 7

**Assembly Joint Resolution No. 7**—Relative to the enactment of legislation by Congress permitting the taxation of property belonging to the United States by the States and their political subdivisions.

Resolution read.

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

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.  
NOES—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Constitutional Amendment No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Concurrent Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolutions were read:

**Assembly Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 7 of Article X thereof, relating to the power of the Legislature over the criminal, penal, and correctional system of the State

Referred to Committee on Governmental Efficiency.

**Assembly Concurrent Resolution No. 10**—Relative to pay scales of State employees.

Referred to Committee on Governmental Efficiency.

**REPORTS OF STANDING COMMITTEES****Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Bill No. 6

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.

RICH, Chairman

Above reported bill ordered to second reading.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

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

**Senate Bill No. 6:** By Senator Keating—An act to include the officers and employees of the State Penal System within the State Civil Service and to provide disciplinary procedures governing such officers and employees, or to repeal Sections 6051 and 6052 of, and to add Sections 6051.1, 6051.2, 6051.4, 6052 and 6052.5 to, the Penal Code for the same purpose.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 7:** By Senator Keating—Relative to salaries of State prison guards.

**Request for Unanimous Consent**

Senator Keating 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 salaries of State prison guards.

Resolution read.

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

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—35.  
 NOES—None.

Resolution ordered transmitted to the Assembly.

### UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article XIII thereof, relating to revenue and taxation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 2?

#### Amendment No. 1

On page 2 of the printed measure, after line 16, insert  
 "Every act heretofore done and proceeding heretofore taken by this State or any taxing agency in the State in respect to the taxation of property belonging to the United States, is hereby validated and made legally effective from the date thereof, to the extent it would have been valid and legally effective if done or taken after the adoption of this amendment."

The roll was called, and the Senate concurred in Assembly amendments to Senate Constitutional Amendment No. 2 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
 NOES—None.

Above resolution ordered enrolled

#### Consideration of Assembly Amendments

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, 3305 and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections



2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812 5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1?

**Amendment No. 1**

On page 1, line 5, of the title of the printed bill, as amended, after "constitution;" insert "modifying and".

**Amendment No. 2**

On page 3, line 33, of the printed bill, as amended, after "Governor", insert ", but before the director may be removed, charges against him, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the Governor. The Governor may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the director. If the Governor removes the director his action shall be final".

**Amendment No. 3**

On page 3 of the printed bill, as amended, strike out lines 45 to 49, inclusive, and insert "are invested in the director"

**Amendment No. 4**

On page 4 of the printed bill, between lines 48 and 49, as amended, insert "One member shall be an attorney-at-law, one have had practical experience in handling adult prisoners, and one a sociologist in training and experience"

**Amendment No. 5**

On page 6, line 42, of the printed bill, as amended, after the second "of", insert "the director,".

**Amendment No. 6**

On page 6, line 44, of the printed bill, as amended, strike out the second "and three", and insert "two".

**Amendment No. 7**

On page 6, line 46, of the printed bill, as amended, strike out the period and "The director shall be ex officio"; and strike out all of line 47, and insert "and two members selected from among its members by the State Board of Prison Directors.

The director shall be a member and participate in the functions of the Board of Corrections at all times except that he shall not be a member when the board is considering charges against him or against any warden or superintendent."

**Amendment No. 8**

On page 6 of the printed bill, as amended, strike out lines 48 and 49, and insert "6026. The Board of Cor-".

**Amendment No. 9**

On page 6, line 50, of the printed bill, as amended, after "Authority", insert ", the Board of Trustees of the California Institution for Women".

**Amendment No. 10**

On page 7, line 2, of the printed bill, as amended, strike out "authority".

**Amendment No. 11**

On page 7, line 18, of the printed bill, as amended, insert "Chapter 55 The State Board of Prison Directors

6025 The director shall advise with the State Board of Prison Directors in the establishment of general policies for the operation and maintenance of the State Prison at San Quentin, the State Prison at Folsom, the California Institution for Men, and any other prison for adult male prisoners, and for the establishment of general policies for the care, custody, treatment, training, discipline, and employment of those confined in such prisons. The State Board of Prison Directors is hereby authorized to render such advice to the director.

6036. The director shall supply the property, supplies, and personnel necessary to enable the State Board of Prison Directors to perform its duties under this chapter.

6037. The State Board of Prison Directors shall prepare written reports for the director, the Governor, and the Legislature "

**Amendment No. 12**

On page 7, line 22, of the printed bill, as amended, strike out the period and "Each", and insert "and the Superintendent of the California Institution for Women. The superintendent and each".

**Amendment No. 13**

On page 7, line 23, of the printed bill, as amended, after "director", strike out the period and "The", and insert ", but before a warden or superintendent may be removed by the director, charges against him, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the director. The director may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the warden or superintendent. If the director removes the warden or superintendent his action shall be final. The superintendent and".

**Amendment No. 14**

On page 7, line 25, of the printed bill, as amended, strike out "All", and insert "From the effective date of this section until January 1, 1945, all".

**Amendment No. 15**

On page 7 of the printed bill, as amended, strike out lines 40 to 52, inclusive; and on page 8, strike out lines 1 to 4, and insert "The director may fix the compensation of persons appointed or employed under this section

6052 (a) On January 1, 1945 (hereinafter referred to as the effective date), the provisions of Article XXIV of the Constitution and the term "State Civil Service" shall include all officers and employees who on the effective date are within one of the following three classes:

Class 1. Officers and employees (i) holding positions on September 16, 1940, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) either continuously in the service of the Board of Prison Directors, the wardens, the department or any of them or, if not in such service continuously, the lack of continuity was due to service for which a right to return to the position vacated is granted under the State Civil Service Act, and (iii) holding a position subject to Section 6051 on the effective date

Class 2. Officers and employees (i) holding positions on September 16, 1940, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) on the effective date absent due to service for which a right to return is granted by the State Civil Service Act, and (iii) otherwise continuously employed in the service of the Board of Prison Directors, the wardens, the department or any of them

Class 3. Officers and employees (i) who did not hold positions on September 16, 1940, under the Board of Prison Directors, the wardens or either of them, (ii) were appointed or employed subsequent thereto and (iii) on the effective date were either holding a position subject to Section 6051 or absent due to service for which a right to return is granted under the State Civil Service Act

(b) Class 1 and Class 2 personnel shall be included in the State civil service in permanent positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to Class 2 personnel from the date they resume their position.

(c) Class 3 personnel shall be included in the State civil service in duration positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to personnel returning from war service from the date they resume their position.

(d) An officer or employee, directly or indirectly, entitled to or having permanent status under this section, who is displaced by one having a right of return, shall be accorded the same rights to elect demotion in lieu of layoff granted by Section 172 of the State Civil Service Act as though he had had permanent status at all times in any previous position. An officer or employee who is entitled to or has duration status under this section, who is displaced by one having a right of return, shall be accorded the same rights to elect demotion in lieu of layoff granted by Section 172 of the State Civil Service Act to permanent employees as though he had had permanent status at all times in any previous position, except that he shall not displace any one with permanent status or any one with probation status and eligible for permanent status, and he shall not receive any greater rights than the State Civil Service Act accords to those with duration status

(e) The State Civil Service Act shall govern with respect to conflicting claims to the same position after the effective date, the same as though the position were at all times subject to civil service.

(f) After the effective date the director shall be the appointing authority for all positions not otherwise provided for and, pursuant to the State Civil Service Act, may employ and fix the compensation for the personnel for such positions.

(g) Appointees of the Governor and persons holding positions designated to be confidential pursuant to paragraph (5) of subdivision (a) of Section 4 of Article XXIV (for the purposes of which paragraph the Adult Authority, the Youth Authority

and the Director of Corrections shall be considered separate boards, commissions and officers) shall remain exempt from civil service.

(h) "Right of return" as used in this section refers to rights expressly provided by the State Civil Service Act to return to a position after military service in time of war or during a period of preparation for National defense or service as a seaman as described in Section 174 of the State Civil Service Act, and refers to rights which may hereafter be granted expressly by the State Civil Service Act to return to a position after service to the Nation "

#### Amendment No. 16

On page 10 of the printed bill, as amended, strike out line 41; and in line 42, strike out "who shall be a woman and", and insert

"3320. The superintendent shall be a woman,".

#### Amendment No. 17

On page 11 of the printed bill, as amended, between lines 3 and 4, insert

"The director shall advise with the Board of Trustees of the California Institution for Women in the establishment of general policies for the operation and maintenance of the California Institution for Women and for the establishment of general policies for the care, custody, treatment, training, discipline and employment of those confined in the institution."

#### Amendment No. 18

On page 13 of the printed bill, as amended, strike out lines 27 and 28, and insert "who shall be appointed by the Adult".

#### Amendment No. 19

On page 4, line 11, of the printed bill, strike out "may", and insert "must".

#### Amendment No. 20

On page 4, line 15, of the printed bill, strike out "may", and insert "must".

#### Amendment No. 21

On page 3 of the printed bill, between lines 26 and 27, insert

"5004. In the administration of the State Criminal, Penal, and Correctional System, no person shall be discriminated against because of race, color, or creed."

#### Amendment No. 22

On page 2, line 13, of the printed bill, strike out the comma after "women", and insert a period; and strike out "and", and all of line 14.

#### Amendment No. 23

On page 5 of the printed bill, strike out all of lines 51 and 52.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No 1 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

#### Appointment of Committee on Conference

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Deuel, Mayo, and Dillinger as a Senate Committee on Conference concerning Senate Bill No. 1 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 30, 1944

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated January 27, 1944, appointing

HERBERT C. JONES, to the Board of Trustees, Agnews State Hospital, vice Dr. E. W. Hitchman;

MRS. MARY HAYWARD, to the Board of Trustees, Agnews State Hospital, vice B. D. Draper;

C. C. COTTRELL, to the Board of Trustees, Agnews State Hospital, vice Charles McDonald;

C. C. POMEROY, to the Board of Trustees, Agnews State Hospital, vice Dr. A. Knudsen;

REV. JOHN J. LAHERTY, to the Board of Trustees, Agnews State Hospital, vice C. V. Shessler;

MAYNARD GARRISON, to Insurance Commissioner, vice Anthony Caminetti, Jr. ;

GEORGE H. WILSON, to the California Farm Production Council, representing field crops;

CAMILIE A. GARNIER, to the California Farm Production Council, representing truck crops;

LOREN BAMERT, to the California Farm Production Council, representing livestock;

A. J. MCFADDEN, to the California Farm Production Council, representing citrus fruits and walnuts;

W. L. SMITH, to the California Farm Production Council, representing cotton;

FRANK M. SHAY, to the California Farm Production Council, representing deciduous fruits;

JOE HART, to the California Farm Production Council, representing dairy industry;

JAMES A. GUTHRIE, to the California Highway Commission, vice Helen McGregor;

C. ARNHOLT SMITH, to the California Highway Commission, vice Dora Shaw Heffner;

HOMER P. BROWN, to the California Highway Commission;

CHESTER H. WARLOW, to the California Highway Commission, vice W. T. Sweigert;

F. WALTER SANDELIN, to the California Highway Commission, vice self;

HARRISON R. BAKER, to the California Highway Commission, vice Verne Scoggins;

EDGAR E. LAMPTON, to the California Unemployment Insurance Appeals Board;

MICHAEL B. KUNZ, to the California Unemployment Insurance Appeals Board;

HOMER W. BUCKLEY, to the California Unemployment Insurance Appeals Board;

T. H. MUGFORD, to Chief of the Division of Accounts and Tax Collections, Department of Employment, and member, California Employment Stabilization Commission;

JAMES G. BRYANT, to the Department of Employment, Chief of the Division of Public Employment, and member, California Employment Stabilization Commission;

JAMES R. YOCKERS, to State Fire Marshal, vice Jay W. Stevens;

CHARLES M. WOLLENBERG, to the Director of Department of Social Welfare, vice Martha A. Chickering;

KARL W. HOLTON, to Youth Authority, vice self;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes—5.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

### Motion to Confirm Appointments by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointments of Herbert C. Jones, Mrs. Mary Hayward, C. C. Cottrell, C. C. Pomeroy, and Rev. John J. Laherty as members of Board of Trustees, Agnews State Hospital.

The President put the question "Will the Senate confirm and consent to the appointments of Herbert C. Jones, Mrs. Mary Hayward, C. C. Cottrell, C. C. Pomeroy, and Rev. John J. Laherty?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

**Appointments Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Herbert C. Jones, Mrs. Mary Hayward, C. C. Cottrell, C. C. Pomeroy, and Rev. John J. Laherty as members of the Board of Trustees, Agnews State Hospital.

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion to Confirm Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of Maynard Garrison of Pasadena as Insurance Commissioner.

The President put the question, "Will the Senate confirm and consent to the appointment of Maynard Garrison?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Maynard Garrison as Insurance Commissioner.

**CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR****Motion to Confirm Appointments by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointments of George H. Wilson, Camille A. Garnier, Loren Bamert, A. J. McFadden, W. L. Smith, Frank M. Shay and Joe Hart as members of the California Farm Production Council.

The President put the question, "Will the Senate confirm and consent to the appointments of George H. Wilson, Camille A. Garnier, Loren Bamert, A. J. McFadden, W. L. Smith, Frank M. Shay, and Joe Hart?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES**—None.

**Appointments Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointments of George H. Wilson, Camille A. Garnier, Loren Bamert, A. J. McFadden, W. L. Smith, Frank M. Shay, and Joe Hart as members of the California Farm Production Council.

**CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR****Motion to Confirm Appointments by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointments of James A. Guthrie, C. Arnholt Smith, Homer P. Brown, Chester H. Warlow, F. Walter Sandelin, and Harrison R. Baker as members of the California Highway Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of James A. Guthrie, C. Arnholt Smith, Homer P. Brown, Chester H. Warlow, F. Walter Sandelin, and Harrison R. Baker?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

#### **Appointments Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointments of James A. Guthrie, C. Arnholt Smith, Homer P. Brown, Chester H. Warlow, F. Walter Sandelin, and Harrison R. Baker as members of the California Highway Commission.

### **CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**

#### **Motion to Confirm Appointments by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointments of Edgar E. Lampton, Michael B. Kunz, and Homer W. Buckley as members of the California Unemployment Insurance Appeals Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Edgar E. Lampton, Michael B. Kunz, and Homer W. Buckley?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES**—None.

#### **Appointments Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Edgar E. Lampton, Michael B. Kunz, and Homer W. Buckley as members of the California Unemployment Insurance Appeals Board.

### **CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**

#### **Motion to Confirm Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of T. H. Mugford as Chief of the Division of Accounts and Tax Collections, Department of Employment, and member of California Employment Stabilization Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of T. H. Mugford?"

The roll was called with the following result:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

#### **Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of T. H. Mugford as Chief of the Divi-

sion of Accounts and Tax Collections, Department of Employment, and member of California Employment Stabilization Commission

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of James G. Bryant as Chief of the Division of Public Employment, Department of Employment, and member of the California Employment Stabilization Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of James G. Bryant?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

NOES—None.

##### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of James G. Bryant as Chief of the Division of Public Employment, Department of Employment, and member of the California Employment Stabilization Commission.

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of James R. Yockers of Los Angeles as State Fire Marshal.

The President put the question, "Will the Senate confirm and consent to the appointment of James R. Yockers?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

##### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of James R. Yockers as State Fire Marshal.

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Charles M. Wollenberg as Director of the Department of Social Welfare.

The President put the question, "Will the Senate confirm and consent to the appointment of Charles M. Wollenberg?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Charles M. Wollenberg as Director of the Department of Social Welfare.

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion to Confirm Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of Karl W. Holton as a member of the Youth Authority.

The President put the question, "Will the Senate confirm and consent to the appointment of Karl W. Holton?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Karl W. Holton as a member of the Youth Authority.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Dillinger asked for, and was granted, unanimous consent to take up Assembly Bill No. 6, at this time, for purpose of amendment.

**CONSIDERATION OF ASSEMBLY BILL NO. 6**

**Assembly Bill No. 6**—An act to amend Sections 202 and 4986 of the Revenue and Taxation Code, relating to taxation.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Dillinger:

*Resolved*, That Assembly Bill No. 6 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

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

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

**Assembly Bill No. 6**—An act to amend Sections 202 and 4986 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Motion to Amend**

Senator Dillinger moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "the Revenue and"; and strike out line 2 of the title, and insert "and to add Section 4653.5 to, the Revenue and



Taxation Code, relating to taxation of property belonging to the United States and receipt of payments in lieu of such taxation "

**Amendment No. 2**

On page 2 of said bill, after line 15, insert

"SEC. 3 Section 4653 5 is added to said code, to read:

4653 5. The county auditor is authorized to accept payments in lieu of taxes, other than city taxes, on property which belongs to the United States and is exempt from taxation Unless otherwise prescribed by the agency making such payment(s) the amounts received shall be distributed as are amounts received in payment of taxes "

**Amendment No. 3**

On page 2, line 16, of said bill, after "SEC.", strike out "3", and insert "4".

**Amendment No. 4**

On page 2, line 21. of said bill, after "Constitution," insert "Sections 1 and 2".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Shelley 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**—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 second day of November, 1943.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

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

**CONSIDERATION OF SENATE RESOLUTION NO. 15**

By Senator Powers:

**Senate Resolution No. 15**

**WHEREAS**, There has been submitted to the Legislature at this special session the question of taxation by the State of California of Federal property located within the State or the receipt of payments in lieu of such taxation; and

**WHEREAS**, It will be necessary to amend the Constitution of the State of California before it will be possible to tax any such property of the United States in the State of California; and

**WHEREAS**, It appears that it will be advisable for the Legislature to have before it at the next regular session such information concerning the taxation of Federal property or securing of payments in lieu of such taxation as will enable the Legislature to enact such legislation as may be necessary to accomplish such purpose; now, therefore, be it

*Resolved*, That a Senate Interim Committee on Taxation of Federal Property is hereby created. The committee shall consist of five members and shall be appointed by the Committee on Rules; and be it further

*Resolved*, That it shall be the duty of this committee to make a study of all problems which may arise in connection with the taxation of Federal property within the State of California, or the receipt of payments in lieu of such taxation, to study the best

means of accomplishing such purpose, and to report to the Senate at the Fifty-sixth Session its recommendations with reference to such problem; and be it further

*Resolved*, That said committee shall have and may exercise all of the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3, of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules and Senate Rules; and be it further

*Resolved*, That said committee shall have power:

(1) To select a vice chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing on the subject matter of this resolution;

(7) To meet at any time during this session of the Legislature or after the final adjournment thereof;

(8) To report to this Senate at any time prior to final adjournment of the Fifty-sixth Regular Session of the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(10) To do any and all things necessary to carry out the purposes and intent of this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) 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 ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of four thousand dollars (\$4,000) 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 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, Brown, Burns, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Joint Resolution No. 12

Assembly Joint Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 12**—Relating to the prevention of undue hardship on California industries.

## Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 12, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 12

**Assembly Joint Resolution No. 12**—Relating to the prevention of undue hardship on California industries.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Ward—26.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 13**—Relating to termination of war contracts.

## Request for Unanimous Consent

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

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 13

**Assembly Joint Resolution No. 13**—Relating to termination of war contracts.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kuchel, Mayo, McBride, Parkman, Salsman, Seawell, Swan, Swing, Tenney, and Ward—23.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Bill No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bill was read the first time:

**Assembly Bill No. 7**—An act making an appropriation for expenses of members of the Assembly pursuant to Section 352 of the Political Code.

**Request for Unanimous Consent**

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

**CONSIDERATION OF ASSEMBLY BILL NO. 7****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 7 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, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.  
**NOES**—None.

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

**Assembly Bill No. 7**—An act making an appropriation for expenses of members of the Assembly pursuant to Section 352 of the Political Code.

Bill read second time.

**Assembly Bill No. 7**—An act making an appropriation for expenses of members of the Assembly pursuant to Section 352 of the Political Code

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, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.  
**NOES**—None

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. 7:** By Senators Dillinger, Rich, Seawell, and Collier—An act calling a special election for the same day on which the presidential primary election is held in the year 1944, to submit to the electors of California an amendment to the Constitution of the State relating to revenue and taxation, proposed by the Legislature.

Referred to Committee on Elections.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Breed 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**—Relative to memorializing Congress to enact legislation to enable the transmission by air of election ballots and returns to and from locations where men of the armed forces may be stationed.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RESOLUTIONS**

The following resolution was offered:

By Senator Hatfield:

**Senate Resolution No. 18**

**WHEREAS**, On December 20, 1943, the California State Board of Agriculture passed the following resolution

"Whereas, it will be the responsibility of military authorities to determine the duration of that period of military necessity on the ground of which they decided early in 1942 to evacuate persons of Japanese ancestry from the Pacific coast

"Therefore be it resolved that if and when the military authorities shall decide that military necessity no longer requires that persons of Japanese ancestry shall be excluded from this State, the California State Board of Agriculture in the light of that decision will use its influence to assure that race prejudice shall not jeopardize the lawful participation of this or any other group in the agricultural life and industry of the State."

And

**WHEREAS**, The fact that said resolution did not represent the views of the great body of agriculture in this State is demonstrated by the subsequent action of the board rescinding the adoption of said resolution by a vote of five to one, and

**WHEREAS**, The refusal of the one member who cast the negative vote to conform to the wishes of agriculture demonstrates that she is absolutely unqualified for membership on the board; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Governor and all future Governors of this State are requested to obey both the letter and spirit of the laws governing the making of appointments to the California State Board of Agriculture, to the end that said body shall be totally representative and in sympathy with the interests of agriculture

Resolution read, and unanimously adopted.

**REPORTS OF STANDING COMMITTEES****Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 30, 1944

**MR. PRESIDENT**: Your Committee on Military and Veterans Affairs, to which was referred—

Senate Resolution No. 14

Has had the same under consideration, and reports the same back with amendments with the recommendation. Amend, and be adopted as amended

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

QUINN, Chairman

## REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Resolution No. 14, at this time, for purpose of adoption of the amendments.

## CONSIDERATION OF SENATE RESOLUTION NO. 14

**Senate Resolution No. 14**—Relating to memorializing Congress urging the enactment of a Federal Absentee Voters Law covering Servicemen and Servicewomen.

## Motion to Amend

Senator Shelley moved the adoption of the following amendment:

## Amendment No. 1

After the first paragraph, beginning with the word "Resolved", insert  
*"Resolved*, That the Congress be memorialized to instruct the Federal agency authorized to distribute and collect the uniform Federal ballot to cooperate with those several States which have set up a system for the taking of a Soldier's vote to the end that no individual receives two ballots; and be it further".

Amendment read and adopted.

Resolution ordered printed in Journal, as amended.

## Senate Resolution No. 14, as Amended

By Senators Shelley, Swan, Keating, Powers, Dorsey, and Burns:

## Senate Resolution No. 14

Relating to memorializing Congress urging the enactment of a Federal Absentee Voters Law covering servicemen and servicewomen

WHEREAS, Approximately 10,000,000 citizens are now in the military services and Merchant Marine of the United States; and

WHEREAS, The vast majority of these American citizens are eligible to vote; and

WHEREAS, Our Service Men are now fighting in a global war to maintain our form of government; and

WHEREAS, It is necessary for the success of that governmental system that the vote of the people be truly representative; and

WHEREAS, Those in the military forces and Merchant Marine should be given the maximum opportunity for voting; and

WHEREAS, Several States have enacted statutes varying in their provisions, while other States have wholly neglected to provide any procedures for voting by members of the services; and

WHEREAS, There is an imperative need for adequate, uniform machinery for absentee balloting by our military and Merchant Marine personnel; and

WHEREAS, The Federal Soldier Voting Law now in effect is not satisfactory; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Congress be memorialized to pass such legislation as will set up a simplified uniform ballot distributed by Federal authorities and that such ballots be distributed to the members of the armed services and to the Merchant Marine; and be it further

*Resolved*, That the Congress be memorialized to instruct the Federal agency authorized to distribute and collect the uniform Federal ballot to cooperate with those several States which have set up a system for the taking of a Soldier's vote to the end that no individual receives two ballots; and be it further

*Resolved*, That the Secretary of the Senate be hereby ordered to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of War, to the Secretary of the Navy, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Senate Bill No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, 3305 and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1920, at page 949.

And appointed Messrs. Fourt, Field, and Johnson as a Committee on Conference concerning said bill.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Senate Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Joint Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 10**—Relative to memorializing the President and the Congress of the United States with reference to Japanese internees.

Referred to Committee on Military and Veterans Affairs.

**ADJOURNMENT**

At 5.35 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Monday, January 31, 1944.

JOHN F. LEA, Minute Clerk





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

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# SENATE DAILY JOURNAL

**FIFTH LEGISLATIVE DAY**  
**FIFTH CALENDAR DAY**

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO  
Monday, January 31, 1944

The Senate met at 11 a. m.

Hon. Jerrold L. Seawell, President pro tempore 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, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Doisey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Margaret Mathewson of 348 Euclid Avenue, Oakland.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Malone, and Annette Shockley of Riverside, Marjorie Hawthorne of Santa Ana; Ethel Winters of Sacramento; Leora Warren and Hazel Schumacker of Modesto; Alberta Wallace of Long Beach; United Association of Cosmetologists.

On request of Hon. Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Carl Cotter, wife of Admiral Carl Cotter; Mrs. Jules Ziegemier, wife of the late Admiral Ziegemier; and Mrs. Belle Kelly, Social Director of Palace Hotel, San Francisco.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leslie A. Cleary,

District Attorney of Stanislaus County; K. Knudsen, Executive Secretary, Stanislaus County Defense, Modesto.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Norma Marquis, teacher, and the following students of the Stockton High School: Bob Stein, Ann Neilson, Ann Passadone, and Mary Borelli.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1944

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

Assembly Bill No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Joint Resolution No. 16**—Relative to the hospitalization of veterans.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 3**—An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5 and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Elections.

President of the Senate Presiding

At 11.15 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

**Senate Resolution No. 19**

WHEREAS, It appears that the employees engaged in the service of the State in various hospitals and other institutions enjoy fewer holidays in the year than do State employees generally; and

WHEREAS, We realize that there are difficult problems involved in according to the faithful employees serving in our various institutions the identical holidays enjoyed by other State employees, problems due in part to the need of continuous care and supervision of the inmates and in part to the existing manpower situation and the shortage of available personnel, problems that call for thorough and searching study and analysis if a just and equitable solution is to be found; now, therefore, be it

*Resolved by the Senate of the State of California*, That the State Personnel Board is hereby requested at once to enter upon such a study, conduct the study with all possible expedition, and upon ascertaining a remedy to put the remedy into force and effect to the extent that such may be within the board's power to do, and then to report

thereon to the Governor not later than the next meeting of the Legislature, including in its report such recommendations as it may have concerning legislation needed for the complete accomplishment of the objects and purposes herein expressed; and be it further

*Resolved*, That the Secretary of the Senate is instructed forthwith to transmit copies of this resolution to the Governor and to the members of the State Personnel Board.

Resolution read, and unanimously adopted.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 8:** By Senator Tickle—Relative to the death of Hon. Carl C. Baker.

##### Request for Unanimous Consent

Senator Tickle 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 the death of Hon. Carl C. Baker.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuehl, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Joint Resolution No. 6

Senate Joint Resolution No. 2

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Joint Resolution No. 14

Assembly Joint Resolution No. 5

Assembly Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 14**—Memorializing the President, the Secretary of War, the Secretary of the Navy, and the Office of War Information, relative to the prompt release of war news.

##### Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 14, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 14**

**Assembly Joint Resolution No. 14**—Memorializing the President, the Secretary of War, the Secretary of the Navy, and the Office of War Information, relative to the prompt release of war news.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Crittenden, DeLap, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—21.

**NOES**—Senators Carter, Cunningham, Judah, Luckey, McBride, Powers, and Quinn—7.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 5**—Relative to memorializing Congress to enact legislation to provide for the disposal by the United States Government of certain military vehicles and other equipments suitable for civilian use to United States veterans of the present conflict, to cities and counties and to the State Departments of Education at the lowest possible price, and also to enact legislation for the financing of such purchases whenever necessary.

**Request for Unanimous Consent**

Senator Gordon 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 Congress to enact legislation to provide for the disposal by the United States Government of certain military vehicles and other equipments suitable for civilian use to United States veterans of the present conflict, to cities and counties and to the State Departments of Education at the lowest possible price, and also to enact legislation for the financing of such purchases whenever necessary.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 15**—Relative to memorializing the Congress of the United States regarding the matter of additional legislation to end the general uncertainty under which producers of agricultural commodities are now laboring.

**Request for Unanimous Consent**

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

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 15**

**Assembly Joint Resolution No. 15**—Relative to memorializing the Congress of the United States regarding the matter of additional legislation to end the general uncertainty under which producers of agricultural commodities are now laboring.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—30.

**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. 9**: By Senator Seawell—Relative to adjournment sine die of the Fifty-fifth (Third Extraordinary) Session of the Legislature of the State of California.

**Request for Unanimous Consent**

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

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 9**

**Senate Concurrent Resolution No. 9**—Relative to adjournment sine die of the Fifty-fifth (Third 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, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RECESS**

At 11.40 p.m., on motion of Senator Seawell, the Senate recessed until call of the chair.

**REASSEMBLED**

At 12.10 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**REPORTS OF STANDING COMMITTEES****Committee on Elections**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly 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 7; committee vote: Ayes 7.

BREED, Chairman

**Request for Unanimous Consent**

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

**CONSIDERATION OF ASSEMBLY BILL NO. 3****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Breed:

*Resolved*, That Assembly Bill No. 3 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, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

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

**Assembly Bill No. 3**—An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5 and 5931.5 of, and to repeal Sections 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 3 of the printed bill, as amended, between lines 43 and 44, insert "SEC. 7. Section 132.5 of said code as added by Chapter 865, Statutes of 1943, is repealed"

**Amendment No. 2**

On page 4, line 12, of said bill, strike out "he", and insert "the affiant".

**Amendment No. 3**

On page 4, lines 15 and 16, of said bill, strike out "so applying who are or will be temporarily absent from their home precinct", and insert "applying for them".

**Amendment No. 4**

On page 5, line 18, of said bill, strike out the comma.

**Amendment No. 5**

On page 5, line 19, of said bill, after "envelope", insert a comma.

**Amendment No. 5a**

On page 7, line 31, of said bill, strike out "90", and insert "100"

**Amendment No. 6**

On page 9, line 3, of said bill, strike out "filed", and insert "filled".

**Amendment No. 7**

On page 9, line 15, of said bill, strike out "unles", and insert "unless".

**Amendment No. 8**

On page 9, line 24, of said bill, strike out "less than 100 nor more", and insert "more than 100 nor less".

**Amendment No. 9**

On page 9 of said bill, between lines 32 and 33, insert

"SEC. 39.5. Section 3720 is added to said code, to read:

3720 Notwithstanding any provision of this code relating to the form, size, weight, and content of the ballot for either the presidential primary, the direct primary, or the general election, the Secretary of State, at any time prior to the seventieth day prior to the election, may prescribe, in his discretion, a form of ballot for use by absent voters at any of said elections and may reduce the size and weight of the ballot and, in such manner as to facilitate the transmission of the ballot by mail to war voters, rearrange the form of the ballot, and rearrange, without elimination or addition, the content thereof. He may also provide uniform envelopes for use in absent voting, and, upon the request of a clerk, may purchase such envelopes, the expenses thereof to be paid from the revolving fund created by Section 3704 of this code. Reimbursement shall be made as provided in said section."

**Amendment No. 10**

On page 11 of said bill, strike out lines 37 to 52, inclusive.

**Amendment No. 11**

On page 12, lines 45 and 46, of said bill, strike out "for the candidates of more than one political party, or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Resolution No. 20

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

SEAWELL, Chairman.

**RECESS**

At 12.18 p m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**REPORTS OF STANDING COMMITTEES****Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Senate without action.

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

SWING, Chairman

Above reported resolution ordered to second reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Assembly Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 7 of Article X thereof, relating to the power of the Legislature over the Criminal, Penal, and Correctional System of the State.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 12, of the printed measure, after "any", insert "such".

**Amendment No. 2**

On page 2, line 2, of the printed measure, after "of", insert "any such".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Elections**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Bill No. 7

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

Committee membership 7; committee vote. Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT**

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

**CONSIDERATION OF SENATE BILL NO. 7****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Breed:

*Resolved*, That Senate Bill No. 7 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, Burns, Crittenden, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

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

**Senate Bill No. 7**—An act calling a special election for the same day on which the presidential primary election is held in the year 1944, to



submit to the electors of California an amendment to the Constitution of the State relating to revenue and taxation, proposed by the Legislature.

Bill read second time.

Above bill ordered placed on file.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: The Committee on Rules appoints the following Senators members of the committee authorized under Senate Resolution No. 15:

Senators Powers, Shelley, Judah, Dillinger, and Cunningham.

SEAWELL, Chairman

##### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Concurrent Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

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

SWING, Chairman

#### REQUEST FOR UNANIMOUS CONSENT

Senator Swing 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**—Relative to pay scales of State employees.

Resolution read.

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

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution, modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them, reorganizing the State Bureau of Criminal Identification and Investigation, placing the licensing of private detectives in the Department of Professional and Vocational Standards, integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article

1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700 1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, 3305 and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article IIM of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732 4, 1732 7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Joint Resolution No. 6

Assembly Concurrent Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 12**—Relative to encouraging industry to mobilize its resources and capacities to build the West and its empire.

#### Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 12, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 12

**Assembly Concurrent Resolution No. 12**—Relative to encouraging industry to mobilize its resources and capacities to build the West and its empire.

Resolution read.

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

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Rich, Seawell, Shelley, Swan, Swing, Tenney, and Ward—24

NOES—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 6**—Relative to standard time.

Without reference to committee, ordered held at desk.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3220, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2690, 3053, 3300, 3301, 3305 and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of, and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article 11M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 15 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1920, at page 949;

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 bill, as amended on January 29, 1944, be further amended as follows:

**Amendment No. 1**

On page 2, line 13, of the printed bill, as amended in the Assembly on January 29, 1944, after "Women", insert ". and the Youth Authority".

**Amendment No. 2**

On page 3 of said bill, strike out lines 32 to 34, inclusive.

**Amendment No. 3**

On page 6 of said bill, between lines 15 and 16, insert "6000. There is in the Department of Corrections the Youth Authority."

**Amendment No. 4**

On page 8, line 10, of said bill, before "shall", insert "and with the advice and consent of the Senate,".

**Amendment No. 5**

On page 8 of said bill, strike out lines 25 to 33, inclusive, and insert "uary 1, 1945, all persons heretofore serving in positions exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, except the wardens, engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, are hereby transferred to the department on the effective date of this section, and shall continue to be exempt from civil service under said paragraph, as appointees or employees of a warden, and subject to removal by the director."

**Amendment No. 6**

On page 9, line 17, of said bill, strike out "in time of war".

**Amendment No. 7**

On page 9 of said bill, between lines 33 and 34, insert

"Class 4. Officers and employees (i) who did not hold positions on September 16, 1940, under the Board of Prison Directors, the wardens or either of them, (ii) were appointed or employed subsequent thereto after their qualifications had been ascertained and determined by written examination given by the State Personnel Board and (iii) on the effective date were either holding a position subject to Section 6051 or absent due to service for which a right to return is granted under the State Civil Service Act."

**Amendment No. 8**

On page 9, line 34, of said bill, strike out "and Class 2". and insert ", Class 2 and Class 4".

**Amendment No. 9**

On page 9, line 39, of said bill, after "position", insert "and with respect to Class 4 personnel returning from war service from the date they resume their position".

**Amendment No. 10**

On page 10, line 27, of said bill, strike out "as used in this section refers", and insert "and "right to return" as used in this section refer".

**Amendment No. 11**

On page 10 of said bill, strike out lines 35 to 40, inclusive, and insert "6053. All persons other than temporary appointees heretofore serving in the State civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the State civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to".

**Amendment No. 12**

On page 14, line 36, of said bill, after "bureau", insert "; provided, that no investigation of the acts or conduct of any State agency or State official shall be initiated or made through or by the bureau or any employee thereof, without the authorization of the Attorney General particularly specifying the office, department or person to be investigated and the scope and purposes of the investigation".

DEUEL  
DILLINGER  
MAYO

Senate Committee on Conference

FOURT  
FIELD  
JOHNSON

Assembly Committee on Conference

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

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tickle, and Ward—33

NOES—Senators Collier, Seawell, and Tenney—3.

Senate Bill No. 1 ordered enrolled.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated January 27th, 1944, appointing

JULIAN ALCO, to the State Board of Prison Directors, vice self;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 3; Noes 2

SEAWELL, Chairman

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion to Confirm Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of Julian Alco as a member of State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Julian Alco?"

The roll was called, with the following result:

**AYES**—Senators Breed, Burns, Collier, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mixter, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tickle, and Ward—21.

**NOES**—Senators Biggar, Carter, Crittenden, Donnelly, Dorsey, Hatfield, Keating, Luckey, Mayo, McBride, Seawell, Shelley, and Tenney—13

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Julian Alco as a member of the State Board of Prison Directors.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Collier:

##### Senate Resolution No. 20

**WHEREAS**, There has recently been published a complete and comprehensive set of Codes and General Laws of the State of California, including legislative enactments of 1943; and

**WHEREAS**, Publishers of said volumes have quoted the Senate a price of approximately 40 per cent less than the list price for this revised set of codes; and

**WHEREAS**, The increased convenience which will accrue to the Members of the Senate by virtue of the possession of this readily available and authentic source of information will greatly facilitate and expedite the transaction of legislative business; now, therefore, be it

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to order for the Senate and the members thereof sets of the latest edition of the Codes and General Laws; and be it further

*Resolved*, That the Controller be directed to draw his warrant on the Contingent Fund of the Senate in a sum of thirty-five hundred dollars (\$3,500) in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same to pay for said Codes and General Laws.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Swan, Tenney, Tickle, and Ward—31.

**NOES**—Senator Gordon—1

By Senator Tickle:

##### Senate Resolution No. 21

*Resolved*, That the President of the Senate appoint a Committee of Three Senators to attend the funeral of the late Honorable Carl C. Baker, which funeral will take place at Salinas, California, on Wednesday, February 2, 1944; and be it further

*Resolved*, That the Secretary of the Senate be directed to order a floral piece for said funeral; and be it further

*Resolved*, That the members of this committee be allowed their necessary traveling expenses, if any, in connection with the performance of their duties as members of this committee and that the Controller be and he is hereby ordered to draw his warrant on the Contingent Fund of the Senate in a sum not to exceed fifty dollars (\$50) in favor of the Secretary of the Senate, and the Treasurer is directed to pay the same, a part of which sum shall be paid to the members of the committee upon the certification to the Secretary of the Senate of expenses necessarily incurred.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

**NOES**—None.

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators Tickle, Chairman; Salsman, and Judah as a Committee from the Senate to attend the funeral of the late Carl C. Baker.

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

The following resolution was offered :

**Senate Joint Resolution No. 9:** By Senators Hatfield, Quinn, Slater, Dorsey, and Donnelly—Relative to memorializing Congress to provide for the deportation of alien and inimical Japanese at the conclusion of the present war.

Referred to Committee on Military and Veterans Affairs.

**REPORTS OF STANDING COMMITTEES****Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

**MR. PRESIDENT:** Your Committee on Military and Veterans Affairs, to which were referred :

*Senate Joint Resolution No. 9*

*Assembly Joint Resolution No. 16*

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote. Ayes 5; absent 4.

QUINN, Chairman

**REQUEST FOR UNANIMOUS CONSENT**

Senator Quinn asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 9, at this time, for consideration.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9**

**Senate Joint Resolution No. 9**—Relative to memorializing Congress to provide for the deportation of alien and inimical Japanese at the conclusion of the present war.

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, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Quinn asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 16, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 16**

**Assembly Joint Resolution No. 16**—Relative to the hospitalization of veterans.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating,

Luekey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.  
NOES—None.

Resolution ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 7**—An act calling a special election for the same day on which the presidential primary election is held in the year 1944, to submit to the electors of California an amendment to the Constitution of the State relating to revenue and taxation, proposed by the Legislature.

Bill read third time.

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

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

### CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Joint Resolution No. 2**—Relative to increase of price of crude petroleum.

The question being : Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 2?

#### Amendment No. 1

On page 1 of the printed measure, strike out all of lines 6 to 19, inclusive.

#### Amendment No. 2

On page 1 of said measure, strike out lines 23 to 29, inclusive.

#### Amendment No. 3

On page 2 of said measure, strike out lines 1 to 4, inclusive, and insert "WHEREAS, Current production costs of oil have increased ; and".

#### Amendment No. 4

On page 2 of said measure, strike out lines 9 to 13, inclusive.

#### Amendment No. 5

On page 2 of said measure, strike out lines 19 to 32, inclusive.

#### Amendment No. 6

On page 2, line 35, of said measure, after "by", insert "substantially".

#### Amendment No. 7

On page 2 of said measure, strike out line 36, and in line 37, strike out "per barrel", and insert "oil, crude oil, and crude oil products produced in California ;".

#### Amendment No. 8

On page 2, line 41, of said measure, after "oil", insert "and crude oil products".

#### Amendment No. 9

On page 2, line 41, of said measure, after "California", strike out the balance of line 41 and all of lines 42 to 44, inclusive, and insert " ; and be it further".

The roll was called, and the Senate concurred in Assembly amendments to Senate Joint Resolution No. 2 by the following vote :

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—29.  
NOES—None.

Above bill ordered enrolled.

## THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 3**—An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5 and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, 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, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 3.35 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

## RESOLUTIONS

The following resolution was offered:

By Senator Powers:

## Senate Resolution No. 22

**WHEREAS**, There is great public interest in the meetings of the different Interim Committees; and

**WHEREAS**, It is difficult for those interested to follow the meetings of these committees which meet in many different cities in the State; and

**WHEREAS**, It would be of great assistance to Members of the Legislature and persons interested in the proceedings of these committees to have information of these meetings made available in some central place; now, therefore, be it

*Resolved*, That the chairman of each Interim Committee be and he is hereby requested to notify the Secretary of the Senate as to the date and place of future meetings of his committee which will be open to the public, and he is further requested that such notice be given at a reasonable time prior to the contemplated meeting.

Resolution read, and unanimously adopted.



**CONSIDERATION OF ASSEMBLY AMENDMENTS**

**Senate Joint Resolution No. 6**—Relative to memorializing the President and Congress of the United States in relation to discharge of disabled veterans from the armed forces.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 6?

**Amendment No. 1**

On page 2 of the printed measure, strike out lines 11 to 15, inclusive, and insert "To provide veterans at the time of their discharge with all necessary records and proof required for veteran administration action on compensable disability incurred in service."

The roll was called, and the Senate concurred in Assembly amendment to Senate Joint Resolution No. 6 by the following vote:

**AYLS**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Donnelly, Hatfield, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—23.  
**NOES**—None.

Senate Joint Resolution No. 6 ordered enrolled.

**REPORTS OF STANDING COMMITTEES****Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

**MR. PRESIDENT:** Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 2  
Has had the same under consideration, and reports the same back with amendments with the recommendation Amend, and be adopted, as amended.

Committee membership 9; committee vote Ayes 5; absent 4

**QUINN, Chairman**

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Joint Resolution No. 2**—Relative to memorializing Congress to enact legislation providing for monthly payments upon honorable discharge for persons now in the armed forces of the United States.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

In the title of the printed resolution, strike out lines 2, 3, and 4, and insert "Congress to enact legislation providing a Bill of Rights for veterans of World War II."

**Amendment No. 2**

On page 1, line 2, of the said resolution, strike out "and Merchant Marine".

**Amendment No. 3**

On page 1, line 5, of the said resolution, strike out "service"; and strike out lines 6 to 16, inclusive, and insert "and Service Women; and".

**Amendment No. 4**

On page 1, line 18, of the said resolution, strike out "and Merchant Marine".

**Amendment No. 5**

On page 1, line 21, of the said resolution, strike out "and", and insert "now, therefore be it".

**Amendment No. 6**

On page 1 of the said resolution, strike out lines 22 to 25, inclusive.

**Amendment No. 7**

On page 2 of the said resolution, strike out lines 3 to 12, inclusive, and insert "ized to enact that program for benefit to veterans of World War II proposed by S. 1617, by Senator Clark and others, and H R. 3917, by Representative Rankin and others, now pending in the Congress of the United States, which bills embody the program of the American Legion, known as the "Bill of Rights" for men and women now in the armed services; and be it further".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Joint Resolution No. 2**—Relative to memorializing Congress to enact legislation providing for monthly payments upon honorable discharge for persons now in the armed forces of the United States.

Resolution read.

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

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MOTION TO PRINT IN JOURNAL**

Senator Seawell moved that the following report of the Governor concerning certain proclamations be printed in the Journal:

Motion carried.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO (14). January 31, 1944

*To the Senate of the State of California*

In accordance with the requirement of Sec 17 of Chap. 229, Stats of 1943, I hereby report to the Legislature the provisions of certain proclamations issued by me since adjournment of your last session. These proclamations were issued pursuant to Sections 4 and 15 of Chap. 229 (generally known as the Blackout and Dimout Law) and represent changes made in and supplements to existing laws and regulations recommended by the State War Council after study, investigation or hearing made by it and the staff of the State Director of Civilian Defense, and with the full concurrence and approval in each instance of the Commanding General of the Western Defense Command.

My office and the State War Council have consistently received the earnest and complete cooperation and assistance at all times from the Commanding General and his staff, as well as from the Ninth Regional Civilian Defense Board and the Regional Director of the Office of Civilian Defense.

Attached hereto are copies of the proclamations mentioned, six in number. For the purpose of distinguishing them from other proclamations, they have been designated as "War Powers Proclamations."

War Powers Proclamations Nos. 1 and 2 were issued May 19, 1943. No. 1 established air raid precautions for railroads—a subject not theretofore covered by law.

No 2 extended for 60 days the life of blackout driving permits issued prior to the taking effect of any State law on the subject, until such time as the machinery for issuing permits by the State Director of Civilian Protection (pursuant to Sec 11 of Chap. 229, Stats 1943) could get into operation.

War Powers Proclamation No. 3, issued July 16, 1943, extended the life of those permits to September 1, 1943, when it was found such additional time was needed.

War Powers Proclamation No 4, issued October 8, 1943, was a revision of the dimout regulations made necessary by the changes made by Public Proclamation No. 12 of the Commanding General of the Western Defense Command. No 4 conformed precisely to the said military proclamation and is virtually a word for word repetition thereof.

War Powers Proclamation No. 5, issued November 4, 1943, constituted a relaxation of the dimout regulations made in exact conformity to a similar military proclamation (Public Proclamation No. 19).

War Powers Proclamation No. 6, issued January 11, 1944, represents a variation in the railroad regulations established by Proclamation No. 1, and other minor lighting requirements, in the interests of safety and to relieve those concerned of certain restrictions found no longer necessary.

Proclamations No. 1 to No. 4, inclusive, having been issued prior to publication of the volume of 1943 Statutes, were printed therein as an appendix, and so are readily accessible.

Respectfully,

EARL WARREN, Governor

#### Proclamation No. 1

WHEREAS, Section 15 of Chapter 229, Statutes 1943, entitled an act to provide for precautions against enemy attack, including blackout and dimout regulations, etc., provides as follows:

"Whenever the State War Council after such study, investigation or hearing as it may make, direct or conduct shall find and determine that additional or different air raid precaution regulations are required in order to protect life or property, the State War Council shall address its findings to the Governor and if the Governor and the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War concurs therein, the Governor shall proclaim such additional or different air raid precaution regulations which shall thereupon become effective and shall have the same effect as laws of this State. Such regulations shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and also any other provision of law which interferes with the purposes of this chapter. The violation of any such regulations shall constitute a misdemeanor and shall be punishable as a violation of this chapter."

And

WHEREAS, The State War Council has duly found, determined and recommended that additional air raid precaution regulations, concerning railroads, are required for the protection of life and property; and

WHEREAS, The Commanding General of the Western Defense Command has concurred in the said findings, determinations and recommendations of the State War Council; now, therefore,

I, EARL WARREN, Governor of the State of California, do hereby proclaim the following air raid precaution regulations:

#### REGULATION CONCERNING RAILROADS

1. These regulations apply to all railroads operated by steam or diesel power and such operations of electric railways for which a written permit is issued by the State Director of Civilian Protection making such regulations applicable to such operations.

2. *Responsibility for Warnings.* It is the responsibility of each railroad company to make the necessary arrangements with civilian defense authorities to obtain necessary information of yellow, blue, red and white air raid signals, and to establish their own communications to notify the necessary railroad personnel when such communication is necessary to supplement the regular air raid warning system.

3. *Operation During Air Raid Alarms.* Subject to the provisions hereinafter expressed, railroad trains shall continue to operate as nearly in accordance with normal standards as possible during blackout periods and periods of air raid alarm. Because of the time required to put such measures in effect, all hoods as specified in paragraphs 8 and 9 shall remain affixed at all times, and window shades shall be drawn on all passenger cars from sunset to sunrise, whether or not a blackout period is in force. Immediately upon the receipt of a yellow air raid warning it is the responsibility of each railroad company to transmit said warning by the fastest available means of communication to personnel in charge of trains operating in or approaching the area of air raid alarm so that light control practices in respect to locomotives, cars, and trains shall be put into effect immediately upon commencement of the blackout period.

4. *Light Control.* During blackout periods in areas of air raid alarm, illumination in connection with railroad operations shall be permitted, extinguished or controlled as provided in paragraphs 5 to 15, inclusive, hereof.

5. *Signal Lights.* All signal lights essential to safe operation will be continued in service during blackout periods.

6. *Passenger Cars.* All passenger coaches, pullman, dining, lounge, club, observation and other passenger cars shall be shielded so that no light is visible from out-of-doors, except that vestibule ceiling lights in vestibules of passenger cars, equipped with type S-14, 15-watt, 34-volt, medium base, amber-orange lamp with one-half square inch of clear glass at bottom of the globe, may be left in operation at all times without any special shielding of the vestibule.

7. *Mail and Baggage Cars.* Mail, express and baggage cars shall be shielded so that no light is visible from out-of-doors during blackout periods in areas of air raid alarm. To blackout full railway post office cars and mail compartments of other cars, use may be made of S. P. Blackout Panels for Postal Windows approved November, 1942, by the General Superintendent of Railway Mail Service, Washington, D. C.

8. *Other Train Lights.* Marker lights on railroad trains shall remain in operation, but they shall be hooded to reduce the upward light to a minimum. Illuminated signs on trains must be extinguished during blackout periods in areas of air raid alarm.

9. *Locomotives.* Locomotive headlights must be hooded so as to reduce to a minimum the amount of upward light and the light normally cast along the side of the right of way, and such headlights shall be operated on dimmer control; backup headlights shall be hooded in accordance with the requirements for headlights, and may be operated as required if the beam candlepower is no greater than that of the headlight on the dimmer control; gauge and classification lights shall remain in operation but shall be hooded so as to reduce the upward and outward light to a minimum; cab deck lights shall be extinguished, enginemen's cab reading lights shall be hooded to reduce the amount of upward and outward light to a minimum and shall be extinguished except when actually required to read orders or schedules; stack lights shall not be used except in tunnels or snow sheds; and enginemen shall avoid popping of locomotives and must control the flash from the fire boxes to reduce the amount of upward and outward light to a minimum.

10. *Electric Locomotives.* Power shall be shut off at gaps in third rail, crossovers and other points where arcing might occur; power shall be shut off on locomotive or other rolling stock equipped with overhead collectors at section breaks where trolley construction is such that continuous contact is not maintained between overhead collectors and trolley wire; and when lowering overhead collectors all power shall be shut off.

11. *Freight and Work Trains.* Lights in all cabooses, and living quarters of work trains, must be extinguished or shielded so that no light is visible from out-of-doors.

12. *Emergency Repairs.* Emergency repair and wrecking crews may continue such operations as are immediately necessary to restore transportation service, and may use the minimum amount of light required for such operations during blackout periods, provided that all lights shall be shielded so that no direct rays from any light source are emitted above the horizontal, *except* when an actual air raid is in progress in the vicinity in which event all lights shall be extinguished except such lights as are permitted in Section 12 of Chapter 229, Statutes 1943.

13. *Flagging and Signaling.* During blackout periods in areas of air raid alarm, flagging will be performed only with red lanterns and torpedoes so far as possible; fuseses must not be used unless and to the extent absolutely essential for safety; normal switchmen's and trainmen's hand lanterns may be used for necessary signaling, but care must be taken to keep overhead signals to a minimum and such lanterns shall be extinguished or kept under cover so that they are not visible from out-of-doors when not actually in use for signaling. Acetylene hand lamps must not be used.

14. *Action During Raid.* When an actual raid is occurring in the immediate vicinity, train crews will endeavor to clear the main track at the first available siding, and shall stop the train and extinguish all headlights, backup lights and gauge, classification and reading lights until the raid is over; all switch engines in yards will move into the clear, stop and extinguish all lights; and all repair and wrecking crews shall extinguish all lights and take shelter; provided, however, that illumination which is permitted generally under Section 12, Chapter 229, Statutes 1943, shall also be permitted as required by railroad crews during air raids.

15. *Inspection and Servicing.* Filtered flashlights, as specified in Section 12, Chapter 229, Statutes 1943, and carmen's hand lanterns may be used as required for work which is necessary to maintain scheduled operations, such as car and engine inspection, oiling, coaling, watering and sanding. Care must be exercised to keep upward light to a minimum and all lights must be extinguished or covered when not actually required for operations. Fixed lights on sandhouses, oiling, coaling and watering stations and similar service facilities may be operated during blackouts only when and to the extent required for servicing operations which are immediately necessary for the safe maintenance of scheduled operations, provided that all such lights shall be shielded so that no direct rays from any light source are emitted above the horizontal out-of-doors.

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 May, A. D., 1943.

(Signed)

EARL WARREN, Governor of California

ATTEST:

(Signed)

FRANK M. JORDAN, Secretary of State  
By CHAS. J. HAGERTY, Deputy Secretary of State

[SEAL]

## Senate Bill No. 742

## CHAPTER 229

*An act to provide for precautions against enemy attack, including blackout and dimout regulations, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor April 27, 1943. Filed with Secretary of State April 27, 1943.]

*The people of the State of California do enact as follows:*

## Chapter 1. Zones of Restricted Lighting

SECTION 1. The present situation requires as a matter of military necessity that a Zone of Restricted Lighting be established within the areas described herein, and that illumination within said Zone Restricted Lighting be extinguished or controlled in such manner and to such extent as may be necessary to prevent such illumination from aiding the operations of the enemy.

Pursuant to said determination and statement of military necessity a Zone of Restricted Lighting, as particularly described as follows, is hereby designated and established, and the entire area of each named county is included except where a portion of a county is specifically described: Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Kings, Lake, Marin, Mendocino, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Trinity, Ventura, Yolo, Yuba, Amador—all that portion situated westerly of El Dorado National Forest, Calaveras—all that portion situated westerly of Stanislaus National Forest, El Dorado—all that portion situated westerly of El Dorado National Forest, Fresno—all that portion situated westerly of Sierra National Forest, Kern—all that portion situated westerly of Meridian 118° 45', which runs approximately three miles west of Glennville, one mile west of Benn and seven miles east of Lebec, Los Angeles—all that portion situated southwesterly of Angeles National Forest and westerly of Mint Canyon, Madera—all that portion situated westerly of Sierra National Forest, Mariposa—all that portion situated westerly of Stanislaus National Forest and Sierra National Forest, Nevada—all that portion situated westerly of Tahoe National Forest, Placer—all that portion situated westerly of Tahoe National Forest, Riverside—all that portion situated westerly of the San Bernardino Meridian, including all of the city of San Jacinto, San Bernardino—all that portion situated southwesterly of the San Bernardino National Forest, San Diego—all that portion situated westerly of Anza Desert State Park, Shasta—all that portion situated westerly of the Mount Diablo Meridian, Tehama—all that portion situated westerly of the Lassen National Forest and westerly of the most westerly boundary of Lassen National Forest projected north along the Mount Diablo Meridian to the southerly boundary of Shasta County, Tulare—all that portion situated westerly of Sierra National Forest, Sequoia National Park and Sequoia National Forest, Tuolumne—all that portion situated westerly of Stanislaus National Forest.

SEC 2. Illumination within the entire area of said Zone of Restricted Lighting described in Section 1 shall be extinguished or controlled at all times at night from sunset to sunrise, as follows:

(a) Signs, Floodlighting, Display and Interior Lighting. Illuminated signs and ornamental lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs (including but not limited to all exterior advertising signs, billboards, display lighting, theater marquee signs, illuminated poster panels and building outline lighting), and all interior light sources (as hereinafter defined) which emit direct rays above the horizontal out-of-doors, shall be extinguished. The words, "light sources," as used herein are intended and shall be construed to mean and include any light generating elements and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated therewith for the control or diffusion of light. This Section 2 (a) shall not apply to illumination for industrial or protective purposes except to the extent provided for in Section 2 (b) hereof.

(b) Illumination of Outdoor Areas; Street and Highway Lights. Illumination of outdoor areas and industrial and protective illumination, shall be controlled as follows:

(1) Except as provided in Section 2 (b) (2) hereof, illumination on all outdoor areas (including but not limited to automobile service station yards, outdoor parking areas, recreation areas and outdoor structures and roofs) shall not exceed one foot candle at any point when measured on a horizontal plane at any level of such outdoor areas, and all outdoor light sources shall be shielded so that no direct rays from the light source are emitted above the horizontal. All interior lighting of every description shall be reduced or controlled so that it does not contribute more than one foot candle of illumination upon any outdoor area. All street and highway lights shall also be shielded so that each light source emits no more than 10 per cent of its total lamp lumens at angles above the horizontal. Provided the foregoing requirements are met, any further reduction or extinguishment of street or highway illumination which would unnecessarily aggravate traffic hazards is not required.

(2) Variations from the foregoing requirements shall be permitted in the case of illumination for industrial and protective purposes, and from industrial processes

whether interior or exterior, but not including street or highway lights, only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency, but only with the written approval of the Command General of the Western Defense Command or an agency designated by such commander to approve such variations, obtained in advance.

(c) **Traffic Signs and Signals.** Illuminated signs and signals which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic shall be shielded so that no direct rays from the light source are emitted above the horizontal in respect to lights mounted 10 feet or more above the ground, or above an angle of more than six degrees above the horizontal in respect to lights mounted less than 10 but more than three feet above the ground, or above an angle of more than 12 degrees above the horizontal in respect to lights mounted less than three feet above the ground. Relative variations in the upward limit of light are permissible to compensate for grades.

(d) **Navigation and Railroad Lights.** Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and headlights of railroad locomotives when in motion, are hereby excepted from all the provisions of this chapter.

**SEC. 3. Definition of "Visible From the Sea."** The phrase "visible from the sea," as used herein, is intended and shall be construed to mean and include the following:

Visible at any time from the waters of the Pacific Ocean, or visible from any of those bodies of water located on the shoreline of the State of California generally known and described as follows: Santa Monica Bay, Santa Barbara Channel, San Luis Obispo Bay, Estero Bay, and Monterey Bay; provided, however, that the waters of San Francisco Bay, lying easterly of a line extending from Point Bonita through Mile Rock, is not intended and shall not be construed to be a part of the sea; and solely for the purposes of Section 3 (c) hereof, concerning street and highway traffic, the phrase "areas visible from the sea" is also intended and shall be construed to mean and include that portion of streets or highways which may not in fact be visible from the sea but which is within areas generally visible from the sea.

In addition to the restrictions hereinbefore imposed, illumination within that part of the Zone of Restricted Lighting which is visible from the sea, as herein defined, shall be further diminished or obscured at all times at night from sunset to sunrise, as follows:

(a) **Street, Highway and Traffic Lights.** Street and highway lights, and illuminated signs (but not signals) which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic and which are visible from the sea, shall be so shielded that they are not visible from the sea at night and so that no direct rays from the light source are emitted above the horizontal.

(b) **Residential, Commercial and Industrial Windows.** No lighting shall be permitted behind windows or glazed doors visible from the sea unless they are covered by drapes or shades.

(c) **Street and Highway Traffic.** Within areas visible from the sea, but subject to the exceptions hereinafter stated, vehicles shall operate at night, regardless of the direction of travel, with two lighted driving lamps, but not more than two, and each such lamp shall provide a maximum of not more than 250 beam candlepower. Normal rear lights, license plate lights and clearance lights (where required by law) are permitted. Vehicles which are classified as authorized emergency vehicles under the laws of this State or under Federal laws or regulations, when displaying an illuminated red spotlight, and when responding to a fire alarm, or when in the immediate pursuit of an actual or suspected violator of the law, or when going to or transporting a person who is in apparent need of immediate emergency medical or surgical care, or when responding to some other emergency involving the protection of life or property, shall be excepted from the foregoing provision.

(d) **Industrial and Protective Illumination.** Light sources for industrial purposes and light from industrial processes within areas visible from the sea, shall comply with the requirements of Section 2 (b) hereof, and shall also be shielded so that they are not visible from the sea at night; provided, that variations from these requirements may be permitted in case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior (but not including street or highway lights), only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Commanding General of the Western Defense Command or of any other military agency designated by the Secretary of War, or an agency designated by such commander to approve such variations, obtained in advance.

(e) **Other Illumination.** Except as hereinabove provided in this Section 3, all other lights visible from the sea are prohibited at night, including but not limited to light from fires, bonfires, parked cars, flashlights and lanterns.

**SEC. 4** Whenever the California State War Council, after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different provisions restricting lighting are required in the areas described in Section 1 hereof, or that restrictions on such lighting are required in other areas

in order to prevent aiding the operations of the enemy, the said State War Council shall address its findings to the Governor, and if the Governor concurs therein, he shall proclaim such additional or different restrictions and regulations governing illumination which shall thereupon become effective and shall have the same effect as laws of this State and shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and any other provisions of law governing illumination. The violation of any such regulations shall constitute a misdemeanor and be punishable as a violation of this chapter. In making such investigations and determinations, the State War Council is hereby directed to consider the findings and recommendations of the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War, and in no event shall the Governor proclaim more restrictive regulations than those specified by said Commanding General, it being the intention that insofar as possible the regulations so adopted shall be uniform with the orders or recommendations of the said Commanding General.

#### Chapter 2. Air Raid Precautions

SEC. 5. "Air raid signal" shall mean a public notice or signal requiring compliance with the provisions of this chapter covering precautions against possible or assumed enemy attack within a specified area. The form of said public notice or signal shall be an audible signal of approximately two minutes duration, made by siren, whistle, horn or other audible device, consisting of a fluctuating or warbling sound of varying pitch, or a succession of intermittent blasts of approximately five seconds duration separated by a succession of silent periods of approximately three seconds duration. "All clear signal" shall mean a public notice or signal indicating termination of the requirement of compliance with the provisions of this chapter. The form of said notice or signal shall be a continuous audible signal of approximately two minutes duration at a steady pitch, made by a siren, whistle, horn or other audible device. The form of air raid or all clear signals may be varied to meet local conditions when a permit to vary the form of such signals has been granted by the State Director of Civilian Protection.

"Period of Air Raid Alarm" shall mean the interval of time between the giving of the air raid signal and the giving of the next succeeding all clear signal.

"Period of Blackout" shall mean a period of air raid alarm occurring at night between sunset and sunrise.

"Area of Air Raid Alarm" shall mean the district or area in respect to which an air raid signal is given, as such district may have been defined by the State War Council and the Commanding General, Western Defense Command, or such other military agency as may be designated by the Secretary of War.

SEC. 6. None of the signals described in Section 5 hereof shall be given except by or under the authority of the IV Fighter Command, or such other military agency as may be designated by the Secretary of War.

SEC. 7. Immediately upon the commencement of a blackout period, every person in control of lighting within an area of air raid alarm shall extinguish or obscure all lighting which is visible from out-of-doors and shall keep such lighting extinguished or obscured until such blackout period is ended.

SEC. 8. No person in control of lighting shall permit any such lighting visible from out-of-doors to be left unattended at night from sunset to sunrise. Lighting shall be unattended within the meaning hereof unless it is left under the control of a competent person who has undertaken responsibility for such lighting or unless the lighting is controlled by a mechanical device competent to control such lighting. Persons in control of lighting shall be responsible for the timely and proper functioning of any such mechanical device relied upon for the control of lighting.

SEC. 9. At the commencement of a period of air raid alarm (occurring during either day or night), the operator of any vehicle shall forthwith bring such vehicle as far as possible to the side of the street, road or highway off the main traveled portion thereof, and the operator of such vehicle, and the operator of any streetcar, shall bring such vehicle or streetcar to a stop clear of any crossing, intersection, fire house, fire plug, hospital or other emergency depot or area, and during a period of blackout shall extinguish all lights therein or thereon, and said vehicle or streetcar shall remain so situated during the period of air raid alarm, unless directed or ordered to move by any highway patrolman, peace officer, auxiliary policeman, air raid warden or other authorized person.

SEC. 10. All persons within an area of air raid alarm in an unsheltered place shall immediately go to the nearest shelter and remain therein until the period of air raid alarm is ended except:

(a) Uniformed members of the armed forces of the United States or of the State Guard, and regular firemen, peace officers or highway patrolmen, all when acting under official orders.

(b) Persons lawfully wearing any arm band with insignia prescribed by the Director of the United States Office of Civilian Defense, and persons lawfully wearing arm bands authorized for the Aircraft Warning Service, only when and to the extent that such persons are required to move or remain away from shelter in the performance of their emergency duties.

SEC. 11. The provisions of this chapter shall not include the following:

(a) "Authorized emergency vehicles" when responding to a fire alarm or when going to or transporting a person who is in apparent need of immediate emergency medical care, or when in immediate pursuit of an actual or suspected violator of the law, or when transporting essential personnel to posts of duty in compliance with specific orders, or when responding to some other emergency involving the immediate protection of life or property or when returning to a dispatching station;

(b) "Auxiliary emergency vehicles" in respect to which a valid written vehicle permit has been issued by, and which is displaying insignia or other identifying devices or articles authorized by, the State Director of Civilian Protection in accordance with rules established by the State War Council. Notwithstanding the provisions of Section 3 (c) of this act auxiliary emergency vehicles shall be permitted to travel, as provided in this paragraph, in areas visible from the sea during periods of blackout when operated under the conditions prescribed by this paragraph.

(c) Vehicles under the control of the armed forces of the United States, the operators of which are acting under official orders.

(d) Illumination in connection with railroad operations (except passenger and freight stations, offices and warehouses), aeronautical operations, and illumination in connection with water navigation and in and about ports under the jurisdiction of the United States Navy, and all lights operated by military or naval authority.

SEC. 12. The blackout provisions of this chapter shall not include the following:

(a) Incandescent electric lamps lawfully marked "Indoor Blackout—War Department Standard," and complying with the specifications therefor expressed in "War Department Specifications—Blackout of Buildings," may be left burning in commercial and industrial building interiors without the complete obscuration of doors and windows, only if such lamps are installed in accordance with the following specifications:

(1) In any one room, only one lamp shall be permitted for each two hundred (200) square feet of floor area or fraction thereof.

(2) Lamps shall be spaced not less than 10 feet apart in every direction.

(3) In hallways and corridors only one row of lamps shall be permitted, spaced not less than fifteen (15) feet apart, notwithstanding the provisions of paragraph (2) hereof.

(4) Lamps shall be placed at least three (3) feet from any window or other exterior opening in the building which is not completely obscured, and lamps shall not be pointed toward any such window or other exterior opening.

(5) All lamps shall be located or shielded so that they are not directly visible from out-of-doors when viewed from a point above the level of the bottom of the lamp.

(b) Red exit lights shall be permitted within buildings which are open to the public; provided, that all such lights are located or shielded so that no direct rays from such lights are emitted out-of-doors; and provided, that such lights shall be restricted to not more than one lamp of not more than fifteen (15) watts at each exit or at each turning point in the route to an exit.

(c) Flashlights may be used during periods of blackout in areas of air raid alarm; provided, that such flashlights shall not be pointed above the horizontal and provided that the lens, cover glass or lamp of such flashlights shall be completely screened with material which is the equivalent, in density and light reduction properties, of three thicknesses of ordinary newspaper in the case of flashlights operated by two (2) dry cell batteries plus one additional thickness of such paper for each additional dry cell battery used in the operation of such flashlight.

(d) Lanterns may be left unattended and may be left burning during blackout periods in areas of air raid alarm for the purpose of marking excavations or obstructions in areas open to the public if such lanterns are equipped with red globes and if they are shielded so that no direct rays from the light source are emitted upward beyond twelve degrees (12°) above the base of the lantern flame, and if such lanterns are spaced at least ten (10) feet apart.

(e) Light emitted from industrial processes, such as furnaces, foundries and kilns, where the extinguishment of the light would involve serious difficulties in resuming operations after the blackout, shall be permitted during blackout periods in areas of air raid alarm; provided, that the light is shielded, obscured, reduced in intensity and otherwise controlled to as great an extent as may be practicable to reduce to a minimum the amount of light visible out-of-doors; and provided, that such light is specifically permitted in writing in advance by the Commanding General, Western Defense Command, or any other military agency designated by the Secretary of War, or an agency designated by such commanding general to approve such variations. Steam or smoke shall be reduced to the lowest practicable minimum except where such steam or smoke is used for protective concealment in accordance with plans approved by military authorities.

SEC. 13. All persons are forbidden to order, alter, publish, sound or simulate in any manner, any air raid or all clear signal unless authorized to do so as provided in this chapter.

SEC. 14. All persons are forbidden to wear, exhibit or use any arm band, pennant, permit, identification card or other identifying article or device unless lawfully authorized to do so.



SEC. 15. Whenever the State War Council after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different air raid precaution regulations are required in order to protect life or property, the State War Council shall address its findings to the Governor and if the Governor and the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War concurs therein, the Governor shall proclaim such additional or different air raid precaution regulations which shall thereupon become effective and shall have the same effect as laws of this State. Such regulations shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and also any other provision of law which interferes with the purposes of this chapter. The violation of any such regulations shall constitute a misdemeanor and shall be punishable as a violation of this chapter.

### Chapter 3. General Provisions

SEC. 16. Any lighting remaining visible out-of-doors contrary to the provisions of this act constitutes a public nuisance, and the same shall be summarily abated by any peace officer or highway patrolman. Such nuisance may be abated by authorized civilian defense personnel if forcible entry or destruction of property is not required. Notwithstanding the provisions of this section any city, county, or city and county may provide by ordinance or resolution for the summary abatement of such nuisance by an auxiliary policeman or air raid warden.

SEC. 17. Any proclamation issued by the Governor pursuant to the provisions of this act shall be in writing and shall take effect immediately upon issuance thereof. As soon thereafter as possible such proclamation shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation. Within 10 days after the convening of the next session of the Legislature the Governor shall make a report thereto of the provisions of any such proclamation.

SEC. 18. Any person who violates any of the provisions of this act or who refuses or wilfully neglects to obey any lawful rule, regulation or order promulgated or issued as provided in this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

SEC. 19. This act shall remain in effect only until the cessation of hostilities in the present war in which the United States is engaged, as declared by the President or the Congress of the United States, or until such time as the Governor after recommendation made by the Western Defense Command or such other military agency as may be designated by the Secretary of War proclaims the provisions of this act are no longer necessary as a matter of military necessity, or to preserve life and property.

SEC. 20. If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be not in immediate effect, it is the express legislative intent that such decision shall not affect the immediate operation or validity of the remaining portions of this act.

It is the intent of the Legislature that this entire act shall take effect immediately and that if any portion thereof can not, under the Constitution of this State, so take effect, that all of the remaining provisions hereof shall take effect immediately and that such portion or portions, if any, that can not take effect immediately, shall take effect at the time provided by law. Any portion of this act that may for any reason be held to be not in immediate effect is hereby expressly declared to be severable from the remaining portions of this act.

Further, in the event it is determined that the inclusion of a provision in this act that can not take effect immediately would prevent this act from being construed to be an urgency measure, then any such provision in this act shall be held to be inoperative, and the remaining portions of this act shall take effect immediately.

SEC. 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 22. This act is hereby declared to be an urgency measure within the meaning of Section 1 of Article IV of the State Constitution, necessary for the immediate preservation of the public peace, health and safety. The statement of the facts constituting such necessity is as follows:

The Western Defense Command of the United States Army has found that military necessity requires the restriction of the intensity of lights in certain areas of this State, and has by order prohibited the use of lights of more intensity than that prescribed. While a violation of such order is a crime under Federal law, there is no satisfactory available means by which the Federal Government can enforce such order and it is essential to the war effort that the State be enabled at the earliest possible moment to enforce the provisions of such order. The effect of this bill will be to permit such enforcement by the State.

Uniform air raid precautions are urgently needed to minimize the effect of enemy attack upon life and property and military installations within this State and uniformity is necessary so that all persons going from one area of the State into another may know their duties and conform to the law. It is therefore provided that this act shall take effect immediately.

#### Proclamation No. 2

WHEREAS, Section 15 of Chapter 229, Statutes 1943, entitled an act to provide for precautions against enemy attack, including blackout and dimout regulations, etc., provides as follows:

"Sec. 15. Whenever the State War Council after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different air raid precaution regulations are required in order to protect life or property, the State War Council shall address its findings to the Governor and if the Governor and the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War concurs therein, the Governor shall proclaim such additional or different air raid precaution regulations which shall thereupon become effective and shall have the same effect as laws of this State. Such regulations shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and also any other provision of law which interferes with the purposes of this chapter. The violation of any such regulations shall constitute a misdemeanor and shall be punishable as a violation of this chapter."

And

WHEREAS, The State War Council has duly found, determined and recommended that an additional air raid precaution regulation is required for the protection of life and property to permit privately and publicly owned vehicles (other than statutory authorized emergency vehicles) holding permits duly issued by responsible State and local officials authorized to issue such permits prior to the effective date of Chapter 229, Statutes 1943, to continue to operate said vehicles, during periods of air raid alarm, for a period of sixty (60) days from the date hereof; and

WHEREAS, The Commanding General of the Western Defense Command has concurred in the said findings, determinations and recommendations of the State War Council; now, therefore,

I, EARL WARREN, Governor of the State of California, do hereby proclaim the following additional air raid precaution regulation, to wit:

Privately or publicly owned vehicles (other than statutory authorized emergency vehicles) holding permits properly issued by the responsible State and local officials who are authorized to issue such permits prior to the effective date of Chapter 229, Statutes 1943, are hereby authorized to continue to operate said vehicles during periods of air raid alarm for a period of 60 days from the date hereof under and subject to said permits issued by such State and local officials.

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 May, A D. 1943

(Signed)

EARL WARREN, Governor of California

ATTEST:

[SEAL]

(Signed)

FRANK M. JORDAN, Secretary of State

By CHAS. J. HAGERTY, Deputy Secretary of State

#### Proclamation No. 3

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, The California War Council acting pursuant to the provisions of Section 15 of Chapter 229, Statutes of 1943, has duly found, determined and recommended that an additional air raid precaution regulation is required for the protection of life and property to permit privately and publicly owned vehicles (other than statutory authorized emergency vehicles) holding permits duly issued by responsible State and local officials authorized to issue such permits prior to the effective date of Chapter 229, Statutes of 1943, to continue to operate said vehicles during periods of air raid alarm to and including the first day of September, 1943; and

WHEREAS, The Commanding General of the Western Defense Command has concurred in the said findings, determinations, and recommendations of the California State War Council; now, therefore,

I, EARL WARREN, Governor of California, pursuant to the authority vested in me by Section 15 of Chapter 229, Statutes of 1943, do hereby proclaim the following additional air raid precaution regulation, to wit:

Privately or publicly owned vehicles (other than statutory authorized emergency vehicles) holding permits properly issued by the responsible State and local officials who were authorized to issue such permits prior to the effective date of Chapter 229,

Statutes 1943, are hereby authorized to continue to operate said vehicles during periods of air raid alarm to and including the first day of September, 1943, under and subject to said permits issued by such State and local officials.

This proclamation is hereby designated Proclamation Number 3

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 July, A. D., 1943.

EARL WARREN, Governor of California

ATTEST:

FRANK M. JORDAN, Secretary of State

[SEAL]

By CHAS. J. HAGERTY, Deputy Secretary of State

#### War Powers Proclamation No. 4

##### EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, Section 4 of Chapter 229, Statutes 1943, entitled An act to provide for precautions against enemy attack, including blackout and dimout regulations, etc., provides as follows:

"SEC. 4. Whenever the California State War Council, after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different provisions restricting lighting are required in the areas described in Section 1 hereof, or that restrictions on such lighting are required in other areas in order to prevent aiding the operations of the enemy, the said State War Council shall address its findings to the Governor, and if the Governor concurs therein, he shall proclaim such additional or different restrictions and regulations governing illumination which shall thereupon become effective and shall have the same effect as laws of this State and shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and any other provisions of law governing illumination. The violation of any such regulations shall constitute a misdemeanor and be punishable as a violation of this chapter. In making such investigations and determinations, the State War Council is hereby directed to consider the findings and recommendations of the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War, and in no event shall the Governor proclaim more restrictive regulations than those specified by said Commanding General, it being the intention that insofar as possible the regulations so adopted shall be uniform with the orders or recommendations of the said Commanding General."

And

WHEREAS, The State War Council has duly found, determined, and recommended that different Lighting Zones be established and modification be made in certain respects of lighting restrictions in said zones as of 10 October 1943; and

WHEREAS, The recommendations of the State War Council are uniform with the proposed order of the Commanding General of the Western Defense Command in compliance with Section 4 of Chapter 229, Statutes 1943; now, therefore,

I, EARL WARREN, Governor of the State of California, do hereby proclaim the following Lighting Restrictions modifying the provisions of Sections 1, 2 and 3 of Chapter 229, Statutes 1943, to wit:

SECTION 1. *Establishment of Lighting Zones.* The following Lighting Zones within the State of California are hereby designated and established:

(a) Lighting Zone A includes all the portions of the following counties as hereinafter described: Lighting Zone A includes only that portion of the following counties situated within 15 miles from the sea as defined in Section 7 (b) hereof, except where a different portion of a county is hereinafter specifically described. Where the described boundary line of Lighting Zone A passes through any city or town, all of such city or town is included within Lighting Zone A. For this purpose, the boundary of any such city or town shall be deemed to include all the area within the city limits of any such incorporated city, and the contiguous areas of any such incorporated or unincorporated city or town which are served by a continuation of the same street lighting system serving said city or town:

*Alameda*—All that portion situated more than five miles west of California State Highway No. 21, which runs through Martinez, Walnut Creek and Dublin.

*Contra Costa*—All that portion situated more than five miles west of California State Highway No. 21.

*Del Norte*

*Humboldt*

*Los Angeles*—All that portion situated south of the Santa Clara River or south of the Angeles National Forest and westerly of Meridian 118° which runs through the eastern boundary of the city of Monrovia.

*Marin*—Entire area of the county.

*Mendocino*

*Monterey*

*Orange*—Entire area of the county.

*San Diego*

*San Francisco*—Entire area of the county.

*San Luis Obispo*

*San Mateo*—Entire area of the county.

*Santa Barbara*

*Santa Cruz*—Entire area of the county.

*Solano*—All that portion within a radius of five miles from the City Hall of Vallejo, California.

*Sonoma*

*Ventura*

(b) Lighting Zone B, comprising all that portion of Lighting Zone A which is within 10 miles from the sea as defined in Section 7 (b) hereof.

(c) Lighting Zone C includes all the portions of the following counties as hereinafter described: The entire area of each county named below, except any portion of the county included in Lighting Zone A, is included in Lighting Zone C, except where a portion of a county is specifically described. Where the described boundary line of Lighting Zone C passes through any city or town, all of such city or town is included within Lighting Zone C. For this purpose, the boundary of any such city or town shall be deemed to include all the area within the city limits of any such incorporated city, and the contiguous areas of any such incorporated or unincorporated city or town which are served by a continuation of the same street lighting system serving said city or town:

*Alameda*

*Amador*—All that portion situated westerly of El Dorado National Forest.

*Butte*

*Calaveras*—All that portion situated westerly of Stanislaus National Forest.

*Colusa*

*Contra Costa*

*Del Norte*

*El Dorado*—All that portion situated westerly of El Dorado National Forest.

*Fresno*—All that portion situated westerly of Sierra National Forest.

*Glenn*

*Humboldt*

*Kern*—All that portion situated westerly of Meridian 118° 45', which runs approximately three miles west of Glennville, one mile west of Bena and seven miles east of Lebec.

*Kings*

*Lake*

*Los Angeles*—All that portion situated south of the Angeles National Forest, excepting the portion included in Lighting Zone A.

*Madera*—All that portion situated westerly of Sierra National Forest

*Mariposa*—All that portion situated westerly of Stanislaus National Forest and Sierra National Forest.

*Mendocino*

*Merced*

*Monterey*

*Napa*

*Nevada*—All that portion situated westerly of Tahoe National Forest.

*Placer*—All that portion situated westerly of Tahoe National Forest.

*Riverside*—All that portion situated westerly of the San Bernardino Meridian, including all of the city of San Jacinto.

*Sacramento*

*San Benito*

*San Bernardino*—All that portion situated southwesterly of the San Bernardino National Forest.

*San Diego*—All that portion situated westerly of Anza Desert State Park, excepting the portion included in Lighting Zone A.

*San Joaquin*

*San Luis Obispo*

*Santa Barbara*

*Santa Clara*

*Shasta*—All that portion situated westerly of the Mount Diablo Meridian.

*Solano*

*Sonoma*

*Stanislaus*

*Sutter*

*Tehama*—All that portion situated westerly of the Lassen National Forest and westerly of the most westerly boundary of Lassen National Forest projected north along the Mount Diablo Meridian to the southerly boundary of Shasta County.

*Trinity*

*Tulare*—All that portion situated westerly of Sierra National Forest, Sequoia National Park and Sequoia National Forest.

*Tuolumne*—All that portion situated westerly of Stanislaus National Forest.

*Ventura*

*Yolo*

*Yuba*

**SECTION 2. *Effective Hours.*** All lighting restrictions hereinafter provided shall be applicable and observance thereof required at all times from one-half hour after sunset until one-half hour before sunrise each night from 1 October to 30 April, and from one hour after sunset until one hour before sunrise each night from 1 May to 30 September.

**SECTION 3. *Restrictions in Both Lighting Zones A and B.*** Subject to the exceptions hereinafter provided, during the hours specified in Section 2 hereof illumination within Lighting Zones A and B shall be controlled as follows:

(a) **Advertising and Decorative Lighting.** Illuminated signs and ornamental, decorative and display lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs, shall be extinguished.

(b) **Upward Light.** All light sources of every description shall be situated or shielded so that no direct rays from any light source are emitted above the horizontal out-of-doors.

(c) **Outdoor Area Illumination.** Illumination on any outdoor area shall not exceed one-foot candle at any point.

**SECTION 4. *Additional Restrictions in Lighting Zone B.*** Subject to the exceptions hereinafter provided, during the hours specified in Section 2 hereof, any light source located within Lighting Zone B which is directly visible from the sea, as hereinafter defined, shall be either extinguished or shielded so that it is no longer directly visible from the sea, in addition to the applicable restrictions provided in Section 3 hereof.

**SECTION 5. *Restrictions in Lighting Zone C.*** Subject to the exceptions hereinafter provided, during the hours specified in Section 2 hereof illumination within Lighting Zone C shall be controlled as follows:

(a) **Upward Light.** All electric incandescent lamps in excess of 100 watts capacity, and all other light sources producing equivalent light intensity, when located out-of-doors, shall be shielded so that no direct rays from any light source are emitted above the horizontal out-of-doors. Any accumulation of light sources located within or above any ten foot square of outdoor ground area shall be deemed to be a single light source, and if the aggregate intensity of such an accumulation of light sources exceeds the limit expressed in the preceding sentence, then all such light sources shall be shielded.

(b) **Outdoor Area Illumination.** Illumination on any outdoor area shall not exceed five-foot candles at any point.

**SECTION 6. *Exceptions.*** Certain exceptions from the foregoing restrictions are made as follows:

(a) **Industry, Safety, Health and Welfare.** Variations from any of the restrictions of this Proclamation may be permitted by the written approval of the Commanding General of the Western Defense Command, or any agency designated by such commander to approve such variations, obtained in advance, but only when and to the extent required to achieve and maintain maximum industrial efficiency, or reasonable safety of persons or property, or to maintain health and welfare and only to the extent consistent with the requirements of military necessity as determined from time to time by the Commanding General of the Western Defense Command. All approvals of lighting variations shall be reported to, and subject to revocation by the Commanding General, Western Defense Command. All approvals presently in effect under the provisions of Chapter 229, Statutes 1943, in respect to any illumination within Lighting Zones A, B or C, established herein, shall remain in effect as if reissued hereunder.

(b) **Interior Lighting.** Upward light emitted out-of-doors from any light source shall be permitted if the light source is (1) within any building and more than six feet from the nearest window or other opening in the wall of the building or (2) at any location within a building used primarily as a residence, apartment, hotel or residential club, if all the direct rays emitted above the horizontal out-of-doors are shielded by any customary residential type of lamp shade; but in either case no direct rays from any light source shall be emitted through any skylight, and all indoor light sources within Lighting Zone B shall be shielded so that they are not directly visible from the sea (See Section 5 for further exception of interior light sources in Lighting Zone C.)

(c) **Recreational Lighting.** Outdoor area illumination up to a maximum of 30 foot candles is permitted in any location more than three miles from the sea as hereinafter defined, but only when and to the extent actually required and primarily used for sports or recreation, and when otherwise in compliance with the applicable restrictions of Sections 3 and 4 hereof.

(d) **Vehicle Lights.** All vehicle lights required by law are permitted; provided, however, that within Lighting Zone B, in areas visible from the sea as hereinafter defined, driving lamps shall be operated only on the low or depressed beam. Authorized emergency vehicles on official emergency missions are excepted from all the restrictions of this Proclamation.

(e) **Route and Destination Signs.** Illuminated route and destination signs on public carrier vehicles are excepted from all the restrictions of this Proclamation.

(f) **Traffic Signs and Signals.** Illuminated signs and signals authorized by governmental authority to control or direct traffic are excepted from all the foregoing restrictions; provided, however, that such signals are illuminated by electric lamps of not more than 100 watt capacity or the equivalent, and that the actual light sources illuminating such signs are shielded to comply with Sections 3 and 4 hereof.

(g) **Highway Flares and Obstruction Lights.** Fuseses or similar flares in an emergency, or so-called bomb type flares and warning lanterns, are excepted from all the foregoing restrictions, but only when and to the extent actually and immediately required to warn traffic of obstruction.

(h) **Navigation and Railroad Lights.** Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and headlights of railroad locomotives when in motion are excepted from all restrictions of this proclamation.

(i) **Street and Highway Lights.** All street and highway lights are excepted from the restrictions of Sections 3 and 5 hereof, but they must be shielded so that each light source emits no more than 10 per cent of its total lamp lumens above the horizontal and must be controlled so that such light sources contribute no more than three-foot candles of illumination at any point upon the ground, and in lighting Zone B must be situated or shielded so that the light sources are not directly visible from the sea as hereinafter defined.

**SECTION 7. Definition.** As used herein, the following words and phrases shall have the following meanings:

(a) **"Light Source."** Any light generating element and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated therewith for the control or diffusion of light.

(b) **"Sea."** The waters of the Pacific Ocean and those bodies of water on the shoreline of California generally known as Santa Monica Bay, Santa Barbara Channel, San Luis Obispo Bay, Estero Bay and Monterey Bay. The waters of San Francisco Bay, lying easterly of a line extending from Point Bonita through Mile Rock, are not intended and shall not be construed to be a part of the sea.

(c) **"Visible from the Sea."** Actually and directly visible at any time from the sea, as defined above; provided, that solely for the purpose of Section 6 (d) hereof, the phrase "visible from the sea" shall include those portions of streets or highways which may not in fact be visible from the sea but which are within areas generally visible from the sea.

This proclamation is hereby designated "War Powers Proclamation No. 4," and shall take effect the tenth day of October, 1943.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this eighth day of October, A D., 1943.

(Signed)

EARL WARREN, Governor of California

ATTEST:

(Signed)

FRANK M. JORDAN, Secretary of State  
By ED LABOWITCH, Deputy Secretary of State

[SEAL]

This proclamation filed 10.45 a.m., October 9, 1943.

**War Powers Proclamation No. 5****EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

WHEREAS, Section 4 of Chapter 229, Statutes 1943, entitled an act to provide for precautions against enemy attack, including blackout and dimout regulations, etc., provides as follows:

"Sec. 4. Whenever the California State War Council, after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different provisions restricting lighting are required in the areas described in Section 1 hereof, or that restrictions on such lighting are required in other areas in order to prevent aiding the operations of the enemy, the said State War Council shall address its findings to the Governor, and if the Governor concurs therein, he shall proclaim such additional or different restrictions and regulations governing illumination which shall thereupon become effective and shall have the same effect as laws of this State and shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and any other provisions of law governing illumination. The violation of any such regulations shall constitute a misdemeanor and be punishable as a violation of this chapter. In making such investigations and determinations, the State War Council is hereby directed to consider the findings and recommendations of the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War, and in no event shall the Governor proclaim more restrictive regulations than those specified by said Commanding General, it being the intention that insofar as possible the regulations so adopted shall be uniform with the orders or recommendations of the said Commanding General."

And

WHEREAS, The State War Council has duly found, determined and recommended that the lighting restrictions heretofore established by law and by authority of law and especially those imposed by War Powers Proclamation No. 4, dated 8 October 1943 and effective 10 October 1943, be immediately suspended, superseded, and revoked; and

WHEREAS, The said recommendations of the State War Council are uniform with the order of the Commanding General of the Western Defense Command in compliance with Section 4 of Chapter 229, Statutes 1943; now, therefore,

I, EARL WARREN, Governor of the State of California, do hereby proclaim that the lighting restrictions heretofore imposed by law and by authority of law and especially those imposed by said War Powers Proclamation No. 4 dated 8 October 1943 and effective 10 October 1943, and also those imposed by Sections 1, 2, and 3 of Chapter 229, Statutes 1943, are hereby suspended, superseded, and revoked, subject only to the necessity of reinstating some or all of the same or new restrictions as circumstances may hereafter require and the law in the premises may authorize.

This proclamation is hereby designated "War Powers Proclamation No. 5" and shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of November, A. D. 1943.

(Signed)

EARL WARREN, Governor of California

ATTEST:

FRANK M. JORDAN, Secretary of State

[SEAL]

**War Powers Proclamation No. 6****EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

WHEREAS, Section 15 of Chapter 229, Statutes 1943, entitled "An Act to Provide for Precautions Against Enemy Attack, Including Blackout and Dimout Regulations," etc., provides as follows:

"Sec. 15. Whenever the State War Council after such study, investigation or hearing as it may make, direct or conduct shall find and determine that additional or different air raid precaution regulations are required in order to protect life or property, the State War Council shall address its findings to the Governor and if the Governor and the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War concurs therein, the Governor shall proclaim such additional or different air raid precaution regulations which shall thereupon become effective and shall have the same effect as laws of this State. Such regulations shall supersede to the extent of any conflict the provisions of this chapter (including persons or subjects herein excluded from the operation of this chapter) and also any other provision of law which interferes with the purposes of this chapter. The violation of any such regulations shall constitute a misdemeanor and shall be punishable as a violation of this chapter."

And

WHEREAS, The State War Council has duly found, determined and recommended that the following additional air raid precaution regulations, concerning industrial processes, railroads, excavations, etc., are required for the protection of life and property; and

WHEREAS, The Commanding General of the Western Defense Command has concurred in the said findings, determinations and recommendations of the State War Council; now, therefore,

I, EARL WARREN, Governor of the State of California, do hereby proclaim the following air raid precaution regulations:

**REGULATION CONCERNING INDUSTRIAL PROCESSES,  
RAILROADS, EXCAVATIONS, ETC.**

Light emitted from industrial processes, such as furnaces, foundries and kilns, where the extinguishment of the light would involve serious difficulties in resuming operations after a blackout, all lights on or in railroad trains, cars or locomotives (whether such trains, cars or locomotives are operated by steam, diesel or electric power), including vestibule and marker lights; and red lights marking excavations, repairs or obstructions, shall be permitted at such places and during such periods (including blackout periods in areas of air raid alarm) and under such conditions as such light is specifically authorized in writing in advance by the Commanding General, Western Defense Command, or any other military agency designated by the Secretary of War, or an agency designated by such Commanding General to approve such variations.

This proclamation is hereby designated "War Powers Proclamation No. 6" and shall take effect the eleventh day of January, 1944.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed at Sacramento this eleventh day of January, A.D. 1944.

(Signed)	EARL WARREN, Governor of California
ATTEST:	
(Signed)	FRANK M. JORDAN, Secretary of State
[SEAL]	By CHAS. J. HAGERTY, Deputy Secretary of State

**Copy of Resolution of Executive Committee, Ninth Regional Civilian  
Defense Board, January 19, 1944**

*SUBJECT: Railroad Train Lighting*

I hereby certify that the following is a true and correct copy of a resolution adopted by the Executive Committee of the Ninth Regional Civilian Defense Board at its meeting held on January 19, 1944:

"WHEREAS, The proclamation issued by the Governor of the State of California on May 19, 1943, concerning the control of lighting in connection with railroad operations, provides in paragraph 3 that window shades shall be drawn on all passenger cars at all times at night, and provides further in paragraph 8 that marker lights on railroad trains shall be hooded at all times at night to reduce the upward light to a minimum; and

WHEREAS, Under the provisions of War Powers Proclamation No. 6, issued by the Governor of the State of California on January 11, 1944, the Ninth Regional Civilian Defense Board as the agency designated for that purpose by the Commanding General, Western Defense Command, is authorized to approve variations from the restrictions provided in paragraphs 3 and 8 of said proclamation issued on May 19, 1943; and

WHEREAS, It is apparent that the crews of railroad trains operating in urban areas can ascertain by reasonable observations of nearby stationary light sources whether or not a blackout is in effect; and

WHEREAS, In unpopulated areas the light control measures referred to above are not deemed to be of vital importance for the general defense of the Pacific Coast against air attack but are important only in respect to the protection of the particular train involved and the passengers therein; and

WHEREAS, Such restrictions cause substantial inconvenience to passengers and trainmen and are not consistent with maximum safety in railroad operations; now, therefore, be it

*Resolved*, That unshaded and unrestricted lights in passenger cars are hereby authorized and approved at all times and places where a period of air raid alarm is not in effect, and that unhooded railroad train marker lights are hereby authorized and approved at all times whether or not a blackout period is in effect. All operators of railroad trains are cautioned to establish all reasonably possible arrangements for prompt notification of train crews when a train enters an area where a period of air raid alarm is in effect. This approval applies only to illumination within the State of California where the Ninth Regional Civilian Defense Board has authority to take this action under the provisions of said War Powers Proclamation No. 6. This approval is subject to revocation at any time whenever the Board deems such action necessary."

Dated: January 19, 1944

(Signed)

LLOYD M. SMITH, Secretary  
Ninth Regional Civilian Defense Board



**Copy of Resolution of Executive Committee, Ninth Regional Civilian  
Defense Board, January 19, 1944**

**SUBJECT: Warning Lanterns**

I hereby certify that the following is a true and correct copy of a resolution adopted by the Executive Committee of the Ninth Regional Civilian Defense Board at its meeting held on January 19, 1944:

"WHEREAS, The provisions of Chapter 229, California Laws of 1943, require that warning lanterns be attended at all times at night by a competent person who has undertaken the responsibility for such lighting and that they be extinguished during blackout periods in areas of air raid alarm, except for lanterns shielded in accordance with the specifications in Section 12(d) of said Chapter 229; and

WHEREAS, It appears that lanterns shielded in compliance with the specifications of said Section 12(d) do not provide the most effective warning for marking excavations and other obstructions on public streets and highways, and that permission to use ordinary lanterns equipped with red globes without any further shielding will not unduly endanger the defense of the Pacific Coast under present conditions; and

WHEREAS, Under the provisions of War Powers Proclamation No. 6, issued by the Governor of the State of California on January 11, 1944, the Ninth Regional Civilian Defense Board, as the agency designated for such purpose by the Commanding General, Western Defense Command, is authorized to approve variations from said restrictions concerning warning lanterns; now, therefore, be it

*Resolved*, That the use of ordinary kerosene lanterns equipped with red globes, or the equivalent, where required to warn persons of the presence of excavations, repairs or other obstructions on public streets, roads, highways or railroads is hereby approved without any further shielding and without the necessity for having said lights attended at night. This approval relates to all times and places within the State of California, including blackout periods in areas of air raid alarm. This approval applies only to illumination within the State of California where the Ninth Regional Civilian Defense Board has authority to take this action under the provisions of said War Powers Proclamation No. 6. This approval is subject to revocation at any time whenever the Board deems such action necessary."

Dated: January 19, 1944

(Signed)

LLOYD M. SMITH, Secretary  
Ninth Regional Civilian Defense Board

**REQUEST FOR UNANIMOUS CONSENT**

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Resolution No. 14, at this time, for consideration.

**CONSIDERATION OF SENATE RESOLUTION NO. 14**

**Senate Resolution No. 14**

Relating to memorializing Congress urging the enactment of a Federal Absentee Voters Law covering servicemen and servicewomen

WHEREAS, Approximately 10,000,000 citizens are now in the military services and Merchant Marine of the United States; and

WHEREAS, The vast majority of these American citizens are eligible to vote; and

WHEREAS, Our Service Men are now fighting in a global war to maintain our form of government; and

WHEREAS, It is necessary for the success of that governmental system that the vote of the people be truly representative; and

WHEREAS, Those in the military forces and Merchant Marine should be given the maximum opportunity for voting; and

WHEREAS, Several States have enacted statutes varying in their provisions, while other States have wholly neglected to provide any procedures for voting by members of the services; and

WHEREAS, There is an imperative need for adequate, uniform machinery for absentee balloting by our military and Merchant Marine personnel; and

WHEREAS, The Federal Soldier Voting Law now in effect is not satisfactory; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Congress be memorialized to pass such legislation as will set up a simplified uniform ballot distributed by Federal authorities and that such ballots be distributed to the members of the armed services and to the Merchant Marine, and be it further

*Resolved*, That the Congress be memorialized to instruct the Federal agency authorized to distribute and collect the uniform Federal ballot to cooperate with those several States which have set up a system for the taking of a Soldier's vote to the end that no individual receives two ballots; and be it further

*Resolved*, That the Secretary of the Senate be hereby ordered to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of War, to the Secretary of the Navy, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Resolution read.

**Motion to Re-refer Senate Resolution No. 14**

Senator Tickle moved that Senate Resolution No. 14 be re-referred to Committee on Elections.

**Roll Call Demanded**

Senators Shelley, Carter, Donnelly, 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, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, Powers, Rich, Seawell, Tickle, and Ward—17.

**NOES**—Senators Burns, Carter, Deuel, Donnelly, Keating, McBride, McCormack, Quinn, Salsman, Shelley, Slater, and Swan—12.

Resolution ordered re-referred to Committee on Elections.

**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 6**—An act to amend Sections 202 and 4896 of, and to add Section 4653.5 to, the Revenue and Taxation Code, relating to taxation of property belonging to the United States and receipt of payments in lieu of such taxation.

Bill read third time.

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

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Joint Resolution No. 3

Senate Concurrent Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Bill No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 17**—Relative to memorializing the President of the United States to exert his influence upon the Government of Great Britain to bring about the abrogation of the Chamberlain White Paper concerning Palestine.

**Request for Unanimous Consent**

Senator Shelley 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 memorializing the President of the United States to exert his influence upon the Government of Great Britain to bring about the abrogation of the Chamberlain White Paper concerning Palestine.

Resolution read.

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

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

**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. 9

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

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**CONSIDERATION OF ASSEMBLY AMENDMENTS**

**Senate Concurrent Resolution No. 9**—Relative to adjournment sine die of the Fifty-fifth (Third Extraordinary) Session of the Legislature of the State of California.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 9?

**Amendment No. 1**

On page 1, line 7, of the printed measure, at the end of the line, strike out "12.15 o'clock p.m.," and insert "4 30 o'clock p.m."

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 9 by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—27.

**NOES**—None.

Above resolution ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 2**—Approving an amendment to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 12, 1943;

**Senate Concurrent Resolution No. 3**—Relative to the death of Friend William Richardson;

**Senate Concurrent Resolution No. 4**—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of May, 1943;

And reports that the same have been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 9:40 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 1**—Relative to memorializing the Bureau of Reclamation, Secretary of Interior, and Secretary of War to take immediate action to protect Needles, California, and vicinity, from further damage and dangers resulting from the filling in of the Colorado River bed and the rise of the river since the completion of Federal projects upon that river;

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

**Senate Concurrent Resolution No. 5**—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 4, 1943;

**Senate Concurrent Resolution No. 6**—Relative to Harry Lane Englebright;

**Senate Joint Resolution No. 5**—Relative to substitution of United States Army for War Relocation Authority in the administration of Tule Lake Japanese Center and other internment camps;

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article XIII thereof, relating to revenue and taxation;

And reports that the same have been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 4:30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 4**—An act making an appropriation for expenses of Members of the Senate pursuant to Section 352 of the Political Code;

And reports that the same has been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 9:30 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 2**—Relative to increase of price of crude petroleum;

**Senate Joint Resolution No. 6**—Relative to memorializing the President and the Congress of the United States in relation to the discharge of disabled veterans from the armed forces;

**Senate Concurrent Resolution No. 8**—Relative to the death of Honorable Carl C. Baker;

And reports that the same have been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 4:30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 7**—Relative to salaries of State prison guards;

**Senate Joint Resolution No. 4**—Relative to memorializing the President and the Congress of the United States in relation to the restoration of ordinary Standard Time in the winter months;

**Senate Joint Resolution No. 9**—Relative to memorializing Congress to provide for the deportation of alien and inimical Japanese at the conclusion of the present war;

**Senate Bill No. 7**—An act calling a special election for the same day on which the presidential primary election is held in the year 1944, to submit to the electors of California an amendment to the Constitution of the State relating to revenue and taxation, proposed by the Legislature;

**Senate Concurrent Resolution No. 9**—Relative to adjournment sine die of the Fifty-fifth (Third Extraordinary) Session of the Legislature of the State of California;

**Senate Joint Resolution No. 3**—Relative to memorializing Congress to enact legislation to make possible the 1944 sugar beet program recently announced by the Federal War Food Administration;

And reports that the same have been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 4:30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1**—An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 15 to Chapter 7 of Title 1 of Part 3, Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700 1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2401, 2651, 2699, 3053, 3300, 3301, 3305 and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of, and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article 11M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 15 to Chapter 723 of the Statutes of 1917, at page 1391; and repealing Chapter 544 of the Statutes of 1929, at page 949;

And reports that the same has been correctly enrolled and presented to the Governor on the thirty-first day of January, 1944, at 4:30 p.m.

SEAWELL, Chairman

#### MOTION TO STRIKE FROM FILE

Senator Seawell moved that Senate Bill No. 2, Assembly Constitutional Amendment No. 2, Assembly Joint Resolution No. 6, and Assembly Concurrent Resolution No. 7 be stricken from the file.

Motion carried.

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

At 4 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

#### Senate Resolution No. 23

*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-fifth (Third

Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 9 and to ask if the Assembly has any further communication to transmit to the Senate.

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

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators Hatfield, Deuel, and Parkman.

**Senate Resolution No. 24**

By Senator DeLap :

*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-fifth (Third Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 9 and to ask if His Excellency has any further communications to transmit to the Senate.

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

**Appointment of Special Committee**

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

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

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

Assembly Bill No. 6

Assembly Bill No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day is returning the following bills upon which no further action will be taken :

Senate Joint Resolution No. 7

Senate Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**REPORTS OF STANDING COMMITTEES**

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred :

Assembly Joint Resolution No. 10

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

QUINN, Chairman

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Bill No. 3

Senate Constitutional Amendment No. 1

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 31, 1944

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

Senate Bill No. 6

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

**Committee on Elections**

SENATE CHAMBER, SACRAMENTO, January 31, 1944

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

Senate Bill No. 5

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BREED, Chairman

**MOTION TO APPROVE JOURNALS**

The Senate Journals of Thursday, January 27, 1944; Friday, January 28, 1944; Saturday, January 29, 1944; Sunday, January 30, 1944, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

**APPROVAL OF MINUTES**

On motion of Senator Seawell, the Minutes of this day, January 31, 1944, were approved.

**MESSAGE FROM THE ASSEMBLY**

At 4.05 p.m., a committee from the Assembly, consisting of Messrs. Debs, Thompson, and King, appeared at the bar of the Senate, and announced that the Assembly had concluded its labors, and was prepared to adjourn the Fifty-fifth (Third Extraordinary) Session sine die.

**REPORTS OF SPECIAL COMMITTEES**

Senator Hatfield, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die in accordance with the provisions of Senate Concurrent Resolution No. 9, reported that the committee had delivered the message to the Assembly, and had been requested by the Assembly to inform the Senate that it had no further business, and was prepared to adjourn sine die.

Senator Rich, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die as provided by Senate Concurrent Resolution No. 9, reported that they had performed their duty.

**FINAL ADJOURNMENT**

Whereupon, at 4.30 p.m., on motion of Senator Seawell, in accordance with the provisions of Senate Concurrent Resolution No. 9 the President of the Senate declared the Fifty-fifth (Third Extraordinary) Session of the Senate of the State of California adjourned sine die, out of respect to the memory of the late Hon. Carl C. Baker.

JOHN F. LEA, Minute Clerk





## SUPPLEMENT TO SENATE JOURNAL

FIFTY-FIFTH (THIRD EXTRAORDINARY) SESSION

SENATE BILLS APPROVED BY THE GOVERNOR, CHAPTERED,  
AND FILED WITH THE SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Approved by Governor
1	2	Deuel, Gordon, Hatfield, Mayo and Swan	An act providing for the reorganization of the State Criminal, Penal and Correctional System	Feb 4
4	3	Swing	An act making an appropriation for expenses of Members of Senate pursuant to Section 35 2 of the Political Code	Feb 4
7	6	Dillinger, Rich, Seawell and Collier	An act calling a special election for the same day Presidential Primary Election is held in 1944	Feb 11

SENATE CONCURRENT RESOLUTIONS CHAPTERED AND  
FILED WITH SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
1	15	Seawell	Relative to the Joint Rules	Feb 1
2	6	Crittenden	Relative to approving amendment to the charter, City of Stockton	Feb 1
3	7	Breed Deuel, Slater, Mayo, Judah	Relative to the death of Friend W. Richardson	Feb 1
4	8	Judah	Relative to approving amendment to the charter, City of Santa Cruz	Feb 1
5	16	Ward	Relative to approving amendment to the charter, City of Santa Barbara	Feb 1
6	17	Seawell	Relative to the death of Harry Lane Englebright	Feb 1
7	29	Keating	Relative to salaries of State prison guards	Feb 4
8	30	Tickle	Relative to the death of Hon. Carl C. Baker	Feb 4
9	31	Seawell	Relative to adjournment sine die	Feb 4

## SENATE CONSTITUTIONAL AMENDMENTS CHAPTERED AND FILED WITH SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
2	20	Collier, DeLap, Dillinger, Mayo, Rich, Swing, Parkman, Tickle, Breed, McCormack, Tenney, Ward, Quinn, Sewell	A resolution to the people of the State of California relating to taxing of Federal properties within the State	Feb 1

## SENATE JOINT RESOLUTIONS CHAPTERED AND FILED WITH THE SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
1	18	Swing	Relative to taking action to protect Needles, California, from further damage by Colorado River	Feb 1
2	32	Dorsey	Relative to increase of price of crude petroleum	Feb 4
3	33	Crittenden, Hatfield, Luckey, McCormack	Relative to memorializing Congress to enact legislation to make possible 1944 Sugar Beet Program	Feb 4
4	34	Burns, Gordon	Relative to the restoration of ordinary Standard Time in winter months	Feb 4
5	19	Donnelly, Slater, Dorsey, Hatfield, Quinn	Relative to substitution of United States Army in the administration of Tule Lake Japanese Center and other internment camps	Feb. 1
6	35	Quinn, Slater, Muxter, DeLap, Luckey, Dorsey, Tenney, Swing	Relative to discharge of disabled veterans from the armed forces	Feb 4
9	36	Hatfield, Quinn, Slater, Dorsey, Donnelly	Relative to the deportation of alien and mimical Japanese at the conclusion of the present war	Feb 4