CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY

FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, December 12, 1949

The Assembly met at 12 m., pursuant to the provisions of the Proclamation of His Excellency, Earl Warren, Governor of the State of California, dated December 7, 1949, convening the Legislature of the State of California on this day in extraordinary session.

Arthur A. Ohnimus, Chief Clerk of the Assembly for the 1949 Regular Session, presiding.

ANNOUNCEMENT

Arthur A. Ohnimus, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Government Code, Section 9150, the following officers of the Assembly of the 1949 Regular Session of the Legislature were present, and in their respective positions: Arthur A. Ohnimus, Chief Clerk; Geraldine B Hadsell, Minute Clerk; and Wilkie Ogg, Sergeant-at-Arms.

CERTIFICATES FROM SECRETARY OF STATE

The Chief Clerk read the following certificates of duly elected Members of the Assembly of the State of California:

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE

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

RALPH R CLOYED

was elected to the Office of Member of the Assembly—Eightieth Assembly District of the State of California at the special election held in said district on the eighth day of November, 1949, as appears by the official returns of said election and statement thereof on file in my office.

(SEAL)

WITNESS my hand and official seal this twenty-second day of November, A D., 1949.

FRANK M. JORDAN, Secretary of State

OATH OF OFFICE OF ASSEMBLYMAN RALPH R. CLOYED

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the Office of Member of the Assembly—Eightieth Assembly District according to the best of my ability.

RALPH R CLOYED

Subscribed and sworn to before me, this twenty-sixth day of November, A. D. 1949.

JOHN A. HEWICKER
Judge of the Superior Court of the State of California
in and for the County of San Diego

ENDORSED, FILED in the Office of the Secretary of State of the State of California November 29, 1949.

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

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE

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

CARLEY V. PORTER

was elected to the Office of Member of the Assembly—Sixty-ninth Assembly District of the State of California at the special election held in said district on the eighth day of November, 1949, as appears by the official returns of said election and statement thereof on file in my office.

(SEAL)

WITNESS my hand and official seal this twenty-second day of November, A. D., 1949.

FRANK M. JORDAN, Secretary of State

OATH OF OFFICE OF ASSEMBLYMAN CARLEY V. PORTER

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the Office of Member of the Assembly, Sixty-ninth Assembly District, according to the best of my ability.

CARLEY V. PORTER

SUBSCRIBED and sworn to before me, this twenty-fourth day of November, A. D. 1949.

RALPH C. DILLS
Justice of the Peace,
Compton Township

ENDORSED, FILED, in the Office of the Secretary of State of California, November 28, 1949

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

ROLL CALL

Chief Clerk Arthur A. Ohnimus directed the Assistant Clerk to call the roll of Assemblymen.

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D Collins, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—74.

Quorum present.

PRAYER

Upon invitation of the Chief Clerk, the following prayer was offered by the Chaplain of the 1949 Regular Session, Dr. Torrance Phelps:

God of Our Fathers: We acknowledge with gratitude that we assemble in this historic place and that we live in a state that governs itself and derives its power from the will of the people.

A representative government, representing many sections and interests and many kinds of people, but all honoring the authority of the majority.

Let us glory in the Constitution of America, with its many states, each governing itself and yet all united in one united commonwealth

When men question whether the people are capable of self-government, let us rejoice that we can point to America, the model for all freedom loving men.

Let us pledge allegiance to this land and the God who blesses it and fulfill His will for our fellow citizens —AMEN.

PROCLAMATION OF THE GOVERNOR

The Chief Clerk directed the Assistant Clerk to read the Proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Assistant Clerk read the following Proclamation:

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 to meet in extraordinary session at Sacramento, California, on Monday, the twelfth day of December, 1949, at 12 o'clock noon of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to appropriate money to the counties and cities and counties for expenditure during the 1949-1950 Fiscal Year to meet the financial emergency in payment of aid to the aged and to the needy blind and the administration of such aid confronting the counties and cities and counties by reason of the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949.

2. To consider and act upon legislation to provide for the transfer to the counties and cities and counties of personnel for the administration of aid to the aged and aid to the needy blind.

3. To consider and act upon legislation to increase the salary of the Director of Social Welfare.

4. To consider and act upon legislation to provide financial assistance during the 1949-1950 Fiscal Year to school districts in which the increase in attendance during the current fiscal year over that of the last preceding fiscal year is such that the school districts are unable to provide for the operation and maintenance of necessary schools during the current fiscal year.

5. To consider and act upon legislation relating to lobbying and other attempts to influence legislation.

6. To consider and act upon legislation to prohibit any state officer or employee, otherwise than in the discharge of his official duties, from representing for compensation the interests of any other person before any administrative agency or officer of this State or from prosecuting or aiding or assisting in the prosecution of any claim of another against the State or any agency thereof before any such agency or officer.

7. To consider and act upon legislation relating to sex offenses.

8. To consider and act upon legislation to provide for the submission of the Veterans' Bond Act of 1949 and of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session to the voters of the State at a special election to be consolidated with the 1950 direct primary election.

9. To approve or reject charters and charter amendments of cities, cities and counties, 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 seventh day of December, 1949.

(SEAL)

EARL WARREN, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State

RESOLUTIONS

The following resolution was offered:

By Mr. Geddes:

House Resolution No. 1

Resolved by the Assembly of the State of California, That the following named persons constitute the Officers of the Assembly for the 1949 (First Extraordinary) Session, with the per diem as fixed by statute or resolution:

Hon. Sam L. Collins ..... *Speaker*
Hon. Thomas A. Maloney ..... *Speaker pro Tempore*
Arthur A. Ohnimus ..... *Chief Clerk*
Geraldine B. Hadsell ..... *Minute Clerk*
Wilkie Ogg ..... *Sergeant-at-Arms*
Dr. Torrance Phelps ..... *Chaplain*
Andrew J. Cecchettini ..... *Chief Assistant Sergeant-at-Arms*

Request for Unanimous Consent

Mr. Geddes asked for, and was granted, unanimous consent to take up House Resolution No. 1, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarty, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—72.

NOES—None.

APPOINTMENT OF SELECT COMMITTEES

Chief Clerk Arthur A. Ohnimus announced the appointment of Messrs. Geddes, Dickey, and Crichton, as a Select Committee to escort Hon. Sam L. Collins, Speaker-elect to the rostrum.

Chief Clerk Arthur A. Ohnimus announced the appointment of Messrs. McCollister, McCarthy, and Rosenthal as a Select Committee to escort Hon. Thomas A. Maloney, Speaker pro Tempore-elect, to the rostrum.

OATHS OF OFFICE ADMINISTERED

Hon. Sam L. Collins, Speaker-elect; Hon. Thomas A. Maloney, Speaker pro Tempore-elect; Arthur A. Ohnimus, Chief Clerk-elect; Geraldine B. Hadsell, Minute Clerk-elect; Wilkie Ogg, Sergeant-at-Arms-elect; Dr. Torrance Phelps, Chaplain-elect; and Andrew J. Cecchettini, Chief Assistant Sergeant-at-Arms-elect; took and subscribed to the following oath, administered by Hon. Frank M. Jordan, Secretary of State:

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

Speaker Presiding

At 12.18 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

COMMITTEE FROM THE SENATE

Senators Dillinger, McBride, and Crittenden appeared before the bar of the Assembly, and announced that the Senate was organized, and ready to proceed with the regular business.

REMARKS BY SPEAKER SAM L. COLLINS

Speaker Sam L. Collins then addressed the Assembly as follows:

In the midst of the holiday season, we are called upon to make special laws at a special session dealing with many subjects. Judging from the press reports, none are too happy with having to appear at this particular time, although it is barely possible the press reports have inaccurately stated your views. On several occasions I, personally, expressed my confidence in the Governor and the necessity of calling the Legislature into session at this particular time.

It is my belief that it is a very opportune time to discuss at least one particular phase of the subject of the call, and that is the subject of lobbying.

It is my belief that within a short time our Committee on Governmental Efficiency and Economy will have completed their work, and will report their findings to this Body. For weeks they have been making a study of this subject, and the Legislative Counsel, at their request, has compiled the statutes of all of the states as well as of the Federal Government on this subject.

On this subject, I desire to direct your attention to my letter addressed to Colliers. On the twenty-second day of August of this year, I wrote to the editors of Colliers, and have before me the letter and the return receipt indicating that they had received the letter on the twenty-fifth day of August, at which time I advised them in part as follows:

> "Your statement that Mr. Samish gave the Speakership of the Assembly to Sam Collins is an absolute false statement. During my campaign for Speakership, advocates of my opponent urged to new members that Mr. Samish was behind my candidacy, which, as far as I knew, was untrue. Nevertheless, this untrue charge cost me a number of votes. It is easy for one's political opponents to say, just as you do in your article, that some particular person is a 'Samish man.' in politics, denials frequently do not carry the same weight as the false charge that is denied. Your statement that I am or was a 'Samish man' is untrue. Mr. Velie, the author of your article, should not have made such a statement without interviewing the persons whose names he thus used, as he used mine, and in that manner avoid the making of such false statements. Mr. Velie never did me the honor of paying me a visit nor did I ever see him.
>
> "So far as I am personally concerned, I never discussed the Speakership with Mr. Samish. He never promised me to elect me Speaker or to any other office. At no time have I felt that I was obligated to him for the position."

Further, I checked with Mr. Frank M. Waters, the man who circulated my petition, and he advised me that he at no time had spoken to Mr. Samish concerning my candidacy and that so far as he knew none of those who indicated their preference for me had been requested to do so by Mr. Samish. I have since interrogated practically all of them and they have assured me that at no time did Mr Samish or anyone on his behalf solicit their support for me for Speaker.

I can think of no more reprehensible statement concerning this or any other Legislature that has ever been uttered by anyone at any time. If any of the statements contained therein were made by Mr. Samish he since has appeared before a committee of this body and denied in detail each and every portion of the article It is understandable that the whole would be considered as untrue when you segregate any statement and compare it with the facts. I think the best illustration is the first paragraph of my letter appearing on page 3, which reads as follows:

> "A very glaring inaccuracy is noted wherein the article states that the Committee on Public Morals being a Samish committee reports out all gambling measures among other things, and then states that the committee voted to a man to legalize bookmaking in California. This bookmaking bill actually was never before the Public Morals Committee. If Mr. Samish controls the Legislature, what explanation do you give for the bill's defeat and the fact that at least three members of the Committee on Public Morals voted against the measure? As a matter of absolute truth, you could continue throughout the article and pick out many other inaccurate statements in the same manner as I have in this instance, to which I have directed your attention."

For a statement to appear in a responsible paper or periodical "Artie Samish has more power than the Governor" in connection with any legislation is too preposterous to even be considered by anyone. And I quote again from my letter to Colliers' editors, on page 4, as follows:

> "No one would go so far as to say that Mr. Samish could control the Governor, yet when 'Samish Legislation' or any other legislation reaches the Governor's desk, it would simply require a veto if the legislation was bad and would have to come back to the Legislature to over-ride the Governor's veto There were no bills this session that came back to the Legislature with a request by the author to over-ride the Governor's veto."

No matter what anyone says to the contrary, or no matter what one's views may be concerning the accuracy of this article, it stands as a damnable indictment of every member of this Assembly and the Senate, possessing as it does, not one iota of truth as to the control of Mr. Samish, it nevertheless demands forcible and immediate action by this body to enact the strongest law now existing on any Federal or State Goverment statute concerning the control of lobbying.

It is needless for me to say to you that business representatives are not only desirable but necessary in order to properly inform committees and members thereof of the attitude of the various affected parties—nor

to remind you that a *lobbyist* is one who represents the interests contrary to your views, while the *business representative* represents your views—and that's the reason you don't call him a lobbyist.

Knowing these things, our task is even greater to prevent the undesirable from influencing legislation unlawfully and yet permit the desirable free and unhampered representation and the right of petition to their legislative body in a lawful manner true to the time honored tradition of this great Commonwealth.

Motion That Remarks by Speaker Sam L. Collins Be Printed in the Journal

Mr. Doyle moved that the remarks by Speaker Sam L. Collins be ordered printed in the Journal in 10-point type.

Mr. Dills seconded the motion.

Motion carried.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of the Speaker, the Assembly then gave the pledge of allegiance to the Flag.

RESOLUTIONS

The following resolution was offered:

By Mr. Maloney:

House Resolution No. 2

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session pursuant to the Proclamation of His Excellency, the Governor, dated the seventh day of December, 1949, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. Sam L. Collins ..... *Speaker*
Hon. Thomas A. Maloney ..... *Speaker pro Tempore*
Arthur A. Ohnimus ..... *Chief Clerk*
Geraldine B. Hadsell ..... *Minute Clerk*
Wilkie Ogg ..... *Sergeant-at-Arms*
Dr. Torrance Phelps ..... *Chaplain*
Andrew J. Cecchettini ..... *Chief Assistant Sergeant-at-Arms*

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 2, at this time, without reference to committee or file.

Resolution read, and adopted.

Appointment of Select Committee

Pursuant to the provisions of House Resolution No. 2, the Speaker announced the appointment of Messrs. Maloney, Cloyed, and Porter, as such Select Committee.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

The following member was granted leave of absence for the day, because of legislative business elsewhere:

Mr. Silliman, on motion of Mr. Stanley.

The following member was granted leave of absence for the day, and desired to waive his per diem:

Mr. Huyck, on motion of Mr. Waters.

RESOLUTIONS

The following resolution was offered:

By Mr. Kirkwood:

House Resolution No. 3

Resolved by the Assembly of the State of California, That a Select Committee of Five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.

Request for Unanimous Consent

Mr. Kirkwood asked for, and was granted, unanimous consent to take up House Resolution No. 3, at this time, without reference to committee or file.

Resolution read, and adopted.

Appointment of Select Committee

Pursuant to the provisions of House Resolution No. 3, the Speaker announced the appointment of Messrs. Kirkwood, Sherwin, Geddes, Crichton, and Beck, as such Select Committee.

COMMUNICATIONS

By the Chief Clerk:

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

August 31, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have this day appointed Mr. Lester A. McMillan to serve on the Assembly Interim Committee on Aviation, vice Mr. Edward M. Gaffney, resigned, and Mr. Edward M. Gaffney to serve on the Assembly Interim Committee on Conservation, Planning, and Public Works, vice Mr. Lester A. McMillan, resigned.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

September 22, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have appointed Messrs. Brown, Hagen, Clarke and Crichton as a committee to represent the Assembly at the funeral services of Hon. Sam L. Heisinger, and have ordered a suitable floral piece to be sent to the undertaking parlor.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

October 17, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have this day appointed Mr. Ralph M. Brown to serve on the Joint Interim Committee on Water Problems. This appointment will fill the vacancy created by the death of Hon. Sam Heisinger.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

October 17, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have this day appointed Mr Jonathan J Hollibaugh to the Interim Committee on Water Pollution.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

October 21, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have this day appointed Mr Lester T. Davis to the Standing and the Interim Committees on Fish and Game to take the place of Hon. S. L. Heisinger, deceased.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

November 29, 1949

Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: This is to advise that I have this day appointed Messrs. Francis Dunn, Jr., and Robert C. Kirkwood to serve on the State School Building Finance Committee in accordance with Senate Bill No. 1417, Chapter 922 of the Statutes of 1949.

With kind personal regards, I am
Sincerely,
(Signed)

SAM L. COLLINS, Speaker

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced that the standing committees of the 1949 Regular Session will be the standing committees of the 1949 (First Extraordinary) Session.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

Speaker Sam L. Collins announced the appointment of the following members to vacancies on standing and interim committees:

Mr. Carley V. Porter to the Standing Committee on Education, Livestock and Dairies, and Manufacturing, Oil, and Mining Industry, vice Mr. Ralph C. Dills, resigned.

Mr. Ralph R Cloyed to the Standing Committees on Livestock and Dairies and Transportation and Commerce, vice Mr. Way, resigned; and to the Standing Committee on Agriculture, vice Mr. Heisinger, deceased.

Mr. Carley V Porter to the Interim Committee on Cemetery, Mausoleum, Crematorium and Similar Associations, vice Mr. Way.

Mr. Ralph R. Cloyed to the Interim Committee on Conservation, Planning, and Public Works, vice Mr. Way.

Mr. R. Fred Price to the Interim Committee on State and Local Taxation, vice Mr. Way.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 4

Resolved by the Assembly of the State of California, That the Standing Rules of the 1949 Regular Session, as amended in 1949, be and the same are hereby adopted as the Temporary Rules of the 1949 (First Extraordinary) Session.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 4, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr Speaker—74

NOES—None.

REQUEST FOR UNANIMOUS CONSENT THAT NAME BE PLACED UPON ROLL CALLS

Mr. Lowrey asked for, and was granted, unanimous consent that his name be placed upon the morning roll call, and that he be recorded as being present; and that his name be placed upon the roll call on the election of officers, and that he be recorded as voting "Aye."

RESOLUTIONS

The following resolutions were offered:

By Mr. Crichton:

House Resolution No. 5

Resolved by the Assembly of the State of California, That the Sergeant-at-Arms or the Chief Clerk, be and they are hereby authorized to receipt to the Controller for all warrants for the payment of members, officers, and attaches of the Assembly.

Request for Unanimous Consent

Mr. Crichton asked for, and was granted, unanimous consent to take up House Resolution No. 5, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

By Mr. Crowley:

House Resolution No. 6

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants on the proper fund in favor of the following members and officers of the Assembly for the amount set

opposite their respective names, and the Treasurer is hereby directed and ordered to pay the same:

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
2	Lester Thomas Davis	Portola, Plumas County	136	40	--	176	352	$17 60
3	Lloyd W Lowrey	Rumsey, Yolo County	23	36	--	59	118	5 90
4	Arthur W Coats, Jr.	Yuba City, Sutter County	58	--	--	58	116	5 80
5	Ernest C. Crowley	Fairfield, Solano County	40	--	--	40	80	4 00
6	Francis C Lindsay	Loomis, Placer County	37	--	10	27	54	2 70
7	Richard H McCollister	Mill Valley, Marin County	105	8	--	113	226	11 30
8	Gordon A Fleury	Sacramento, Sacramento County	--	--	--	--	--	-----
9	John E Moss, Jr	Sacramento, Sacramento County	--	--	--	--	--	-----
10	Robert L Condon	Walnut Creek, Contra Costa County	62	11	--	73	146	7 30
11	Charles M Weber	Stockton, San Joaquin County	48	--	--	48	96	4 80
12	Verne W. Hoffman	Acampo, San Joaquin County	48	--	14	34	68	3 40
13	Francis Dunn, Jr	Oakland, Alameda County	84	--	--	84	168	8 40
14	Randal F Dickey	Alameda, Alameda County	84	5	--	89	178	8 90
15	Luther H. Abe Lincoln	Oakland, Alameda County	84	--	--	84	168	8 40
16	Marvin Sherwin	Piedmont, Alameda County	84	--	--	84	168	8 40
17	William Byron Rumford	Berkeley, Alameda County	84	--	1	83	166	8 30
18	Thomas W. Caldecott	Berkeley, Alameda County	84	--	1	83	166	8 30
19	Bernard R Brady	San Francisco, San Francisco County	90	--	--	90	180	9 00
20	Thomas A Maloney	San Francisco, San Francisco County	90	--	--	90	180	9 00
21	Arthur H Connolly, Jr	San Francisco, San Francisco County	90	--	--	90	180	9 00
22	George D Collins, Jr.	San Francisco, San Francisco County	90	--	--	90	180	9 00
24	Charles W Meyers	San Francisco, San Francisco County	90	--	--	90	180	9 00
25	Robert I McCarthy	San Francisco, San Francisco County	90	--	--	90	180	9 00
26	Edward M Gaffney	San Francisco, San Francisco County	90	--	--	90	180	9 00
27	Richard J Dolwig	South San Francisco, San Mateo County	119	--	11	108	216	10 80
28	Robert C Kirkwood	Saratoga, Santa Clara County	128	12	--	140	280	14 00
29	John F Thompson	San Jose, Santa Clara County	128	--	--	128	256	12 80
30	Ralph M Brown	Modesto, Stanislaus County	77	--	--	77	154	7 70
31	George A Clarke	Planada, Merced County	114	10	--	124	248	12 40
32	Donald L Grunsky	Watsonville, Santa Cruz County	198	20	--	218	436	21 80
34	James G Crichton	Fresno, Fresno County	169	--	--	169	338	16 90
36	Harlan Hagen	Hanford, Kings County	214	--	--	214	428	21 40
37	Stanley T Tomlinson	Santa Barbara, Santa Barbara County	460	--	--	460	920	46 00
38	John B Cooke	Ventura, Ventura County	490	--	--	490	980	49 00
39	Joe C Lewis	Buttonwillow, Kern County	278	21	--	299	598	29 90
40	William H Rosenthal	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
41	Julian Beck	San Fernando, Los Angeles County	447	--	21	426	852	42 60
42	Everett G Burkhalter	North Hollywood, Los Angeles County	447	--	--	447	894	44 70
43	H Allen Smith	Glendale, Los Angeles County	447	--	10	437	874	43 70
44	Edward E Elliott	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
45	Thomas J Doyle	Los Angeles Los Angeles County	447	--	--	447	894	44 70
46	Glenn M Anderson	Hawthorne, Los Angeles County	447	12	--	459	918	45 90
47	Albert I Stewart	Pasadena, Los Angeles County	447	13	--	460	920	46 00
48	Bruce V Reagan	Pasadena Los Angeles County	447	13	--	460	920	46 00
49	Ernest R Geddes	Claremont, Los Angeles County	447	26	--	473	946	47 30
50	Thomas M Erwin	Puente Los Angeles County	447	19	--	466	932	46 60
51	Elwyn S Bennett	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
52	Jonathan J Hollibaugh	Huntington Park, Los Angeles County	447	6	--	453	906	45 30
53	Montivel A Burke	Alhambra, Los Angeles County	447	9	--	456	912	45 60
54	John L. E Collier	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
55	Vernon Kilpatrick	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
56	Glenard P Lipscomb	Los Angeles Los Angeles County	447	--	--	447	894	44 70
57	Charles J Conrad	Hollywood, Los Angeles County	447	--	--	447	894	44 70
58	Laughlin E Waters	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
60	Harold K Levering	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
61	Lester A McMillan	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
62	Augustus F Hawkins	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
63	G Delbert Morris	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
64	Samuel William Yorty	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
65	John W Evans	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
66	Gordon R Hahn	Los Angeles, Los Angeles County	447	--	--	447	894	44 70
67	Clayton A Dills	Gardena, Los Angeles County	447	11	--	458	916	45 80
68	Vincent Thomas	San Pedro Los Angeles County	447	23	--	470	940	47 00
69	Carley V Porter	Compton, Los Angeles County	447	18	--	465	930	46 50
70	William S Grant	Long Beach, Los Angeles County	447	22	--	469	938	46 90
71	Carl Fletcher	Long Beach Los Angeles County	447	22	--	469	938	46 90
72	R Fred Price	Upland, San Bernardino County	508	--	23	485	970	48 50
74	Earl W Stanley	Balboa Island, Orange County	481	8	--	489	978	48 90
75	Sam L Collins	Fullerton, Orange County	481	--	11	470	940	47 00
76	John D Babbage	Riverside, Riverside County	512	--	--	512	1,024	51 20
77	George R Butters	Brawley, Imperial County	661	--	14	647	1,294	64 70
78	Frank Luckel	San Diego, San Diego County	573	--	--	573	1,146	57 30
79	Kathryn T Niehouse	San Diego, San Diego County	573	--	--	573	1,146	57 30
80	Ralph R Cloyed	Chula Vista, San Diego County	573	10	--	583	1,166	58 30

Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 10 cents per mile
Arthur A. Ohnimus	San Francisco, San Francisco County	--	--	--	---	---	-----
Geraldine R. Hadsell	Los Angeles, Los Angeles County	447	--	--	447	894	$89.40
Wilkie Ogg	Sacramento, Sacramento County	--	--	--	---	---	-----

Request for Unanimous Consent

Mr. Crowley asked for, and was granted, unanimous consent to take up House Resolution No. 6, at this time, without reference to committee or file.

Resolution read.

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

AYES.—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Burtess, Caldecott, Clarke, Cloved, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Landsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nicholson, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES.—None.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 12, 1949

MR. SPEAKER: I am directed to inform your honorable body that the Senate has elected the following statutory officers for the Extraordinary Session of 1949:

President pro Tempore ..... Harold J. Powers
Secretary of the Senate ..... Joseph A. Beek
Sergeant-at-Arms ..... Joseph F. Nolan
Minute Clerk ..... John F. Lea
Chaplain ..... Rev. Nelson E. Hinman

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

REQUEST FOR UNANIMOUS CONSENT THAT ADDRESS BE PRINTED IN THE JOURNAL

Mr. Thompson asked for, and was granted, unanimous consent that an address by Senator Herbert C. Jones before the California Historical Society in San Jose, on December 10, 1949, be ordered printed in the Assembly Journal for Wednesday, December 14, 1949, in 10-point type.

REQUEST THAT 5,000 ADDITIONAL COPIES OF ADDRESS BE PRINTED

Mr. Thompson requested that 5,000 additional copies of the above-mentioned address be ordered printed, as separate documents, in 10-point type.

Above mentioned request ordered referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON PUBLIC EDUCATION BE PRINTED IN JOURNAL

Mr. Dunn asked for, and was granted, unanimous consent that a letter of transmittal and a Report of the Assembly Interim Committee on Public Education be ordered printed in the Journal, in 10-point type.

(Above-mentioned letter of transmittal, and report, will appear prior to the motion to adjourn.)

MOTION THAT KFBK RADIO STATION BE PERMITTED TO BROADCAST ADDRESS OF THE GOVERNOR

Mr. Dickey moved that KFBK radio station be permitted to broadcast the address to be made by Governor Warren.

Mr. Weber seconded the motion.

Motion carried.

REPORT OF SELECT COMMITTEE

The Select Committee appointed to wait upon the Governor reported that it had performed its duties.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 7

Resolved by the Assembly of the State of California, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred dollars ($100), said amount being for the payment of postage, telegraphing, expressage, and incidental expenses of the Chief Clerk's Office.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 7, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nicholson, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

By Mr. Dickey:

House Resolution No. 8

Resolved by the Assembly of the State of California, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the amount of one thousand nine hundred fifty dollars ($1,950), said amount being for the purchase of postage stamps to be used by Members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding one thousand nine hundred fifty dollars ($1,950) in the aggregate, as shall be necessary for the use of the Members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one Member of the Assembly for official mail shall not exceed the sum of twenty-five dollars ($25).

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 8, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

COMMUNICATIONS

By the Chief Clerk:

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

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
STATE CAPITOL, SACRAMENTO, CALIFORNIA, December 12, 1949

Hon. Arthur A. Ohnimus,
Chief Clerk, the Assembly,
Sacramento, California

DEAR MR. OHNIMUS: Following is a corrected list of accredited press representatives for the 1949 Legislature who will cover the current special session:

Associated Press—Archie Wells, Wayne Harbert, James Stanley Carter, Morris Landsberg, Roger Barr, Joseph Lipper, Allan Barton, Carol Ann Carlson.
Copley Press—Richard Bergholz.
International News Service—Neil Shaw, Frederic J. Rupp.
Los Angeles Daily News—Leslie E. Claypool.
Los Angeles Examiner—Carl Greenberg.
Los Angeles Mirror—James Bassett.
Los Angeles Times—Chester G. Hanson.
McClatchy Broadcasting Company—George E. Helmer, Tony Koester.
Oakland Tribune—Don Thomas.
Radio Station KROW—Paul Sullivan, Gene Desimone, Clyde F. Coombs, William J. Ratcliffe, Howard Martineau.
Sacramento Bee—Herbert L. Phillips, Richard Rodda, Thomas Arden, Robert M. Blanchard, S. J. Archibald, Walter P. Jones, Myron V. Depew, Hamilton Hintz, Rudy Hickey, Al Lyons, Robert Handsaker.
Sacramento Union—J. L. Roy Rosenberg, E. E. Nichols, Norman Deuel, Joseph Benetti.
San Francisco Call-Bulletin—C. Lyn Fox, John Keyes.
San Francisco Chronicle—Earl C. Behrens.
San Francisco Examiner—Royal W. Jimerson, Jack Welter.
San Francisco News—Mary Ellen Leary.
San Francisco Peoples World—Steve Murdock.
United Press—Lloyd Lapham, J. F. McLaughlin, Thomas J. Goff, Edward J. Dolan, Wayne Sargent, Tom Page, Robert Young.
Western News Service—Earl G. Waters, Henry C. McArthur, Christian Holmes.

Sincerely,

EARL C. BEHRENS, President

RATIFICATION BY ASSEMBLY

The roll was called, and the above mentioned action, as taken by the Capitol Correspondents Association of California, was ratified by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen,

Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 9

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same; said compensation to be upon a seven-day week basis:

Commencing Monday, December 12, 1949:

Arthur A. Ohnimus, Chief Clerk	$25 00
Geraldine B. Hadsell, Minute Clerk	15 00
Wilkie Ogg, Sergeant-at-Arms	15 00
Harold F. Lewright, Assistant Chief Clerk	15 00
Charles W. Robbins, Engrossing and Enrolling Clerk	14 00
Andrew J. Cecchettini, Chief Assistant Sergeant-at-Arms	13 00

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 9, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

By Mr. Dickey:

House Resolution No. 10

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly be and he is hereby directed to procure from the State Purchasing Division on requisition, for the use of the Members of the Assembly, all necessary stationery and supplies.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to committee or file.

Resolution read, and adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 1: By Mr. Dickey—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Assembly Bill No. 1 ordered printed and held at desk.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

LOS ANGELES CHAMBER OF COMMERCE, December 9, 1949

The Honorable Sam L. Collins
Speaker of the Assembly
State Capitol, Sacramento 14, California

DEAR SPEAKER COLLINS: Following committee study and consideration, the Board of Directors of the Los Angeles Chamber of Commerce has approved the following recommendations relating to financing the program of aid to the needy aged and blind during the interim between the operative date of Proposition No. 2 and the end of the 1949-50 Fiscal Year, and also for the permanent financing plan beginning July 1, 1950:

For the Interim Prior to July 1, 1950

THAT the State of California finance the counties' share of aged and blind aid from the operative date of Article XXVII until the beginning of the next fiscal year—July 1, 1950.

Permanent Financing Policies

THAT the program of aid to the needy aged and blind be administered by the counties of California.

THAT, effective July 1, 1950, the costs of administration of the aged and blind and programs be shared on the same basis as existed prior to the passage of Proposition No. 4 (Article XXV of the Constitution) with the counties bearing not more than one-half the cost.

THAT, effective July 1, 1950, when the counties resume the obligation of financing a share of the aged and blind caseload costs, the counties be required to finance not more than one-seventh nor less than one-ninth of the joint state-county costs of aid to the needy aged.

THAT the minimum age limit for qualification for aid to the needy aged be retained at 65 years, which was the age limit prior to the passage of Proposition No. 4, and that efforts to amend the law to include persons of age 63 and 64 be opposed.

THAT the relatives' responsibility scale which was in effect prior to the passage of Proposition No. 4 be reinstated without change.

Copies of the reports of the State and Local Government Committee which contain the background for the recommendations are enclosed for your information.

Your careful consideration of these recommendations is earnestly requested.

Respectfully submitted,

JAMES L. BEEBE, Chairman
State and Local Government Committee

By Speaker Sam L. Collins:

CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS
SAN FRANCISCO 2, CALIFORNIA, December 5, 1949

Hon. Sam L. Collins
Speaker of the State Assembly
Fullerton, California

MY DEAR MR. COLLINS: May we inform you that the California Conference of Local Health Officers at its meeting in San Jose, California on November 17, 1949, adopted the following resolution:

WHEREAS, The California Conference of Local Health Officers was established by the adoption of Chapter 1562 of the Health and Safety Code, Statutes of 1947; and

WHEREAS, The State Department of Public Health has offered the California Conference of Local Health Officers every assistance in its duties by providing meeting places, expert consultation, secretarial service, and multiple other favors; and

WHEREAS, For the first time in the history of California, local health officers have had an outstanding opportunity to work together and compare problems, as well as to profit by frequent consultation with members of the State Health Department staff; and

WHEREAS, Through these relationships a very real though perhaps intangible spirit of cooperation has developed between all health agencies within the State as a result of the conferences and discussions of this body; and

WHEREAS, Under the stimulation of the provisions of Chapter 1562 of the Health and Safety Code, progress of public health in the State of California has been more rapid than at any other period in the history of development of health service in the State; now, therefore, be it

Resolved, That the California Conference of Local Health Officers assmbled in regular session in San Jose, California, on November 17, 1949, does hereby express to the State Department of Public Health and its various component divisions and bureaus and their respective chiefs their gratitude for the help and assistance provided during the past two years, and be it further

Resolved, That a copy of this resolution be spread upon the minutes of this meeting and copy be forwarded to the Governor of the State of California, the Director of Public Health, the President of the State Senate, the Speaker of the Assembly, and to the Chairmen of the appropriate committees of the Legislature.

Very truly yours,

W. ELWYN TURNER, M.D., President
California Conference of Local Health Officers
ELMER M. BINGHAM, M.D., Secretary
California Conference of Local Health Officers

By Speaker Sam L. Collins:

CALIFORNIA FEDERATION OF WOMEN'S CLUBS
SHASTA TEHAMA BI-COUNTY, Corning, California, December 6, 1949

Speaker of Assembly, Mr. Sam L. Collins
State Capitol, Sacramento, California

DEAR MR. COLLINS: The members of the Shasta Tehama Bi-County Fed. of Womens Clubs urge you to use all possible influence on the enforcement of existing sex-crime laws, or if necessary to bring about new legislation to deal satisfactorily with these offenders.

We women feel very strongly about this situation and demand some protection by law, of our young people.

We thank you very much for your cooperation.

Respectfully

MRS. P. D. HRADECKY, President

By Speaker Sam L. Collins:

STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION
SACRAMENTO, December 12, 1949

The Honorable Sam L. Collins
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SPEAKER: In behalf of all those who take part in the functioning of the Public School System of California, I must take this opportunity to thank the Members of the Assembly for the action taken with regard to the schoolhousing emergency by your honorable body during the 1949 Regular Session of the Legislature.

As you know, the people of the State of California have approved the adoption of Assembly Constitutional Amendment No. 80, authorizing the issuance of $250,000,000 in state bonds for the purpose of making loans to impoverished school districts for school sites and school buildings. The popular vote at the special election called for November 8, 1949, showed that a very large majority of the people were in favor of the measures as it was submitted to them.

I should like to assure you today that the agencies designated by law to carry out the provisions of the constitutional amendment are preparing to meet the need of the school districts as rapidly as possible. The organization of the newly created State School Building Finance Committee is under way, and has been expedited by the prompt appointment by yourself of the two members of the Assembly required to meet and advise with the committee. The State Allocation Board will at an early date request funds from the proceeds of the sale of bonds as authorized in the law. The Department of Education is conferring with administrators of school districts potentially eligible for the state loans, and has been assisting them in processing the information that must be presented with applications to the State Allocation Board in justification of the applications, this responsibility having been assigned to the department in the law.

It is the intent of all concerned to provide the children in the eligible school districts at present suffering from inadequate schoolhousing, with adequate classrooms as early as possible. The children, parents, and teachers of California in particular have reason to appreciate the constructive action of the Legislature to make realization of this objective possible.

Sincerely,

ROY E. SIMPSON
Superintendent of Public Instruction

By the Chief Clerk:

A communication from the Los Angeles County Grand Jury, Harry A. Lawson, foreman, suggesting remedial action relative to pre-

vention of sex crimes, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Robert S. Ross, President, Republican Club of Santa Monica, enclosing a memorial to the Legislature relative to the State Budget for 1950, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication and attached papers from Mack H. Brown of Richmond, relative to his injuries, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from J. W. Hartman, Secretary, enclosing a resolution by the State Association of County Assessors of California, relative to Chapter 1466 of the Statutes of 1949, was received, and ordered filed with the Secretary of State

By the Chief Clerk:

A communication from Walter C. Peterson, City Clerk, enclosing a resolution by the Los Angeles City Council, relative to new laws pertaining to sex offenders, was received, and ordered filed with the Secretary of State

By the Chief Clerk:

A communication from William Denman, Chief Judge, United States Court of Appeals, Ninth Judicial Circuit, transmitting a copy of "A Symposium on Andrew Furuseth", was received, and ordered filed with the Secretary of State

By the Chief Clerk:

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

STATE OF CALIFORNIA, PRINTING DIVISION
SACRAMENTO, October 20, 1949

Mr. Arthur Ohnimus, Chief Clerk
California Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: This is to advise you that we have deposited the following amounts in the newly created Legislative Printing Fund, as per Chapter 1238, 1949:

From Documents Account for legislative publications sold---- $13,531 74
From Legislative Bill Room---------- $50,000 00

Very truly yours,

PAUL E. GALLAGHER, State Printer

By the Chief Clerk:

A communication from Walter C. Peterson, City Clerk, submitting report of Police and Fire Committee, Los Angeles City Council, relative to creating a State Board of Radio and Television Examiners, was received and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from G. N. Cook, Assistant Secretary, California Highway Commission, relative to a preliminary survey for a highway

from Hale's Grove near Westport to about 10 miles south of the Humboldt-Mendocino County line, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from M. Slattery, Secretary to the President of Ireland, acknowledging receipt of 1949 resolution congratulating the Irish people upon becoming a Republic, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Mrs H. C. Knutsen, requesting assistance in case against certain parties, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from A. D. Chaffin, Lieutenant Colonel, Corps of Engineers, San Francisco, and enclosure from San Francisco Office of the Maritime Commission, relative to storage space for cotton (Assembly Joint Resolutions Nos. 38 and 40, 1949 Regular Session), were received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Rear Admiral F. C. Denebrink, relative to storage space for cotton (Assembly Joint Resolution No. 40, 1949 Regular Session), was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from R. Highton of Los Angeles, relative to motor vehicle liability insurance, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Louis Johnson, Secretary of Defense, acknowledging receipt of House Resolution No. 303, relative to sale of alcoholic beverage on military and naval reservations in California, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

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

NEW YORK, N. Y., September 1, 1949

Mr. Arthur A. Ohnimus,
Chief Clerk, California Legislature
Assembly, San Francisco, California

DEAR SIR: Thank you sincerely for the copies of House Resolution No. 228, relating to adjournment in respect to the memory of my brother, Robert Ripley. My brother Douglas and I are deeply appreciative of this great tribute to Bob's memory.

Respectfully yours,

ETHEL DAVIS
(Mrs. Fred Davis)

By the Chief Clerk:

A communication from Richard L. Jewett, Lieutenant Colonel, Corps of Engineers, Washington, D. C., relative to Assembly Joint Resolution No. 23, authorizing Corps of Engineers to make certain surveys of the Sacramento and Feather Rivers, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

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

HARMONY FARM, DUTCH FLAT, CALIFORNIA, August 3, 1949

Mr. Arthur A. Ohnimus, Chief Clerk,
Assembly, California Legislature,
Sacramento, California

DEAR MR. OHNIMUS: My son, Dr. Bradford Young, has sent me your very kind letter of July 29th in which you say you have mailed us copies of the House Resolution No. 263 adopted by the Assembly in respect to the memory of my late mother, Mrs. Cora Woodbridge.

I want to express our thanks to you and to the Members of the Assembly for the tribute payed her by all of you. Her friends in the Legislature were very dear to her and to the last, she was interested in all that took place in the body of law makers to which she once belonged and to which she lent such a willing and helpful spirit during her years of association with it.

Again I want you to know how grateful we are for your thoughtful gesture in adopting the resolution in her memory and how much it would have meant to her if she could have known about it.

I beg to remain most sincerely yours,

ANNA YOUNG

By the Chief Clerk:

HARMONY FARM, DUTCH FLAT, CALIFORNIA, August 6, 1949

Mr. Arthur A. Ohnimus, Chief Clerk,
Assembly, California Legislature,
Sacramento, California

DEAR MR. OHNIMUS: Yesterday the copy of the resolution adopted by the Assembly honoring the memory of my mother, Cora M. Woodbridge, arrived. The beautiful illuminated script and impressive wording of the text are a truly magnificent tribute, and we, her descendants feel highly honored to have such a document in our possession. It is a heritage of which we are very proud

Again may I tell you of my deep appreciation of this gracious action and extend to the Members of the Assembly the gratitude of my family in thus honoring us with such a treasured expression of the high regard in which they held my dear mother

With profound thanks I remain very truly yours,

ANNA YOUNG

By the Chief Clerk:

STATE OF CALIFORNIA, PRINTING DIVISION
SACRAMENTO, August 1, 1949

Mr. Arthur A. Ohnimus, Chief Clerk
State Assembly, State Capitol
Sacramento 14, California

DEAR MR. OHNIMUS: This will officially acknowledge receipt of the signed copies of House Resolution No 341.

Permit me on behalf of the entire personnel of the Printing Division to extend their sincere thanks for this splendid token of the appreciation of the Assembly for our handling of the printing requirements of the recent session. As you know we did try to do a conscientious job. We realize, however, a still better job could be done and the sentiment of the resolution will spur us on to endeavor to do a better job next session.

Again many thanks for your kindness.

Sincerely yours,

PAUL E. GALLAGHER, State Printer

By the Chief Clerk:

OFFICES OF THE COUNTY COUNSEL OF LOS ANGELES COUNTY
LOS ANGELES, CALIFORNIA, August 2, 1949

Mr. Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento 14, California

DEAR ARTHUR: I thank you very much for your cordial letter of July 25th enclosing printed copies of House Resolution No. 265 adopted by the Assembly on June 25, 1949, relative to my resignation as Chief Deputy Legislative Counsel.

Please convey to the Members of the Assembly my deep appreciation for this thoughtful expression regarding my years of service with Fred B. Wood, the Legislative Counsel.

This resolution will, indeed, be a delightful reminder of those fascinating, busy years.

With my kindest personal regards, I am

Cordially yours,

C. H. LANGSTAFF, Deputy County Counsel

By the Chief Clerk:

A communication from Congressman Tom Murray, Washington, D. C., enclosing copies of Report No. 1010 of the Committee on Post Office and Civil Service and H. R. 87 of the Eighty-first Congress, relative to promotion of World War II veterans in the Post Office Department, were received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Colonel Joseph S. Gorlinski, Corps of Engineers, Sacramento District, relative to storage space for cotton (Assembly Joint Resolutions Nos. 38 and 40 of the 1949 Regular Session), was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Gladys G. Fickes of Hollywood, relative to unemployment compensation, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Harley Hise, Chairman, Reconstruction Finance Corporation, relative to the government-owned butadiene plant at El Segundo, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from John H. Dean, Assistant Director, United States Department of Agriculture, relative to storage space for cotton (Assembly Joint Resolution No. 40 of the 1949 Regular Session), was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

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

SAINT MARY'S COLLEGE, CALIFORNIA, September 15, 1949

Mr. Arthur A. Ohnimus, Chief Clerk
California Legislature Assembly
Sacramento 14, California

DEAR MR. OHNIMUS: Thank you very much for sending me the copy of the House resolution congratulating me as a football coach for Saint Mary's College.

The congratulations and best wishes of the Assembly have been humbly received by me and the College.

Sincerely yours,

JOSEPH J. VERDUCCI
Head Football Coach

By the Chief Clerk:

THE SECRETARY OF DEFENSE
WASHINGTON, D. C., September 21, 1949

Mr. Arthur A. Ohnimus,
Chief Clerk, California Assembly,
State Capitol, Sacramento 14, California.

DEAR MR. OHNIMUS: Reference is made to your letter of July 8th, with which you enclosed a copy of House Resolution No. 303, California Assembly, and to my interim reply of July 30th.

While statutory requirements necessitate certain differences in the regulations governing the sale of alcoholic beverages in the Departments of the Army, Navy, and Air Force, investigation reveals that only in rare instances are sales of packaged goods to civilians authorized. In the State of California, only one activity is permitted to make package sales to civilians. The excepted case is the Officers' Mess at the Naval Ordnance Test Station, Inyokern, which, in addition to serving the officers attached to the station, serves the civilian scientists and engineers residing on the station. In this instance, any differentiation between civilian scientists and engineers and the officers attached to this isolated station would produce discord and would adversely affect the high morale so necessary to the successful accomplishment of the mission of the station.

The sale of alcoholic beverages by officers' and enlisted men's clubs and messes is authorized in certain instances to enable military personnel to enjoy privileges comparable to those which are enjoyed by the civilian population. The Armed Services adhere to the principle that sales of packaged goods should be restricted to military personnel. Regulations so specifying are explicit, and every effort is made to assure their enforcement. To facilitate any corrective action which may be necessary, the Armed Services would welcome reports of specific instances in which unauthorized sales have been made to civilians.

Sincerely yours,

LOUIS JOHNSON

By the Chief Clerk:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, September 7, 1949

Mr. Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR ARTHUR: Enclosed herewith is a copy of my proclamation designating September 17th as Steuben Day.

The issuance of such a proclamation was requested in House Resolution No. 90, adopted by the Assembly at the 1949 regular session, on January 29, 1949.

Sincerely,

EARL WARREN, Governor

Above mentioned copy of the Governor's Proclamation ordered filed with the Secretary of State.

REPORT OF SELECT COMMITTEE

The Select Committee appointed to wait upon the Senate reported that it had performed its duties.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 20

The Speaker announced that, by unanimous consent, Assembly Rule No. 20 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.

RECESS

At 12.55 p.m., the Speaker announced that the Assembly would be recessed to meet with the Senate in Joint Convention.

IN JOINT CONVENTION

ASSEMBLY CHAMBER, SACRAMENTO
Monday, December 12, 1949

At 12.56 p.m., the Senate and the Assembly met in Joint Convention. Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ANNOUNCEMENT

Speaker Sam L. Collins announced the presence in the Assembly Chamber of the Honorable Goodwin J. Knight, Lieutenant Governor of the State of California and President of the Senate; and the Honorable Harold J. Powers, President pro Tempore of the Senate, and invited them to the rostrum.

SENATE ROLL CALL

Hon. Goodwin J. Knight, 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 Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Way, Weybret, and Williams—35.

The President of the Senate declared a quorum of the Senate present.

ASSEMBLY ROLL CALL

Hon. Sam L. Collins, 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:

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nicholson, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74

The Speaker of the Assembly declared a quorum of the Assembly present.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Hon. Goodwin J. Knight, President of the Senate, announced the appointment of Senators Swing, Way, and Johnson as the Senate Committee to escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

Hon. Sam L. Collins, Speaker of the Assembly, announced the appointment of Messrs. Maloney, Lincoln, and Crichton as the Assembly Committee to escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

REPORT OF JOINT COMMITTEE ON ESCORT

The Joint Committee on Escort, appointed to wait upon the Governor and escort him to the Joint Convention, appeared at the bar of the Assembly, and announced the presence of His Excellency, Hon. Earl Warren, Governor of the State of California.

PRESENTATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE

Hon. Sam L. Collins, Speaker of the Assembly, then presented President pro Tempore of the Senate Hon. Harold J. Powers, to the Joint Convention.

PRESENTATION OF THE LIEUTENANT GOVERNOR

Hon. Harold J. Powers, President pro Tempore of the Senate, than presented Lieutenant Governor Knight to the Joint Convention.

PRESENTATION OF THE GOVERNOR

Hon. Goodwin J. Knight, Lieutenant Governor of California, then presented Governor Warren to the Joint Convention.

ADDRESS BY THE GOVERNOR

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

MESSAGE OF GOVERNOR EARL WARREN

California State Legislature, Sacramento, California, December 12, 1949

Mr. Speaker, Lieutenant Governor Knight, President pro Tempore Powers, Speaker pro Tempore Maloney, and Members of the Legislature:

I have called you into special session on this occasion for reasons which I consider to be urgent at this time. Special sessions are not unfamiliar to you, as I have convened the Legislature in this manner on seven different occasions in the past seven years.

This, however, is the first time that it has been necessary for me to summon you in the holiday season. I would normally have delayed the session until after the first of the year, if it were not for some items that I believe should be faced immediately.

Aid to the Aged and Needy Blind

The first problem is one of transition from state to county administration of old age assistance as provided by the initiative measure known as Proposition No. 2, adopted by the people on November 8, 1949, and to assist the counties financially in assuming their obligations under that initiative measure until the end of the fiscal year, June 30, 1950.

After consultation with the Controller, the Director of Finance, and other interested state officers, I am of the opinion that it will be necessary to provide immediately for the transfer to the counties and cities and counties the personnel for the administration of aid to the aged and aid to the needy blind, in order to have an orderly transfer of this important function by March 1, 1950, as provided in the amendment. I also believe it would be equitable at this time to assume the financial obligations of the counties and cities and counties for financing and administering the programs until June 30th of next year.

At the time the counties made their budgets for the current year, they had been relieved of all responsibility for old age assistance. It was then entirely a state responsibility. The State therefore was obliged to assume and did assume in its budget the entire financial and administrative responsibility for the program The counties have no funds set up to meet the exigencies of Proposition No. 2. Because of this fact, and because the State is prepared to carry on for the remainder of the fiscal year, it is my recommendation that it be done. I am advised that the cost to the State will be approximately eight million dollars, but county taxpayers will be relieved of a like amount.

The adoption of Proposition No. 2 automatically reduced the salary of the Director of Social Welfare to $10,000. I believe we could better obtain the services of an able administrator for this great program if the salary were restored to $12,000 as it has been during the past year. This would be in keeping with the salaries of other major department heads.

Financial Assistance to Certain Distressed School Districts

Since the current budgets of the school districts of the State were made last June, school populations in many districts have grown so rapidly that funds are nearly exhausted, and unless assistance is forthcoming some districts will be compelled to shorten their school year or leave teachers' salaries unpaid. This is not the fault of anyone and of course, it should not be permitted to occur. The particular districts in question have merely grown in population far beyond estimate and beyond ability to finance under current revenues, although the maximum tax rate for the purpose has been levied. I suggest that the Emergency Fund in the Department of Education which was set up for this purpose in our last budget, and which is now inadequate, be supplemented by the appropriation of $1,000,000. This should insure a full school year for every school district affected by excessive growth.

Another Special Session in March

There are other school matters and pension matters which call for legislative consideration before the end of the fiscal year. Unless a special session is called for their consideration, action would necessarily be delayed until the General Session of January, 1951. This, as you know, was caused by Proposition No. 3, recently adopted by the people, which limited the session in even numbered years exclusively to budget matters. I shall therefore call a special session to run concurrently with the Budget Session next March, at which time I propose to ask you to consider a permanent program for financing our Public Schools System, and also to reappraise our old age assistance program including the problem of relative responsibility. I chose to ask you to consider these matters at that time rather than now, first because they are financial matters inescapably connected with our finances and the budget, and secondly because they are matters that will probably require prolonged hearings I did not desire, therefore, to burden you with them during this holiday season.

Sex Offenders

In recent weeks a series of unrelated, horrible sex crimes has called into question not only the adequacy of law enforcement, but also the procedures, punishment, and attempts at rehabilitation in such cases.

To assist in the solution of these problems, I called into conference a representative group of law enforcement officials, judges, school administrators, youth and adult authority members, doctors, and others, for a review of the entire situation. They met and after many hours of earnest discussion, determined that improvement could be made in all of the fields under investigation. To this end they pledged their individual and cooperative efforts in a program of strict law enforcement in such cases. They recommended more universal use of our recently strengthened sex psychopath laws, as well as the establishment at the earliest possible date of a medical facility in the Department of Corrections for the custody and treatment of these and other psychopathic prisoners.

They also recommended that certain provisions of the Penal Code be strengthened in order to make more certain the apprehension and adequate punishment of such offenders before the commission of an offense as serious as those which have recently shocked our people.

They recommended that Section 290 of the Penal Code requiring the registration of those convicted of sex offenses be strengthened in several respects to make certain that public authorities have knowledge of the presence in their communities of all persons previously convicted of such offenses. They will have bills presented to the Legislature for that purpose, and I commend them to your earnest consideration.

They also recommended that Section 189 of the Penal Code defining the degrees of murder be amended to provide that murder committed in the perpetration of the crimes of lewd and lascivious conduct on a child under 14 years of age, defined by Section 288 of the Penal Code be murder of the first degree, as it is when committed in the course of arson, rape, robbery, burglary, or mayhem.

They also recommended that Section 209 of the Penal Code which makes kidnapping for the purpose of ransom, extortion, or robbery, *where bodily injury in inflicted,* a capital offense or punishable by imprisonment for life without possibility of parole, in the discretion of the jury, should be amended to include the crime of kidnapping for the purpose of committing a violation of Section 288 (lewd and lascivious conduct) and subdivisions 2 to 5 of Section 261 (which define forcible rape) of the Penal Code in the same category.

I agree that these provisions are desirable and I urge your consideration of them. There are also some procedural matters which the district attorneys believe will strengthen their hands and I believe they, too, warrant your consideration The law enforcement officers will propose bills on each of these subjects.

Veterans' Home and Farm Purchase Legislation

At the last session of the Legislature, you provided for submission of the Veterans' Bond Act of 1949 and of Assembly Constitutional Amendment No. 28, defining the taxable interest of the veteran under our home and farm purchase program, to the voters of the State at a special election to be consolidated with the general election in November, 1950. At that time it was thought that the funds under the present bond issue would be sufficient to finance the program until January, 1951. It now develops that in all probability this will not be the case.

There is only approximately thirty million dollars left in the fund which is being used up at the rate of approximately four million dollars

each month. If this activity continues—and it is believed that it will—the fund will be exhausted by August, 1950. Veterans' organizations have therefore suggested, and I believe, with sound reason, that the Legislature should accelerate the program by submitting these matters to the voters of the State at a special election to be consolidated with the 1950 direct primary election. Having already decided to submit these matters to a vote of the people, the only questions involved would seem to be whether the date for submission should be advanced from November to June. I believe it should be done.

Charter Amendments

Provision is also made in the call for the approval or rejection of charters, and charter amendments, of cities, cities and counties, and counties which have been ratified since the last session of the Legislature. I am advised that there are some such charter amendments awaiting ratification, and I urge their consideration by you.

Regulation of Lobbying

There is another matter of urgency that in my opinion merits a special session of the Legislature at this time and I have included it in the call. It involves the honor of our State. And the honor of California always is a matter of urgency. It is not a new problem. It is one that has ebbed and flowed through the entire century of our statehood, principally because the Legislature has never faced the problem squarely as have many of the other states of the Union. Tens of thousands of dollars of state money have been spent through the years by interim committees, by sporadic investigations, and by grand juries, but to our discredit, disreputable lobbying practices are still impairing the efficiency of State Government and besmirching the creditable work of the vast majority of our legislators, officers, and employees.

The time has arrived for us to prove to the world that independence from every corrupting and corroding influence is a part of our concept of personal and governmental responsibility. It can be done speedily at this special session. I believe the public expects it to be done. You now have all the information necessary for intelligent action. In addition to the investigations made recently by your interim committees, you have the reports of former years. If this were not sufficient, the current stories of corrupt practices, even if unverified, are sufficiently graphic to establish the type of activities that should be prohibited by the law of our State.

I have studied the laws regulating lobbying in the Congress of the United States and in the 25 states of the Union that have attacked the problem. They are all similar in principle but vary considerably in the degree to which they have applied the principle. I have assembled from these laws what appears to me to be the best provisions and by combining them with certain ideas of my own have prepared a bill which in my opinion contains the minimum provisions required in a regulatory law of this character. That bill will be introduced immediately. I have no doubt, however, that your experience as Legislators will suggest to you controls that would strengthen the bill If so I would be happy to accept them.

I desire to say to you that the bill is not designed to prohibit or restrict anyone from appearing before the Legislature in support of or

in opposition to legislation. No honest man need fear it. It specifically exempts from its provisions anyone who testifies under subpena, by invitation, or as a voluntary witness without compensation. It specifically exempts persons or organizations engaged in disseminating public information through news reports or opinion when acting in that capacity. It applies only to those who endeavor to influence legislation for compensation. And it does not prohibit them from so doing. It merely regulates their conduct so their activities will be subjected to the light of day—the greatest safeguard of our democratic processes. In brief, it requires any legislative representative commonly referred to as a lobbyist to be certificated by the Secretary of State after filing a statement listing the subjects on which he proposes to influence legislation, together with the names of his employers and the amount of his compensation. Thereafter he is required to account for his expenditures and any financial transactions he has with, or any campaign contributions made to any Legislator, the Governor, or the Lieutenant Governor, all of whom are a part of the legislative process. His employers must also file a statement authorizing the employment and confirming the amount paid pursuant to it.

Up to this point the restrictions are against the lobbyist. Now we propose to apply the principle to ourselves. Whenever a citizen accepts public employment he must, of necessity, limit his financial transactions in a manner that will avoid a conflict between his personal interest and that of the public. No man can serve two masters. And when one in public service tries to do so, it is invariably the public interest that suffers. It is therefore provided in the bill that except in performance of official business no elected officer or employee of the State shall represent anyone for compensation before the Legislature or before any officer, board, commission or administrative agency, or prosecute any claim against the State before such agency. There have been flagrant examples of such employment and they have not been to the best interests of the State. A clear line of distinction drawn between public and private interest in this regard would greatly increase the integrity as well as the efficiency of State Government

I want to state with emphasis that my proposal to regulate lobbying and this bill in particular are not designed to hamper or in any manner discredit those legislative representatives who represent their clients in accordance with principles of decency. It is honest employment. The honest ones are greatly in the majority. They render a service to the State by bringing to the Legislature practical information that is not always within the experience of legislators or the Governor. I would not discourage their presence at the Capitol. On the contrary they are welcome at my own office to explain the viewpoint of their employers. Their information is often helpful but I want to know who they represent. But everyone around this Capitol knows the kind of lobbyist influence that is not helpful; that is not honest. As with other businesses and professions, therefore, the rules must be made to regulate and control the few who flout decency rather than for the convenience of the many who conform to decency and law.

I have dwelt on this subject at some length because I am sure it is one of the important problems of the day. Every citizen knows in his heart that corrupt lobbying deprives our government of the equality

which he cherishes for it. He cannot understand why it is not scourged from the halls of our capitols. He believes it can be done. And so do I. If it is done, it will make our jobs—yours and mine—easier, more wholesome, more satisfying. I trust we can do it.

The items in this call are not complicated. In the main, they lend themselves to simple legislation. I trust you will be able to complete your work in time to return to your homes for the Merry Christmas and Happy New Year which I wish for each and every one of you.

EARL WARREN

ADJOURNMENT OF JOINT CONVENTION

At 1.30 p.m., there being no further business, the Speaker of the Assembly declared the Joint Convention adjourned sine die.

IN ASSEMBLY

A 1.31 p.m., the Assembly reconvened.
Hon. Sam L. Collins, Speaker of the Assembly, presiding
Chief Clerk Arthur A. Ohnimus at the desk.

ADDRESS BY GOVERNOR WARREN ORDERED PRINTED IN THE JOURNAL BY UNANIMOUS CONSENT

By unanimous consent, Speaker Sam L Collins ordered the address by Governor Earl Warren printed in the Journal, in 10-point type.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF LEGISLATIVE COUNSEL BE PRINTED IN THE JOURNAL

Mr. Waters asked for, and was granted, unanimous consent that the following letter of transmittal and opinion of the Legislative Counsel be ordered printed in the Journal, in 10-point type:

Letter of Transmittal

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 12, 1949

Hon. Laughlin E. Waters
Assembly Chamber

Effective Amendment to Section 2, Article IV, No. 263

DEAR MR. WATERS: Pursuant to your request, we have prepared and enclose, an analysis of the provisions of Section 2, Article IV, as amended by the adoption of Proposition No. 3 at the last election. In the analysis we have attempted to answer each of your questions separately.

Very truly yours,

FRED B. WOOD,
Legislative Counsel
By A C. MORRISON, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 11, 1949

Analysis of Some Provisions of Section 2, Article IV, Constitution, as Amended November 8, 1949

Our opinion has been requested on certain questions involving the construction and effect of the amendment to Section 2, Article IV, of the Constitution, adopted by the voters on November 8, 1949. The questions are separately considered below.

Effective Date

1. *What is the effective date of the amendment?*

The amendment became effective on November 8, 1949, the date upon which it was approved by the voters. (Section 1 of Article XVIII, Constitution, as construed in *Johnson* v. *Wolf*, 208 Cal. 286.)

Duration of Regular Sessions

2. *Is any recess, other than the constitutional recess, to be excluded in determining the duration of a particular session?*

In our opinion the answer to this question is in the negative

Prior to the adoption of this amendment there was no constitutional limitation on the length of either a general session or a budget session of the Legislature. As amended, the second and fifth paragraphs of subdivision (a) of Section 2 of Article IV now read:

> "All regular sessions in odd numbered years shall be known as general sessions *and no general session shall exceed one hundred twenty calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration.*"
>
> "All budget sessions shall commence at 12 m. on the first Monday in March *and no budget session shall exceed thirty calendar days in duration*."

We find herein imposed a limitation of 120 calendar days exclusive of the constitutional recess, with respect to a general session, and an unqualified limitation of 30 calendar days, with no exception as to any recess, with respect to a budget session. This would seem to mean that, exclusive of the constitutional recess, a general session may not extend beyond a period of 120 consecutive days and that a budget session may not extend beyond a period of 30 consecutive days.

If the provision referred only to "days" there would be room for difference of opinion as to whether only "legislative days," that is, days on which the Legislature was in session, was intended. (See *Moog.* vs. *Randolph* (1884), 77 Ala. 597, 608; *Ex Parte Cowert* (1891), (Ala.) 9 So. 225; *Opinion of the Justices*, (Ala.) 113 So. 621; *Cheyney* vs. *Smith* (1890); (Ariz.) 23 Pac. 680. Compare, *Mariposa County* vs. *Osborn* (1895), (Ariz.) 40 Pac. 313; *Trammel* vs. *Bradley* (1881), 37 Ark. 374; *State* vs. *Davis* (1936), (Fla.) 166 So. 289).

However, the limitations imposed are expressed in terms of "calendar days." The commonly accepted definition of "calendar day" is "the period from midnight to midnight" (Webster's New International Dictionary, 2d Edition). The specification of 120 such days in the limitation applicable to the general session and of 30 days in the limitation

applicable to the budget session seems to clearly include all days irrespective of whether or not the Legislature is in session on any particular day. In other words, the limitation contemplates consecutive calendar days.

That this was the legislative intent is supported by the legislative history of the amendment. The measure, as introduced, did not contain any limitation on the duration of general sessions. The limitation first added by Assembly amendment on June 3, 1949, was "and no general session shall exceed one hundred days in duration." An Assembly amendment of June 9, 1949, clarified this to "and no general session shall exceed one hundred *legislative* days in duration," which in turn was amended on June 14, 1949, to read "and no general session shall exceed one hundred twenty *calendar* days, exclusive of the recess required to be taken in pursuance of this section, in duration."

The fact that the "recess required to be taken" (the constitutional recess) is expressly excluded strengthens the conclusion expressed above. If "calendar days" had been intended to mean only "legislative days," all recesses would have been automatically excluded. It is an elementary rule of constitutional construction that effect is to be given to every part and every word of a Constitution, and that unless there is some clear reason to the contrary, no portion is to be treated as superfluous (*Hyatt* v. *Allen*, 54 Cal. 353). The exclusion clause following the reference to calendar days is full of meaning, but would be meaningless following a reference to legislative days Further, the express exclusion of the constitutional recess negatives the idea that any other recess is to be excluded, since the Legislature, in proposing the amendment, could readily have specified that the constitutional recess and any other recess duly taken by the Legislature were to be excluded, if that had been the intention.

We conclude that all days on which the Legislature is in recess, except those days comprising the constitutional recess in a general session, are to be included in determining the permissible duration of a regular session.

3. *If the constitutional recess in a general session extends beyond thirty days, is the period in excess of thirty days to be included in determining the permissible length of the session?*

In our opinion the entire constitutional recess is to be excluded, whether that recess lasts for 30, 60, or any other number of days.

The portion of Section 2, Article IV, relating to a recess reads:

> "All general sessions shall commence at 12 o'clock, m., on the first Monday after the first day of January, and shall continue for a period not exceeding thirty calendar days thereafter; whereupon a recess of both houses must be taken for not less than thirty days."

The provision limiting the length of the general session to 120 days specifically excludes "the recess required to be taken in pursuance of this section " The recess "required to be taken" is a recess of indefinite duration except that it must not be less than 30 days. There is no maximum limit. To hold that the only portion of the recess which is excluded

from the 120 day limitation is the 30-day minimum period would be tantamount to reading the exclusionary phrase as follows:

> "exclusive of *the first thirty days of* the recess required to be taken in pursuance of this section."

The underlined words do not appear in the Constitution, and it is a cardinal rule that courts will not by construction insert words or phrases in a statute. (*Folsom* v. *United States*, 160 U. S. 121.)

Compensation of Members

4 *Is the increase in the compensation of legislators applicable to periods prior to the effective date of the amendment?*

In our opinion the answer to this question is in the negative.

Whether any provision will be applied prospectively or retrospectively depends in each instance on the legislative intent. The presumption is that any provision is intended to operate prospectively only unless a contrary intention is clearly apparent from the language used, *Aetna Casualty and Surety Company* v. *Industrial Accident Commission* (1947), 30 Cal. 2d 388.

In *American States Water Service Co.* v. *Johnson* (1939), 31 Cal. App. 2d 606, the court defined a retroactive or retrospective law as follows:

> "A retrospective law is one which *affects* rights, obligations, acts, transactions and conditions which are performed or exist prior to the adoption of the statute. The terms 'retrospective' and 'retroactive' are interchangeagle." (Emphasis added.)

As amended, Section 2 of Article IV, Constitution, now provides in part:

> "Each Member of the Legislature shall receive for his services the sum of three hundred dollars ($300) for each month of the term for which he is elected."

It seems clear that to apply this increased compensation to periods prior to November 8th would be a retrospective application of the measure since it would increase the compensation for services already performed. The question is whether the provision contains anything which clearly expresses an intent to apply it retrospectively.

The phrase "for each month of the term for which he is elected" does not, in our opinion, clearly express an intention to raise the compensation of incumbent members as of the date upon which their present terms commenced Under such a construction Members of the Senate whose existing terms commenced in January, 1947, would be entitled to an additional $200 for each month commencing on that date.

An almost identical phrase is found in Section 23 of Article IV, which provides that Members of the Legislature shall receive for their services "the sum of $100 each for each month of the term for which they are elected." This language was added by an amendment adopted by the people on November 4, 1924, which changed the compensation of members from $1,000 for each regular session to $100 a month. The Attorney General construed this provision as effective on the date of its adoption and applied it prospectively, rather than retrospectively (Attorney General's Opinion No. 1-5200, January 2, 1925). We are informed by

the Controller's Office that the records of that office indicate payment was made in accordance with the Attorney General's opinion. The use of similar language by the Legislature in the latest amendment, after this long established construction by the officers of the executive branch charged with the duty of making the payments, and the acceptance of that construction by the legislative branch, would be given great weight by the courts (*People* v. *Southern Pacific Co.*, 209 Cal. 578; *Martin* v. *Riley*, 20 Cal. 2d 28), and would appear to negative any intent to make the compensation provision retroactive.

5. *Under the amendment are Members of the Legislature entitled to payment for the period from November 8 to December 31, 1949, at the rate of $300 per month without deduction for amounts heretofore received at the rate of $100 a month?*

In our opinion each member is entitled to be compensated at the rate of $300 per month for the period from November 8th to 30th, inclusive, and for the full month of December However, since members have already received compensation at the rate of $100 per month for those periods, they are entitled only to the difference between the amount to which they are entitled under the $300 rate and the amount which they have received under the $100 rate.

As we have previously mentioned, the amendment became effective on November 8, 1949, and, in our opinion, will not be applied retrospectively. Compensation at the rate of $300 per month therefore commences on November 8, 1949.

Prior to the adoption of this amendment the compensation for Members of the Legislature was governed by Section 23 of Article IV, Constitution, which provides.

> "The Members of the Legislature shall receive for their services the sum of $100 each for each month of the term for which they are elected, to be paid monthly in the even numbered years and to be paid during the regular session in the odd numbered years at such times as may be provided by law * * *"

It should be noted that the *rate* of compensation set by the provision is $100 *for each month* of the term. The *method* of payment prescribed does not affect that fact. Under Section 9300 of the Government Code incumbent members received this compensation, for the 12 months of 1949, during the general session In other words, they have received $100 for each month of 1949. Since the amendment also provides for compensation "for each month" we believe it is clear that the section does not authorize payment at both the $100 rate and the $300 rate for the months of November and December. It follows that amounts members will receive for the period from November 8 to December 31, 1949, will be the amount to which they are entitled under the $300 rate less the amount they have received for that period at the $100 rate.

6. *In what manner is the compensation of Members of the Legislature to be paid in the future?*

In our opinion the compensation is to be paid monthly during the even numbered years, and during the regular session in the odd numbered years at such times as may be provided by law. Section 9300 of

the Government Code, which prescribed the time of payment in odd numbered years, has been rendered unworkable by the amendment to Section 2, Article IV, and until such time as it is amended at an appropriate session, the compensation in odd numbered years will be payable at the same time as the compensation of other state officers

In order to answer this question it is necessary to determine to what extent Section 23 of Article IV is repealed by the amendment to Section 2. In making this determination we are aided by two rules of construction. First, the law does not favor repeals by implication and where there is an apparent conflict between two provisions, the construction should be such as to give force and effect to both, if possible. (*Williams* v. *Carver*, 171 Cal. 658.) Second, all provisions of the Constitution are to be harmonized so that effect may be given to every part (*Wheeler* v. *Herbert*, 152 Cal 224)

It will be noted that Section 2, insofar as it refers to compensation, merely declares that such compensation shall be $300 for each month of the term for which a member is elected It does not purport to cover the time or manner of payment. On the other hand, Section 23 not only sets the compensation for each month of the member's term, but makes express provision for the manner of payment and, in addition, provides for mileage.

Since subdivision (b) of Section 2, Article IV, as amended, specifically provides that the expense limitations contained therein are not applicable to mileage, it seems apparent that it was not intended that Section 2 operate as a repealer of all of Section 23 since Section 23 deals, among other things, with mileage allowances for legislators. Insofar as Section 2, as amended, directly conflicts with Section 23, it will supersede the provisions of Section 23. However, the only direct conflict between the sections lies in the amount of compensation—not the manner of its payment. This is borne out by the ballot argument which states that the amendment "would raise the pay of the legislators to $300 per month instead of the 'token' payment of $100 per month which they now receive," but contains nothing evidencing an intent to deprive the Legislature of the right to prescribe the manner in which the compensation should be paid in the odd numbered years

Furthermore, whether we consider the salary feature of the 1949 Amendment as an implied repeal or an amendment by implication, we must ascertain the scope and intent of such repeal or amendment, leaving effective so much of the old as is not clearly repugnant to the new. A convenient manner of ascertaining the extent of repugnancy is to set forth the old text as it would read, if cast in the form of an express amendment of Section 23, of Article IV. In that form the measure would appear, with strikeout and italics, as follows:

> "~~The~~ *Each* members of the Legislature shall receive for ~~their~~ *his* services the sum of ~~one~~ *three* hundred dollars (*$300*) ~~each~~ for each month of the term for which ~~they are~~ *he is* elected, to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd-numbered years at such times as may be provided by law and mileage to be fixed by law, all paid out of the State Treasury, such mileage not to exceed 5 cents per mile."

From this it would appear doubly clear that the provisions relating to the time and method of payment and the mileage are still in full force and effect, and have not been repealed by the recent amendment to Section 2 of Article IV.

We believe, therefore, that the amendment to Article IV, Section 2, repeals only that portion of Section 23 which sets the compensation of members at $100 for each month of the term for which they are elected.

It follows that the compensation is to be paid monthly during the even numbered years, and during the regular session in the odd numbered years at such times as may be provided by law, pursuant to the provisions of Section 23 of Article IV.

Section 9300 of the Government Code, which represents the "provision of law" enacted pursuant to Article IV, Section 23, now provides:

> "The Members of the Legislature shall receive as compensation for their services two thousand four hundred dollars ($2,400) biennially, during the term for which they are elected, payable as follows:
>
> (a) One thousand two hundred dollars ($1,200) during each odd numbered year at the rate of twelve dollars ($12) per day payable weekly during the regular session, until one thousand two hundred dollars ($1,200) is paid. In the event of final adjournment before the one thousand two hundred dollars ($1,200) is paid, the balance shall be paid immediately.
>
> One hundred dollars ($100) per month in each even numbered year, payable in the same manner and at the same time as salaries of other State officers."

This provision, by its very terms, is inapplicable to the compensation of $300 now fixed by the Constitution. We believe, therefore, that, since no provision of law is specially applicable to payment in the odd numbered years, Sections 18001 and 18002 of the Government Code would govern the method of payment. Under those sections the compensation is payable monthly, before the sixteenth day of the month following the month in which the service is rendered.

The Legislature, at an appropriate session, may of course amend Section 9300 of the Government Code to provide for the time of payment in the odd numbered years.

Expense Limitations

7. *What is the amount of the expense allowance which members may claim for expenses incurred while attending regular, special or extraordinary sessions of the Legislature?*

Members are entitled to expense allowances equal to, but not in excess of the expense allowances authorized for other elected state officers at the time the expense is incurred.

The amount of the allowance for other elected state officers is fixed by the Board of Control pursuant to Section 13920 of the Government Code. The applicable rules of the Board of Control may be found in Division 2 of Title 2 of the California Administrative Code, Sections 700 and following. As to per diems, the existing allowance in lieu of itemization of hotel and meal expenses is $12 per day for elective officers. (Division 2, Title 2, Sec. 714, C. A. C.)

8. *May the Legislature, by joint rule, fix the amount of the allowance for expenses incurred by members while attending sessions of the Legislature?*

The answer is in the affirmative. Section 23b of Article IV, Constitution, specifically provides that the Legislature may by joint rule determine the amount of the allowance and provide for the payment thereof. This, we believe, means such allowance may be fixed by Joint Rules adopted at the session at which the expenses are incurred, irrespective of whether that session is a general session, budget session, or special session.

9. *Do the number of days for which a member may have been reimbursed for expenses incurred as a member of an interim committee during the period from January 1 to November 8, 1949, affect his right to be reimbursed for expenses incurred as a member of such a committee after November 8, 1949?*

The portion of the amendment pertinent to this question reads:

> "No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred * * * (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, forty days as a member of one or more committees of either house, or sixty days as a member of one or more joint committees, but not exceeding sixty days in the aggregate for all such committee work."

The limitation expressed by the above provision operates within the "calendar" year. This normally means a year commencing January 1st and ending December 31st (*Earl Ranch, Ltd* v *I A. C.*, 4 Cal. 2d 767 at 768, and decisions therein cited), not the state fiscal year (July 1st to June 30th), nor the period of any 12 consecutive months computed from a selected day of reckoning (such as April 1st to March 30th, or, November 8th to November 7th, of the succeeding year). Words employed in a constitutional provision will be given the meaning which they bear in ordinary use. It appears, therefore, that, as to the year 1949, the 40 and 60 day limitations operate within the calendar year beginning January 1st and ending December 31st of that year. It follows that if a member has been reimbursed for expenses incurred in connection with 40 days' work on a single house committee prior to November 8, 1949, he may not, after that date, be reimbursed for further expenses in connection with such committee work for the balance of the calendar year 1949.

That this construction is in accord with the legislative intent is demonstrated by the legislative history of the provision. As introduced, the limitation was expressed in terms of days within any "fiscal year," i.e., a year commencing on July 1st and ending on June 30th, next. By amendment in the Assembly, June 3, 1949, this was changed to "biennium," i.e., any two year period. This, in turn, was changed by amendment in the Senate on June 25, 1949, which inserted "calendar year" in place of "biennium."

In view of the above considerations, we believe the provision prevents the payment of claims for expenses incurred by a member of interim committees, during the period from November 8, 1949 to December 31, 1949, if that member has since January 1, 1949, been reimbursed for expenses for the number of days permitted during a calendar year.

It should be noted that this is not a retrospective application of the provision, since it affects the right to reimbursement only for expenses incurred after the effective date of the provision. As to expenses incurred before the effective date of the provision, an attempt to apply the limitation to deny the right of reimbursement would be invalid as a taking of a vested right without due process of law.

10. *Does the limitation on remuneration of a committee member for expenses apply only to per diems claimed for days on which the committee is actually meeting?*

In our opinion the answer to this question is in the negative.

The amendment provides specifically that no Member of the Legislature shall be reimbursed for his expenses unless those expenses fall within one of the two exceptions listed. The exception relating to committee work excepts expenses incurred "while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house * * *". The provision does not specify the type of service nor does it make any distinction between expenses incurred in connection with committee meetings and other expenses incurred in connection with committee work.

11. *May a member who belongs to both a joint committee and a single house committee be reimbursed for more than 40 days' expenses on the single house committee if his total on both committees does not exceed 60 days within the calendar year?*

In our opinion the answer to this question is in the negative.

The amendment, while authorizing reimbursement for expenses incurred in connection with service on an interim committee, limits the number of days of such service for which a member may be reimbursed to "40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work."

Here we have an express limitation of 40 days with respect to a single house committee. We are unable to infer any modification of that express limitation from the expression "in the aggregate," since such a modification would, in effect, render the 40-day limitation meaningless

12. *Does the amendment restrict or limit expenses which may be incurred by a committee as distinguished from expenses incurred by a member in connection with his committee work?*

The answer to this question is in the negative.

The amendment provides "no member of the Legislature shall be reimbursed for *his* expenses" with certain exceptions. There is no expressed intent to limit the expenditures of committees themselves. Thus, for example, there is no limitation on amounts which may be expended for stationery and office supplies, necessary employees, or of investigatory work of a committee. Whether any particular expense

is to be deemed the expense of the committee or the expense of a member would depend upon the particular facts in each case. Expenses for hotel accomodations and meals of members of the committee would obviously be expenses of the member However, most other expenses would probably be deemed expenses of the committee.

13 *Does the limitation on reimbursable expenses of members of legislative committees apply to members of committees created by statute as well as those created by resolution?*

In our opinion the answer to this question is in the affirmative.

As mentioned above, the amendment provides flatly that no member shall be reimbursed for his expenses, with specified exceptions Unless the expense falls clearly within the exception, the general prohibition would apply.

14. *Do the restrictions on reimbursable expenses affect the right to reimbursement for mileage allowances?*

In our opinion the answer is in the negative.

Subdivision (b) of Section 2, Article IV, now provides for the compensation of members and prohibits reimbursement of expenses of members except (1) while attending sessions and (2) while serving on committees during recesses or after final adjournment, not exceeding 40 days on a single house committee or 60 days on a joint committee

The section specifically provides that "The limitations in this subsection (b) are not applicable to mileage allowances" In our opinion this expresses a clear and unequivocal intent to allow reimbursement for mileage, both in connection with legislative sessions and in connection with committee work.

FRED B. WOOD
Legislative Counsel
By A C. MORRISON, Deputy

RECESS

At 1.32 p m, on motion of Mr. Dickey, the Assembly recessed until 3 p m.

REASSEMBLED

At 3 p m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

COMMUNICATIONS

By Speaker Sam L. Collins:

A communication from Percy Bohlen Gifford of Los Angeles, relative to an excerpt from the Reader's Digest entitled, "Is This The Time To Spend Billions More?", was received, and ordered filed with the Secretary of State.

By Speaker Sam L. Collins:

A communication from Francis G. Moore of San Francisco, relative to a pension memorandum, was received, and ordered filed with the Secretary of State.

By Speaker Sam L. Collins:

A communication from Walter Linke of Berkeley, relative to an old age pension provision, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from Arthur E. Bondreau, Lt. Colonel, U. S. A. F., Secretary, Air Force Academy Site Selection Board, was received, and ordered filed with the Secretary of State.

By the Chief Clerk:

A communication from William Wortinzer, relative to sex crime recommendations, was received, and ordered filed with the Secretary of State.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 1: By Messrs. Crichton, Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—Relative to Assemblyman Samuel L. Heisinger.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon Assembly Concurrent Resolution No 1, as Co-authors

Mr. Crichton asked for, and was granted, unanimous consent that the names of all members present be placed upon Assembly Concurrent Resolution No. 1 as co-authors

Request for Unanimous Consent

Mr. Crichton asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, without reference to committee, print, or file, and that the same be considered engrossed

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to Assemblyman Samuel L Heisinger.

Resolution read and adopted unanimously by a rising vote

Resolution ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 2: By Messrs. Maloney, George D. Collins, Beck, Brady, Connolly, McCarthy, and Meyers—Relative to respect to the memory of Helen Regina Gaffney.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to respect to the memory of Helen Regina Gaffney.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate

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

Assembly Concurrent Resolution No. 3: By Messrs. Gaffney, Maloney, McCarthy, Meyers, Brady, Clarke, George D. Collins, Connolly—Relative to Richard J. Welch.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Relative to Richard J. Welch.

Resolution read, and adopted unanimously by a rising vote.

Resolution ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Dickey:

Resolved, That Assembly Bill No. 1 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—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None.

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

CONSIDERATION OF ASSEMBLY BILL NO. 1

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 12, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 1

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

THIRD READING OF ASSEMBLY BILL NO. 1

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—71.

NOES—None.

Bill ordered transmitted to the Senate.

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

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

Assembly Bill No. 2: By Messrs. Anderson, Geddes, McCollister, Beck, Bennett, Burkhalter, Cooke, Dills, Elliott, Hawkins, Kilpatrick, Rosenthal, Thomas, and Porter—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Concurrent Resolution No. 4: By Messrs. Beck, Smith, and Rosenthal—Relating to providing instruction for school children to meet the dangers resulting from sex offenses.

Referred to Committee on Rules.

Assembly Bill No. 3: By Mr. Brown—An act to amend Section 290 of the Penal Code, relating to the registration of persons heretofore or hereafter convicted of certain offenses.

Referred to Committee on Judiciary.

Assembly Bill No. 4: By Messrs. Coats, Moss, Davis, George D. Collins, Beck, Bennett, Condon, Elliott, Hagen, Lewis, McCarthy, Rosenthal, and Rumford—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 5: By Messrs. Collier, Hahn, and Luckel—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 6: By Messrs. George D. Collins, Anderson, Brady, Beck, Bennett, Burkhalter, Condon, Cooke, Davis, Elliott, Fletcher, Hawkins, Kilpatrick, Lewis, Porter, Rosenthal, Thomas, and Yorty—An act to add Sections 2004.5 and 3009 to the Welfare and Institutions Code, providing for state administration of aid to the aged and aid to the needy blind until July 1, 1950, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 7: By Mr Sam L. Collins—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare

Referred to Committee on Social Welfare

Assembly Bill No. 8: By Mr. Crichton—An act to amend Section 288 of the Penal Code, relating to lewd and lascivious acts upon children under the age of 14 years.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolution was offered:

By Messrs. Elliott, Hawkins, Morris, Fletcher, Kilpatrick, Dills, Anderson, George D. Collins, Thomas, Cooke, Burkhalter, Lewis, Rosenthal, Coats, Meyers, Porter, Condon, McMillan, and Crowley:

House Resolution No. 11

Relative to requesting the Governor to extend the subjects for consideration by the extraordinary session of the State Legislature to include the subject of consideration and action upon legislation designed to alleviate unemployment in the State

WHEREAS, According to reliable sources there is a large number of unemployed normally employed persons in the State and there exists a serious possibility that this situation might become more acute; and

WHEREAS, It would be for the benefit of the people of the State for the Legislature to consider and act on legislation that would help to alleviate this condition and hardships to persons resulting therefrom at the present extraordinary session; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor of the State to extend the subjects for consideration by the extraordinary session of the Legislature presently meeting to include consideration and action upon legislation designed to alleviate unemployment in the State; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Earl Warren, Governor of California.

Resolution read, and ordered referred to the Committee on Rules.

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

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

Assembly Concurrent Resolution No. 5: By Messrs. Grant and Fletcher—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

Assembly Bill No. 9: By Mr. Hagen—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 10: By Messrs. Hollibaugh, Geddes, Hahn, Morris, Luckel, and Mrs Nichouse—An act to add Sections 2004 5 and 3009 to the Welfare and Institutions Code, providing for state administration of aid to the aged and aid to the needy blind until July 1, 1950, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

RESOLUTIONS

The following resolution was offered:

By Messrs. Kilpatrick, Beck, Bennett, Anderson, Rosenthal, Cooke, Burkhalter, Davis, Crowley, Coats, Yorty, George D. Collins, Dills, Brown, Elliott, McMillan, Hawkins, Fletcher, Lewis, Porter, Thomas, Geddes, Doyle, Lowrey, Rumford, Meyers, and Condon:

House Resolution No. 12

Relating to requesting the Governor to extend the proclamation for the present extraordinary session to include the subject of consideration and action on legislation involving all features of the aid to needy aged persons and aid to needy blind persons programs of the State as set forth in Article XXVII of the Constitution passed by the people at the last special election

WHEREAS, The passage of Proposition No. 2, now known as Article XXVII of the State Constitution necessitates a consideration by the Legislature of all phases of the aid to needy aged persons and aid to needy blind persons programs of the State, including methods of administering these programs; and

WHEREAS, The adoption of this new article through the passage of Proposition No. 2 will, unless the Legislature takes some remedial action before the new article becomes operative, result in many thousands of needy aged persons being deprived of assistance and thus being placed in very dire straits; and

WHEREAS, There is a need for an over-all study of these programs so that the most efficient and practicable methods of administration may be developed; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor to extend the proclamation for the present extraordinary session to include the subject of consideration and action on legislation on all matters pertaining to aid to the needy aged and aid to the needy blind, including the administration on these programs; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Honorable Earl Warren, Governor of California.

Resolution read, and ordered referred to the Committee on Rules

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

The following resolution was offered:

Assembly Joint Resolution No. 1: By Messrs. Maloney, George D. Collins, Gaffney, Meyers, Brady, Condon, Connolly, Dickey, Dolwig, McCarthy, McCollister, Rumford, Thompson, and Weber—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard.

Resolution read.

Motion That Assembly Joint Resolution No. 1 Be Referred to the Committee on Rules

Mr. Dunn moved that Assembly Joint Resolution No. 1 be referred to the Committee on Rules.

Mr. Sherwin seconded the motion.

Motion carried.

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

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

The following resolution was offered:

Assembly Concurrent Resolution No. 6: By Mr. Smith—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs Thompson and Kirkwood·

House Resolution No. 13

Relative to printing an address of former Senator Herbert C. Jones relating to the First Session of the California Legislature

WHEREAS, The 15th day of December, 1949, will mark the 100th anniversary of the commencement of the First Session of the California Legislature; and

WHEREAS, On December 10, 1949, former Senator Herbert C Jones delivered an address to the California Historical Association relating to said First Legislative Session; and

WHEREAS, It is contemplated that said address will be published in the Journal of the Assembly for December 14, 1949, in order that it will be available in print on December 15, 1949; and

WHEREAS, Said address contains the fruit of careful research into a matter of great historical interest to the people of the State of California, and copies of it in separate form should be made available for the use of the Members of this Assembly, now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is hereby directed to cause to be printed as a legislative document 5,000 copies of the address of former Senator Herbert C Jones hereinabove referred to, the cost thereof to be paid from the appropriation for legislative printing.

Resolution read, and ordered referred to the Committee on Rules

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

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

Assembly Bill No. 11: By Messrs. McCollister, Dickey, and Stanley—An act making an appropriation to the State Department of Finance for allocation to the counties and cities and counties of the State to pay the share of the amount to be expended by the counties and cities and counties as aid to the aged and aid to the blind during the 1949-1950 Fiscal Year not otherwise paid from federal and state funds, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 12: By Messrs. McCollister, Dills, Doyle, Brady, Burkhalter, Butters, Clarke, Sam L. Collins, Cooke, Crichton, Crowley, Dickey, Dolwig, Dunn, Erwin, Evans, Fletcher, Gaffney, Hoffman, Hollibaugh, Luckel, Maloney, McMillan, Mrs. Niehouse, Messrs. Rosenthal, Rumford, Smith, Stanley, Thomas, Tomlinson, and Weber—An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and of the Veterans Bond Act of 1949, and to amend Sections 2, 3, 4, 5, and 6 of Chapter 1267 of the Statutes of 1949, relating to the time of taking effect of said chapter and the submission of the Veterans Bond Act of 1949, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 14

Creating an Assembly 1949 (First Extraordinary) Session Legislative Process Committee and defining its powers and duties

WHEREAS, The Legislature has been convened in extraordinary session to consider and act upon a wide range of subjects; and

WHEREAS, Many of the legislative proposals involve problems within the jurisdiction of more than one standing committee of the Assembly, and the adequate consideration of such measures requires the cooperation of such several committees in order to avoid duplicating the work of one such committee by another, and much delay in the legislative process could be avoided if it were possible to eliminate such duplication of effort and provide a means for expediting the consideration of such measures; and

WHEREAS, There is need of a committee equipped to ascertain facts and secure information upon assigned topics from time to time during the session, a committee acting in and of and in collaboration with the several standing committees of the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, As follows:

1. There is hereby created a special committee designated the "Assembly Legislative Process Committee," which committee shall during this 1949 (First Extraordinary) Session and any recess thereof take such steps as may be necessary to coordinate the work of the various standing committees of this session in considering questions before such session, in order that there may be no duplication of work or effort, and the committee shall make such studies as may be necessary, ascertain such facts and information, and secure such statistics for the use of the members and committees of the Assembly as may be of aid to them in considering and acting upon legislative proposals at this session

2. The committee shall consist of the members of the Rules Committee The Chairman of the Rules Committee shall be Chairman of the Process Committee. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members, except that the members of the committee shall serve without compensation and shall not be allowed mileage

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5 The committee has the following additional powers and duties:

(a) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(b) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided

(c) 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.

6 The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 14, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr Speaker—64.

NOES—None.

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

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

Assembly Bill No. 13: By Mr. Sam L. Collins—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 7: By Messrs. George D. Collins, Brady, Meyers, McCarthy, Gaffney, and Maloney—Approving amendments 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 a general municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Hawkins, Anderson, McMillan, Crowley, Coats, Lewis, Beck, Cooke, Elliott, Burkhalter, Rosenthal, Porter, Morris, Doyle, Dills, Fletcher, Kilpatrick, Yorty, Condon, Evans, Rumford, Mrs. Nichouse, Messrs. Thomas, George D. Collins, and Geddes:

House Resolution No. 15

Relating to the consideration of the extension of state support to child care centers at the special session, convening December 12, 1949

WHEREAS, California child care centers and the welfare of thousands of our children are threatened under existing legislation which provides withdrawal of state financial support as of June 30, 1950 and the assumption by the counties of the entire government assistance; and,

WHEREAS, The counties are already overburdened and any additional tax load on the common property owners is impractical, whether in direct assumption of these centers or in relief payments to parents deprived of this program; and,

WHEREAS, The cessation of these centers will materially increase juvenile delinquency and crime, create unemployment and disrupt many families, including thousands of veterans; and,

WHEREAS, The need for these centers is amply indicated in present enrollment of approximately 14,000 children with many thousands on waiting lists unable to enroll because of shortage of facilities; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor be respectfully requested to include the continuation of state support to child care centers after June 30, 1950, within the matters considered at the Special Session of the Legislature, commencing on December 12, 1949; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Hon. Earl Warren, Governor of the State of California

Resolution read, and ordered referred to the Committee on Rules.

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

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

Assembly Bill No. 14: By Mr. Rosenthal—An act to amend Section 5601 of the Welfare and Institutions Code, relating to procedure for examination of the mental health of a person alleged to be mentally ill

Referred to Committee on Judiciary

Assembly Bill No. 15: By Mr. Rosenthal—An act to amend Section 290 of the Penal Code, relating to the registration of persons convicted of certain offenses.

Referred to Committee on Judiciary.

Assembly Bill No. 16: By Mr. Rosenthal—An act to amend Section 288.1 of the Penal Code, relating to offenses against children.

Referred to Committee on Judiciary.

Assembly Bill No. 17: By Mr. Rosenthal—An act to amend Section 209 of the Penal Code, relating to kidnaping

Referred to Committee on Judiciary.

Assembly Bill No. 18: By Mr. Rosenthal—An act to amend Section 264 of the Penal Code, relating to the punishment for rape.

Referred to Committee on Judiciary.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the balance of the legislative day, and desired to waive his per diem:

Mr. Hinckley, on motion of Mr. Stanley.

MOTION THAT REGISTRATION CARDS OF LEGISLATIVE REPRESENTATIVES BE RECOGNIZED

Mr. Dickey moved that the registration cards issued to legislative representatives during the last regular session of the Legislature be recognized at this First Extraordinary Session.

Mr. Waters seconded the motion.

Motion carried.

ANNOUNCEMENT

Mr. Dickey announced that a Republican breakfast meeting and caucus will be held tomorrow morning, Tuesday, December 13th, at 8 a.m., at the Hotel Sacramento, and urged attendance.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committee would hold a meeting:

Tomorrow, Tuesday, December 13th, at 10 a.m.—

Rules, in Room 320.

LETTER OF TRANSMITTAL

December 12, 1949

HON. SAM L. COLLINS, *Speaker*
Assembly Chamber, State Capitol
Sacramento, California

DEAR MR. COLLINS: The Assembly Interim Committee on Public Education (H.R. 242) met in Los Angeles on December 1, 1949. Herewith is a report of testimony taken at that hearing with reference to excess growth in school population in certain school districts.

This is the problem which presumably has caused item four to be included in the call for the extraordinary session. Your committee believes that this first report will be of information to the Legislature in dealing with this subject.

Respectfully submitted,

FRANCIS DUNN, JR., Chairman
KATHRYN T. NIEHOUSE, Vice Chairman
JOHN D. BABBAGE
ERNEST R. GEDDES
ROBERT C. KIRKWOOD
HAROLD K. LEVERING
WILLIAM B. RUMFORD

PARTIAL REPORT OF PROCEEDINGS
ASSEMBLY INTERIM COMMITTEE ON PUBLIC EDUCATION

Room 1006, State Building,
LOS ANGELES, Cal., December 1, 1949

The Assembly Interim Committee on Public Education met in Room 1006, the State Building, Los Angeles, California, on Thursday, December 1, 1949, at 10 a m Committee members present were:

Assemblymen Geddes, Kirkwood, Levering and Rumford.

Assemblywoman Niehouse and Assemblyman Dunn, Chairman.

Mr. Dunn called the meeting to order. Mr. Kirkwood was excused for the purpose of addressing a meeting of the California State Chamber of Commerce on the subject of Problems of Financing Education in California

DUNN · I note Mr Carley Porter is present, the new member of the Assembly from the Sixty-ninth District. Mr. Porter would you like to come and sit with the committee and take part in the discussion and ask any questions that you wish?

This is Mr. Carley Porter, the new assemblyman from the Sixty-ninth Assembly District who is succeeding our former colleague now Judge Ralph C Dills He not only comes from the same district but his background is very similar. They were both teachers in the Compton Junior College, and so we know that Mr. Porter will bring to the Legislature some real experience of the problems of public education of this State. Mr Porter we are glad you are here. We hope you will feel free to function as a member of this committee and ask any questions you wish.

PORTER · Thank you, Mr Dunn

DUNN: The purpose of this meeting is to discuss the method of apportioning the state funds for the current cost of education. It is always behind the actual problem of educating the children then attending school when the money is received There is some problem also in the fact that, very often the product of the local tax for the support of current cost of education lags behind the actual cost of the education itself. Actually the school districts are reimbursed by the State with the sum based on the average daily attendance of the preceeding year, and despite the fact that the average daily attendance of the current year is often considerably higher. No money is made available for the cost of educating the increase in attendance. We have knowledge of this situation—some of it is contained in the report which this Committee rendered to the Legislature of the 1947 Session (See Second Report, Assembly Interim Committee on Education, April 4, 1949, Chapter 3, pages 43 to 48.)

Because of this knowledge, we included in the apportionment bill, A. B 2120, certain provisions for compensation for this excess growth. However, there didn't seem to be the understanding of the magnitude of this problem that we thought we had indicated in the report. As a result, this apportionment for excess growth which was a proposal of the interim committee and contained in A. B. 2120 and was also a proposal on the Cooperative Committee on School Finance.

When A. B. 2120 was finally approved, no provision was made for compensation by the State for excess growth. We hope at today's meeting to develop some information from districts that are involved so that we can again present to the Legislature the story, if possible, a clearer story, a more understandable story, than we were able to do at the last session. I might say that, in order to conserve the funds of the committee, which of course are the taxpayers' funds, have invested in recording devices which we feel are more efficient and far less expensive than the usual procedure of employing court reporters, so we ask the cooperation of all witnesses in testifying to state their name and speak clearly so that we might make a good record of these proceedings Thank you.

Explanation: For a clearer understanding of the following testimony, these explanations are inserted first. A D. A average daily attendance. (See Chapters 13 and 14, Division 3, of Education Code for exact definitions.) One unit of average daily attendance is the equivalent statistically of one full year's attendance of one child, often called "One pupil in average daily attendance" or one a d a One unit of a. d a. is found by dividing the total number of "defined" days of attendance of all students in the district by the number of days the school was actually in session, except that under certain conditions the divisor shall not be less than 170 days, or, in high school or junior college, evening schools, continuation classes, classes for adults, not less than 175 days. One unit of a d a. in grades 13, 14, is the total number of days of attendance (of 180 minutes each) divided, as above, by the number of days in session Average daily attendance is the basis of determining the amount of the state school fund at $120 per unit of a. d. a. **A. D. A. is only 92.5 percent of actual enrollment.** It is generally considered that a school should provide education facilities for the total enrollment rather than for the 92 5 a. d. a.

Assessed Valuation per pupil is computed by dividing the total a. d. a. of a district into the total assessed valuation of the district. The product is the assessed valuation on which taxes can be levied for each child in the school district. (Reference to Table 24, page 45, Second Report, of the Assembly Interim Committee shows the effect of residential construction on the assessed valuation per pupil.)

DUNN: The first witness, I believe, will testify for the Rivera School District which is in Los Angeles County Will you please come forward and state your name and the name of your district for the record?

MAGEE: Lawrence Magee, Rivera Elementary School District.

DUNN: Mr. Magee, you have a prepared statement for the committee. We will accept that as Exhibit No 1.

Exhibit No. 1

RIVERA SCHOOL REPORT

December 1, 1949

Average daily attendance, 1947-48 ($9,335 assessed evaluation per a.d.a.)	299
Average daily attendance, 1948-49 ($8,200 assessed evaluation per a.d.a.)	369
Present enrollment	604
Anticipated enrollment for school year 1949-50	880
State apportionment for 1949-50 ($124.28 per pupil)	$45,859 45
State apportionment on basis of 880 (total enrollment expected)	$109,366 40
Current budget based on 880 enrollment (1949-50)	$182,410 00
Total income, 1949-50 (including July 1 balance, $30,046)	$119,119 00
Net deficit this year (1949-50)	$63,291 00
Additional state apportionment if paid on basis of 880	$63,507 00
State apportionment if paid on 700 a.d.a.	$86,996 00
Deficit on 700 a.d.a.	$22,154 00
Homes under construction or contemplated completion date prior to June, 1951	1,925
Total anticipated children in school by June, 1951	2,183
State apportionment 1950-51 on basis of this year's enrollment (700 a.d.a.; $3,809 per pupil; $2,666,760 assessed evaluation; $134.14 state apportionment)	$93,899 54
State apportionment if paid currently (based on 2,000 a.d.a.; $1,500 per pupil; $3,000,000 assessed evaluation; $145.58 state apportionment)	$291,150 00
Deficit to district by apportionment lag, 1950-51	$197,250 46
If state apportionment were $200 per pupil including the excess growth factor, the district could provide an adequate educational program even during the tremendous growth period. (2,000 a.d.a. × $200	$400,000 00

It will take at least a $200 program to adequately educate the children in the bedroom areas.

LAWRENCE T. MAGEE
District Superintendent

MAGEE: Thank you. If you will just follow down here, (referring to Exhibit No. 1) I think that we can see the story of Rivera which is probably reflected in many of the bedroom areas—probably all the bedroom areas—surrounding metropolitan districts. We'll go back to 1947-48 when in Rivera we had an average daily attendance of 299. At that time we had $9,335 of assessed evaluation in back of each child. The following year 1948-49, these are school years, we had 369 average daily attendance, and we dropped in assessed evaluation to $8,200, in back of each youngster. Now our present enrollment is 604,—I say that advisedly,—it was 604 yesterday, we received 12 new ones and how many more this morning I don't know, so it will probably be around the 620 mark actually today. Our anticipated enrollment for this year is 880. Now we use that figure advisedly because that is the total capacity that we have in our district for handling youngsters. We have 10 classrooms—we figure if we double them all up, putting 40 in each class and using an old women's clubhouse, and putting our kindergarten in there—80 kindergarten youngsters, we can handle 880 pupils. When we hit that point we don't know what we are going to do frankly, except turn the youngsters away.

STATE APPORTIONMENT IN 1949-50

Under the state apportionment, we received $124.28 per pupil, making a total of $45,859.45. I put the next figure in there the state apportionment, on the basis of 880—we know that we'll never be able to get an apportionment on 880 this year, but down the line a little farther I'll use that figure again. But if we were to get the apportionment on 880 we would receive from the State, $109,366.40. Now our current budget based on the 880 enrollment is $182,410, but our total income, and instead

of the word "plus," it should be "including" the $30,046 that we carried over knowing that we would have a very hard year, is $119,119. so that our **net deficit for 1949-50 or this current year is $63,291.** Now the additional state apportionment if paid on the 880—in other words, if we were kept up to date all the time with this 880, we would actually receive $63,507, more, so that we would have an excess of about $200 instead of a deficit of $63,000. However, we'll be lucky really to finish with an average daily attendance of 700 this year. We feel that we'll hit pretty close to 700 in February and pick up the balance the second semester so that we'll probably average out with about 700 which would give us $86,996 or still a deficit of $22,154. Now this of course, is all assuming that we were paid currently, not being paid as we are now a year behind.

MORE HOMES UNDER CONSTRUCTION

To project this a little further, our homes under construction or contemplated completion prior to 1951 totals 1,925. Using the state figures .80 per home we get 2,183 youngsters that we can anticipate next year. Now our state apportionment for 1950-51 on the basis of this year's enrollment, that is, the 700 a.d.a. and an assessed valuation of $2,666,760 —that's our actual assessed valuation as of this year which will be the figure used next year, cuts down our a d a.—that is the amount per a.d.a. of $3,809 back of each child—it increases our state apportionment a little up to $134.14 and brings us an income of $93,899.54. Now if the state apportionment were paid currently then we'll base it, let us say, out of 2,000 average daily attendance assuming that we hit that figure, and it isn't of course beyond the realm of possibility, we now have only $1,500 back of each youngster and we're assuming again that our assessed valuation will increase up to three million. The unfortunate thing from the financial side of the picture is that all of the homes coming in, or let us say 99 percent of them, are G.I. homes, and while we are tickled to death to get these fellows in, the fact remains that our homes are assessed around $1,800 and $2,200 and we're getting two and three youngsters from each home so naturally it's hurting us terrifically there. But if we kept this up then we would receive $291,150 so the deficit to the district by the apportionment lag, 1950-51 would be $197,250.46. Now if the state apportionment were $200 a pupil, including the excess growth factor, we feel that our district could provide an adequate educational program even during this tremendous growth figure In other words, if we had a state apportionment, based on a minimum program of $200 instead the now $145 we would have $400,000 and then the amount that we receive from our local taxes would be sufficient to put on a good educational program and keep our budget currently solvent.

Now gentlemen, I'm not sure that that's exactly what you wanted here this morning, but I'll be glad to answer any questions if you have any.

DUNN: Thank you, Mr. Magee. First I would like to introduce the members of the committee. On my left we have Mr. Levering, from Santa Monica, next to him is Mr. Rumford from Berkeley, and on my right is Mr. Geddes of Pomona. I am also from the opposite end of Alameda County although I live in Oakland. Mr. Kirkwood was present but he is speaking before the State Chamber of Commerce on the problems of

financing public education. He is also a member of this committee, and he is from Saratoga.

Any member of the committee have any questions to ask Mr. Magee? (No questions.) Well then to clarify some of this, Mr. Magee, the fifth item on this sheet you have submitted, shows, state apportionment for 1949-50 at $124.28 per pupil, a total of $45,859.45. The total amount is based on $124.28 times 369. Is that correct?

MAGEE: Yes sir.

DUNN: Which was your average daily attendance in 1948-49.

MAGEE: That's right, sir.

DUNN: You are being paid, by the State to educate 369 pupils on the basis of our present apportionment law.

MAGEE: Yes sir.

DUNN: And you are today educating 604 pupils.

MAGEE: Yes sir, that's right.

DUNN: **And you have then the lag of the difference between those two—you're now educating 250 pupils, more-or-less, for which you are receiving no compensation from the State?**

MAGEE: That's right, sir. The way the homes are building now, it will be at least 100 percent more than that before the end of the school year.

DUNN: **That then is the crux of the problem—that you are educating many more children that the State is not compensating you for at all.**

MAGEE: Yes.

DUNN: In other words you have to find either some other source of revenue that is increasing your local property taxes, or else reducing the available education opportunity.

MAGEE: That's right, sir. I might say here also that, we have $1.50 tax rate.

DUNN: The elementary tax rate is $1.50?

MAGEE: Yes sir.

DUNN: And that is 60 cents over maximum?

MAGEE: That's right.

DUNN: So you are making an effort by taxing yourself not 90 cents which is the state legal limit but $1.50, or two-thirds more than the state legal limit. With that effort—do you feel that you are making it possible to educate these additional children; or are you reducing the program that you think these children should have, in order to get the same standard of education that is being offered in more fortunate districts? For instance, you have double sessions, I suppose?

MAGEE: Yes sir. We have double sessions through the sixth grade, we have triple sessions in the kindergarten and first grade.

DUNN: Do you have any—of course we know you do have some buildings that are not proper school buildings that you're using for that purpose?

MAGEE: We have one, yes sir.

RUMFORD: Where is this Rivera district, Mr. Magee?

MAGEE: That's a good question. We're asked that everywhere we go. It's in the Whittier High School District, it's about three miles west and south of Whittier. We're bounded on the north by Washington

Boulevard and on the south by Anaheim Telegraph, and then we're between the Rio Hondo and the San Gabriel Rivers.

RUMFORD: What type of a community is it?

MAGEE: Well, we've been nothing but orange groves until two years ago, and two years ago they found that we have probably the best residential community possibilities of any place in Southern California. The Santa Ana Freeway comes in on a south boundary, and as a result the builders have moved in and they just bought every available piece of property.

RUMFORD: Not any manufacturing in that area at all?

MAGEE: No, sir. Although we were fortunate enough to have about 600 acres set aside for manufacturing, we feel that when manufacturing moves out there we'll have a good district financially. But until it moves out, of course we're——

RUMFORD: Basically, your tax then will be on the residential property alone—homes.

MAGEE: That's right. We have big hopes for industry. The Santa Fe Railroad have about 300 acres out there and they have told us they are going to develop an unusually good industrial area, but they say it will be at least five and probably 10 years.

DUNN: With reference, Mr. Magee, to this local property tax, most of this construction I understand is in the nature of subdivisions

MAGEE: That's right.

DUNN: Do you find that the product of your local property tax also lags behind the attendance of the children at the school?

MAGEE: Yes.

DUNN: In what way?

MAGEE: Well, I don't know whether I'm stating this correctly or not but, the subdividers are pretty shrewd in working it so their property comes on the tax rolls the year after the youngsters actually arrive. I don't know whether it's because they planned it that way or not, please don't think I'm accusing them—but we're finding we get the youngsters a year before their property actually gets on the assessed rolls

DUNN: It's not anything the subdividers do—it's common business practice.

MAGEE: I might say here also that, when we use this figure of homes under construction in making out our application, we're using the maps and the engineer's figures—in other words, we receive from the county superintendent's office the subdivision maps every time a new one comes into the district and we actually have better than 2,600 homes on the maps. But when it came to pinning down the builders as to whether they were actually going to build or not, in many cases they would not come out and commit themselves with their signature over their own letterhead. So we could only use the homes that we could verify from actual builders.

DUNN: So these figures that you use then are homes that you are sure that are going to be built.

MAGEE: That's right, sir.

CHILD OCCUPANCY ABOVE STATE AVERAGE

DUNN: Have you made any survey to indicate that this eight-tenths of a child per home is a reliable figure for your district? That's the state

average I understand, but in your district does it run as high as that, or higher?

MAGEE: Well actually, Mr. Dunn, it's running a little higher. The last survey we did on that was on a preschool survey last summer, of the homes that had been completed over the summer and the result was 1.2 percent youngsters per home in those homes rather than 0.80 percent.

DUNN: That was an actual count of children that were not attending school but were actually living in the district.

MAGEE: That's right. Of just the new area.

VETERANS' EXEMPTIONS REDUCE DISTRICT INCOME

DUNN: Did you make any actual study or survey of the number of veterans that are living in the area—in the school district?

MAGEE: No, we haven't, Mr. Dunn, but all of our homes are sold on a no-down-payment basis for veterans. And so I think it's pretty safe to assume that about 90 percent of them or greater are veterans' homes.

DUNN: What's the average assessed valuation of one of those homes, do you know?

MAGEE: Around $2,000. Between $1,800 and $2,200.

DUNN: The veteran is entitled to $1,000 tax exemption, is that correct?

MAGEE: Yes.

RUMFORD: Even on that $2,000?

MAGEE: Yes.

DUNN: **So, when you show an assessed valuation based on the number of homes and the total assessed valuation of all of them in effect you have to divide that assessed valuation by almost 50 percent, because while the assessed valuation is shown on the tax roll, because the exemption is claimed, the tax isn't collected.**

MAGEE: **That's right.**

DUNN: **So where you have an assessed valuation of $1,500 per child actually it's only $750 per child in actual product of your tax.**

MAGEE: **That's right.**

DUNN: And where you show a population of eight-tenths or 0.80 percent children per home your actual count shows 1.2 percent children per home?

MAGEE: Yes. However, we haven't kept that up—that was made this summer, but I think that it would still follow through.

DUNN: Allowing for some adjustment the least it would be, would be not eight-tenths of a child per home but one child per home which multiplied by the number of children would increase your preschool population. You would then divide that increase into $750 assessed valuation per child which would come closer to giving you the actual picture of the amount of money you can raise by local taxes for the support of the current cost of education.

MAGEE: Yes, sir. That's right. The reason I used the $1,500 down here (indicating to Exhibit No. 1) was that we were so low at that point that we received the full state amount anyway. So if I took it down lower this other figure would still be the same.

DUNN: So you have then two problems. One, you think that the state program for support of elementary education at any rate should be increased beyond its present $148 per a.d.a.

MAGEE: Yes, sir.

DUNN: And two, you are hoping that the State will make some provision in the next apportionment law for compensation to districts for growth in excess of a normal amount?

MAGEE: Yes, sir.

DUNN: You feel if that were done it would help you a little bit in solving your problem?

MAGEE: That's right, sir.

RUMFORD: This district did apply for relief under the relief program that was established by the State last year, did it?

MAGEE: You mean in housing, Mr. Rumford?

RUMFORD: Yes.

MAGEE: Yes, we applied, but you see two years ago we had no need, and so therefore we were not eligible.

We had enough classrooms at that time for the youngsters. Actually we were eligible for a portion of the classroom space, but it wasn't worth while leaving our application in.

FREEZING OF CITRUS GROVES STIMULATED SUBDIVIDING

DUNN: This is really a district that was strictly a farming community with no school housing problem until two years ago or three years ago at the most, when of course the owners decided that they would rather subdivide than grow orange trees.

MAGEE: That's right. Then when the freeze came, of course, our growers were willing to sell out.

DUNN: Do you suppose that—there's an interesting thought. Do you suppose the fact that this freeze came into the orange groves increased the impact of this subdivision program?

MAGEE: I feel sure it did in our area. Our growers went two years making hardly any profit at all, then last year we had really a 100 percent loss. And it was just too much of a burden to carry. Then, of course, the freeway too stimulated our growth a good deal.

DUNN: Is the freeway completed?

MAGEE: No, sir. But it comes in just on the south end of our area, there is one more step to take before it hits our place.

DUNN: Do you have any idea when it will be completed?

MAGEE: They say in 1952.

DUNN: Then after 1952, your district will be more accessible to downtown Los Angeles than ever before?

MAGEE: That's right We'll be 12 minutes from downtown Los Angeles.

INCREASE IN TAXES FOR HIGHWAY IMPROVEMENTS ADDS TO SCHOOL PROBLEM

DUNN: You have the impact of the construction of improved highways for which we have made additional tax moneys available as one of the contributory causes to your present impovershed situation, and the failure of agricultural crops as another contributing factor which is an incentive for owners of what were once good citrus groves to sell and make room for subdivisions

MAGEE: Yes. You might be interested (see Exhibit No. 2) in this sheet—this sheet shows where we could go over a two-year period providing the freeway goes through and providing these builders live up to what they tell us they are going to do in the next two years.

DUNN: Let's identify this statement you have given us, Mr Magee. This will be identified as Exhibit No 2.

Exhibit No. 2

RIVERA SCHOOL DISTRICT

Grades	*Current October enrollment*	*Projected enrollment 2 years*	*Enrollment new houses current October*	*Enrollment total projected 2 years*
Kindergarten	78	78	289	367
Grade 1	84	84	196	280
Grade 2	72	84	179	263
Grade 3	71	84	161	245
Grade 4	60	72	138	210
Grade 5	59	71	139	210
Grade 6	50	60	150	210
Sub-total Grades 1-6, inc.	396	455	963	1,418
Grade 7	44	59	151	210
Grade 8	39	30	138	188
Sub-total Grades 7 and 8, only	83	109	289	398
Grand total	557	642	1,541	2,183

Name of school	Site area	Grades served	Proj enrollment (2 yrs)	Total bldg area permitted (sq ft)	Exist adequate bldg area, (from Form SP-1A) (sq ft)	New and/or rehab area permitted (sq ft)	Bldg area applied for (from Form SP-2A) (sq ft)
No. 1	13.21 acre	4-8	232 (4, 5, 6) 398 (7 & 8) 630	12,760 29,850 42.610	--	42,610	18 Cl. Rms Admin. & Multipurpose
No 2	6.7 acre	K-3	120 (2 K) 210 (1, 2, 3) 330	1,850	--	18,150	2 Kdgn. 6 Cl. Rms. Admin.
No 3	12 acre	K-6	127 (2 K) 560 (1-6) 687	37,400	5,190	32,210	2 Kdgn. 12 N. Cl. Rms. Admin., Caft.
No. 4	10 acre	K-6	120 (2 K) 416 (1-6) 536	29,480	-	29,480	2 Kdgn. 12 Cl. Rms. Admin , Caft.
X	?	K-6					

1. Total acres in Rivera (computed at 640 acres per square mile) 2,176
2. Total residential acres (2,176—600) 1,576
3. Total residences when area is completely built 5,880
4. School peak for children from saturated area 4,704

It is a projection based on the intentions of builders, is that correct?

MAGEE: Yes, sir. Now, this is taking the same figure as shown on the other page—"Homes under construction or contemplated" the figure (Exhibit No. 1) of 1,925—well I shouldn't say that either, there is a part to this that I didn't bring—it shows, however, that from those

homes we receive these children and then this is breaking them down into the classes as we anticipate them and then into the building needs as that we feel we will have to receive, then down at the bottom—four little items down there show what could happen if the district became completely saturated. And, the builders there tell us that's not only a possibility but a great probability within the next two years.

DUNN: Well this then is a statement based on the possibility of continuing to subdivide the Rivera School District on the same general basis that it has presently been subdivided—that is, in regard to size of lots, the number of occupants and the same number of children per homes so that by the time the Rivera School District is completely built up as a residential district your school population would reach 4,704.

MAGEE: That's right, sir. At the 0 80 figure.

DUNN: That's merely a projection—it's not based on anything except the anticipation of subdividers that they will eventually sell—completely subdivide the whole school district.

MAGEE: That's right So that's going a step beyond where we are today.

DUNN. It's going a step beyond even the contemplated buildings, isn't that right?

MAGEE. That's right.

DUNN· You have three stages, then You have the actual construction program that you know will be carried out from your studies and discussions with builders; the contemplated construction program which builders expect to carry out; and then the possible construction program which again they think may be carried out.

MAGEE: That's right. In other words, this takes all our acreage in.

GEDDES: Mr. Chairman.

DUNN: Mr Geddes.

GEDDES: Before we leave Exhibit No. 1, I think with Mr. Magee's permission, we should correct the "200" a.d.a. × $200 making $400,000 to "2,000" a d a. (second paragraph from bottom of Exhibit No. 1).

MAGEE: Yes, Mr. Geddes, thank you.

GEDDES: Because otherwise--we would all understand it, but might as well have it correct.

MAGEE: Yes, thank you, sir. I didn't notice that error in there

LEVERING: How do you estimate you reach this 2,000 a.d.a.? On what year is that?

MAGEE: Well, actually we feel that we'll reach it next year The reason that we're basing that—we know now--1,925 homes that are actually under construction or the builders have given us letters saying they plan to complete by June, 1951, with those youngsters coming in plus the ones we have, we feel that we'll hit it before June, 1950 end A-2. Now it sounds that we might be a little over enthusiastic there, but actually I think if anything it's the other way, the way they are buying property

LEVERING: Your estimate is based on 0.80 children per home if it were based on 1.2 percent children. An estimate of 1,925 would be too low.

MAGEE: That's right, sir.

DUNN: Will you repeat that again?

LEVERING: Well I said, based on the figure that you have already established by survey which is 1 2 percent against your 1925 houses, your estimate is actually under what your survey says your increase

will be when you get the 1.2 if that's what is established for a house it would be over 2,000, as soon as these are completed.

MAGEE: That's right. There is a factor, though, that we should mention probably in there, two of the large tracts we surveyed this summer would be bedroom tracts, and one is two bedrooms, and of course we find in three bedrooms we are getting more. Well now the big tracts that are building are about 60 percent two bedroom, and only 40 percent three bedrooms, so that may tend to cut down the figure

LEVERING: I don't believe it will, because they'll pack them in. Don't think the space has much to do with it.

MAGEE: That's probably true.

DUNN: Any more questions of Mr. Magee? (No further questions.) If not, we thank you very much, Mr. Magee, for coming here and presenting us with this information. It's very true, as we have been told, you have an extremely critical situation. I notice everytime we get another witness from some other district we'll always find some other complicating factor, now we find it's the freeze in the orange groves have added to it also. Mr. Wright, will you come forward, please? Will you state your name for the record?

WRIGHT: Mr. Frank M. Wright, Associate Superintendent of Public Instruction.

DUNN: Mr. Wright, I felt you should be here to represent the state department and tell the committee something of the procedures of the state department in making apportionments and such other things you care to contribute.

WRIGHT: The state law which is known as A.B. 2120 provides for the allocation of funds based on the preceding year's attendance. Under what's called the foundation program system of apportionment in which a guaranteed amount is set forth for each pupil in average daily attendance less the amount of money that may be raised by a local district by a fixed tax rate. For instance, the foundation program for districts under approximately $5,000. They are guaranteed a foundation program of $153 by the State and the State puts in whatever amount is necessary, $153 less what a 55-cent tax rate raised in the district will bring. Of course that problem is the one that is with us now more than any other problem, due to the fact that the funds are allocated on the basis of last year's attendance. Then if we have any appreciable growth there are no funds available for the support of the schools to educate the children who come in after June 30th, and we have at the present time a survey—not as complete as it should be—for the purpose of taking care of the entire excess growth problem in the State, but we made this in an effort to find out just how great it was in terms of an emergency fund that we have which amounts to $245,000. I have some material here which might be of value to you and will be referred to as Exhibit 3.

Exhibit No. 3

EMERGENCY NEEDS OF DISTRICTS

Source and Nature of Data

The data used in the following analysis of districts with emergency needs was derived from county superintendents on the request of our office. The county superintendents were requested to prepare a report on our form "Survey of School Districts with Current Expense Emergencies" showing the school districts in their counties which were:

(1) Eligible for an allowance of State aid under Education Code Sections 7021 to 7023, that is, districts for which there has been levied for the current year, at least the maximum tax rate, less not more than one-half cent, and;

(2) Which in the opinion of the county superintendents were confronted with an emergency serious enough to prevent an operation of a minimum school program for a complete school year.

Further, the request asked county superintendents to include those school districts where opening enrollment of 1949 exceeded the opening enrollment of 1948 by 5 percent or more and provided further, that the district had an assessed valuation per pupil enrolled—grades 1-8 of less than $10,000 and would be unable to provide an adequate program from existing balances or other resources.

The request also asked them to list any district that is confronted with an emergency other than from excessive growth, together with a statement of the need and cause of the emergency.

From the nature of the request made to the county superintendents, it is evident that the list of districts submitted contains only districts that are facing a critical emergency and will likely be unable to provide a school program for a complete year. Your attention is drawn to the fact that this list does not include all districts with excessive growth, but only those which seem to be unable with their own resources to meet the problems of growth and other emergencies.

Treatment of Data

The districts reported have been arranged in three groups, as follows:

(1) Elementary school districts which have had excessive growth.

(2) Elementary school districts that were listed as in need of emergency aid for reasons other than excessive growth.

(3) High school districts that were listed as in need of emergency aid.

Group 1, elementary districts experiencing excessive growth was analyzed by the application of a formula. This formula provided for each district a program of a given level. State apportionments and a maximum district tax were included to provide the given level. The formula used was:

The amount required per pupil enrolled in each district equals the given level, less the foundation program divided by one plus the percent of growth; plus the assessed valuation per pupil, 1949, times maximum tax; less assessed valuation, 1948, divided by enrollment, 1949, times the qualifying tax. The formula in algebraic terms is as follows:

Amount required=

$$\text{Given Level} - \left\{\frac{(\text{F. P.}}{1 + \%\text{ inc.}} - \frac{\text{A. V. 1949}}{\text{Pupils 1949}}\right\} \times .0090 - \left\{\frac{\text{A. V. 1948}}{\text{Pupils 1949}} \times .0055\right\}$$

Your attention is drawn to the fact that the amount required per pupil enrolled refers to total pupils enrolled and not to the increased number of pupils. Further, it should be pointed out that the formula makes allowances for all growth and does not except any portion of it.

Summary of Analysis of Districts Reported by County Superintendents

A tabulation of the data submitted by county superintendents in response to our "Survey of School Districts with Current Expense Emergencies" reveals the following:

1. Data were received from all counties except Tulare, from which only a teletype was received stating that five districts would apply for emergency aid. These five districts are, of course, not included in any computations involved in this analysis.

2. One hundred and sixty-five elementary school districts in 29 counties, involving a total enrollment of 146,540 pupils were reported as having emergency needs due to growth.

Twelve elementary districts involving 4,532 pupils were reported as confronted with emergencies from causes other than growth.

Four high school districts involving 5,432 pupils were reported as in need of emergency aid.

3. Table II shows the number of districts reported with the districts confronted with growth problems arranged by assessed valuation per pupil and number of pupils involved at each level

4. Table III shows the number of districts and the total number of pupils involved at various percents of increase.

5. Table IV shows the number of districts and total pupils involved at certain percents of increase in districts tabulated according to assessed valuation per pupil in each district.

Line A indicates a $185 program level. All districts and pupils below and to the right of line A will have less than a program level of $185. The $185 program is equivalent to the program that can be provided by a district with an assessed valuation per pupil of about $8,000.

Line B indicates a $175 program level. All districts to the right and below line B will have less than a program level of $175 which is equivalent to a district with an assessed valuation of $6,000 per pupil.

Line C indicates a $165 program level All districts and pupils below and to the right of line C will have less than a program level of $165, which is equivalent to a district with an assessed valuation of $3,500 per pupil.

Line D indicates a $153 program level All districts and pupils below and to the right of line D will have less than a program level of $153, which is equivalent to a district with no assessed valuation.

The following summary shows the number of districts and the number of pupils involved that will not achieve the program levels indicated by lines A, B, and C.

Program level	*Number of districts*	*Number of pupils*
$175	156	138,540
$165	143	133,489
$153	115	104,557

6. Cost:

a. To provide districts with growth problems emergency aid in an amount to provide for each child a program level of $185 will require approximately $4,549,993 This program level involves 152 districts with a total enrollment of 144,819

b The 12 elementary districts with emergency problems due to causes other than growth require $65,000 as estimated by county superintendents. The four high school districts require an estimated $90,000.

State Department of Education
Division of Public School Administration

Table I

Total Money Available From State Apportionment and Maximum District Tax (90¢) for Different Levels of Assessed Valuation Per Pupil at Various Percents of Increase in Enrollment

	Av./pupil	No. increase	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	65%	70%
			A		B	C		D								
	10,000	193 00	183 81	175 45	167 83	160 83	154 40	148 46	142 96	137 86	133 10	128 67	124 52	120 63	116 97	113 53
	9,500	190 75	181 67	173 41	165 87	158 96	152 60	146 73	141 30	136 25	131 55	127 17	123 06	119 22	115 61	112 21
	9,000	188 50	179 52	171 36	163 91	157 08	150 80	145 00	139 63	134 64	130 00	125 67	121 61	117 81	114 24	110 88
A	8,500	186 25	177 38	169 32	161 96	155 21	149 00	143 27	137 96	133 04	128 45	124 17	120 16	116 41	112 88	109 56
	8,000	184 00	175 24	167 27	160 00	153 33	147 20	141 54	136 30	131 43	126 90	122 67	118 71	115 00	111 52	108 24
	7,500	181 75	173 10	165 23	158 04	151 46	145 40	139 81	134 63	129 82	125 34	121 17	117 26	113 59	110 15	106 91
	7,000	179 50	170 95	163 18	156 09	149 58	143 60	138 08	132 96	128 21	123 79	119 67	115 81	112 19	108 79	105 59
	6,500	177 25	168 81	161 14	154 13	147 71	141 80	136 35	131 30	126 61	122 24	118 17	114 35	110 78	107 42	104 26
B	6,000	175 00	166 67	159 09	152 17	145 83	140 00	134 62	129 63	125 00	120 69	116 67	112 90	109 38	106 06	102 94
	5,500	172 75	164 52	157 05	150 22	143 96	138 20	132 88	127 96	123 39	119 14	115 17	111 45	107 97	104 70	101 62
	5,000	170 50	162 38	155 00	148 26	142 08	136 40	131 15	126 30	121 79	117 59	113 67	110 00	106 56	103 33	100 29
	4,500	168 75	160 71	153 41	146 74	140 63	135 00	129 81	125 00	120 54	116 38	112 50	108 87	105 47	102 27	99 26
	4,000	167 00	159 05	151 82	145 22	139 17	133 60	128 46	123 70	119 29	115 17	111 33	107 74	104 38	101 21	98 24
C	3,500	165 25	157 38	150 23	143 70	137 71	132 20	127 12	122 41	118 04	113 97	110 17	106 61	103 28	100 15	97 21
	3,000	163 50	155 71	148 64	142 17	136 25	130 80	125 77	121 11	116 79	112 76	109 00	105 48	102 19	99 09	96 18
	2,500	161 75	154 05	147 05	140 65	134 79	129 40	124 42	119 81	115 54	111 55	107 83	104 35	101 09	98 03	95 15
	2,000	160 00	152 38	145 45	139 13	133 33	128 00	123 08	118 52	114 29	110 34	106 67	103 23	100 00	96 97	94 12
	1,500	158 25	150 71	143 86	137 61	131 88	126 60	121 73	117 22	113 04	109 14	105 50	102 10	98 91	95 91	93 09
	1,000	156 50	149 05	142 27	136 09	130 42	125 20	120 38	115 93	111 79	107 93	104 33	100 97	97 81	94 85	92 06
			D													

Line A—$185 Program
Line B—$175 Program
Line C—$165 Program
Line D—$153 Program

Table II

Districts Reported by County Superintendents With Districts Confronted With Growth Arranged by Assessed Valuation Per Pupil, 1949, and Total Pupils Involved

A. Districts with growth problems *Assessed valuation per pupil*	*No. of districts*	*No. of pupils*
10,000 and over	18	4,671
9,500-9,999	1	29
9,000-9,499	1	104
8,500-8,999	5	5,175
8,000-8,499	7	6,040
7,500-7,999	9	4,294
7,000-7,499	7	9,746
6,500-6,999	10	7,618
6,000-6,499	11	16,969
5,500-5,999	5	4,031
5,000-5,499	10	8,471
4,500-4,999	9	17,764
4,000-4,499	24	16,858
3,500-3,999	16	20,425
3,000-3,499	9	3,001
2,500-2,999	6	9,930
2,000-2,499	9	6,290
1,500-1,999	3	870
1,000-1,499	5	4,253
	165	146,540
B. Districts with problems caused by other than growth	12	4,532
C. High School Districts reported	4	5,432
D. Totals	181	156,504

Table III

Districts Reporting Growth Tabulated by Percent Growth and Total Pupils Involved

Percent growth	*No. Districts*	*Total pupils involved*
0- 5	19	19,839
6-10	32	24,653
11-15	34	29,164
16-20	27	36,289
21-25	20	17,706
26-30	12	7,621
31-35	4	2,369
36-40	3	1,322
41-45	4	3,412
46-50	4	2,210
51-55	1	900
56-60	1	213
61-65	1	99
66-70	0	0
Over 70	3	743
	165	146,540

State Department of Education
Division of Public School Administration

Table IV

Districts Reported by County Superintendents With Problems Due to Growth, Showing Number of Districts and Total Enrollment Involved at Certain Percents of Increase in Districts According to Assessed Valuation Per Pupil

Assessed valuation per pupil	Percent increase in enrollment														
	0-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	70+
A 10000 and over	-2- 676	-5- 2386	-3- 223	-3- 461	-2- 168	-1- 166		-1- 378				-1- 213			
9500 - 9999				-1- 29											
9000 - 9499		-1- 104													
8500 - 8999	-2- 4689	-1- 47				-1- 255				-1- 184					
B 8000 - 8499			-4- 3961			-2- 800	-1- 1279								
7500 - 7999	-2- 1565	-3- 1759	-2- 643		-1- 310				-1- 17						
7000 - 7499		-2- 5179		-1- 342					-2- 2876	-1- 449	-1- 900				
6500 - 6999	-1- 265	-1- 1671	-1- 604	-2- 302	-3- 1737	-2- 3040									
6000 - 6499	-2- 622	-1- 1399	-3- 2627	-2- 10070	-1- 1217	-1- 717		-1- 317							

State Department of Education
Division of Public School Administration

Table IV—Continued

Districts Reported by County Superintendents With Problems Due to Growth, Showing Number of Districts and Total Enrollment Involved at Certain Percents of Increase in Districts According to Assessed Valuation Per Pupil

Assessed valuation per pupil	Percent increase in enrollment														
	0-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	70+
C 5500 - 5999	-1- 715	-1- 57	-1- 478	-1- 2399			-1- 382								
5000 - 5499		-2- 4236	-1- 287	-1- 535	-2- 1272	-1- 444	-1- 551	-1- 627	-1- 519						
4500 - 4999	-2- 1585		13281		-2- 2018	-1- 217									-1- 663 (98 5)
4000 - 4499	-2- 2445	-4- 1550	-7- 2354	-4- 6587	-3- 2213					-2- 1577			-1- 99		-1- 33 (73 7)
3500 - 3999	-3- 6432	-3- 2138	-3- 1938	-5- 8080	-1- 1790										-1- 47 (80 0)
3000 - 3499	-1- 62	-1- 28	-3- 558	-2- 1224	-1- 1063	-1- 66									
D 2500 - 2999			-1- 990	-2- 3958	-3- 4982										
2000 - 2499		-4- 2990	-2- 1220	-1- 399	-1- 936	-1- 746									
1500 - 1999		-2- 713					-1- 157								
1000 - 1499	-1- 783	-1- 396		-2- 1903		-1- 1171									

State Department of Education
Division of Public School Administration

Table IV—Continued

Districts Reported by County Superintendents With Problems Due to Growth, Showing Number of Districts and Total Enrollment Involved at Certain Percents of Increase in Districts According to Assessed Valuation Per Pupil

Assessed valuation per pupil	Percent increase in enrollment														
	0-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	70—
A 10000 and over	-2- 676 183 81	-5- 2386 174 45	-3- 223 167 83	-3- 461 160 83	-2- 168 154 40	-1- 166 148 46	142 96	-1- 378 137.86	133 10	128 67	124 52	-1- 213 120 63	116.97	113 53	----------
9500 - 9999	181 67	173 41	165 87	-1- 29 158 96	152 60	146 73	141 30	136 25	131.55	127 17	123 06	119 22	115 61	112 21	----------
9000 - 9499	179.52	-1- 101 171 36	163 91	157 08	150 80	145.00	139 63	134 64	130 00	125 67	121 61	117 81	114 21	110 88	----------
8500 - 8999	-2- 4689 177 38	-1- 47 169 32	161 96	155.21	149 00	-1- 255 143.27	137.96	133 01	128 45	-1- 184 124.17	120 16	116 41	112 88	109 56	----------
B 8000 - 8499	175 24	167 27	-4- 3961 160 00	153 33	147 20	-2- 800 141 54	-1- 1279 136.30	131 43	126 90	122 67	118 71	115 00	111 52	108 24	----------
7500 - 7999	-2- 1565 173 10	-3- 1759 165.23	-2- 643 158 04	151 46	-1- 310 145 40	139 81	134 63	129 82	-1- 17 125 34	121.17	117.26	113 59	110 15	106 91	----------
7000 - 7499	170 95	-2- 5179 163 18	156 09	-1- 342 149 58	143 60	138 08	132 96	128 21	-2- 2876 123 79	-1- 449 119 67	-1- 900 115 81	112 19	108 79	105 59	----------
6500 - 6999	-1- 265 168 81	-1- 1671 161.14	-1- 604 154 13	-2- 302 147 71	-3- 1737 141 80	-2- 3040 136.35	131 30	126 61	122.21	118 17	114 35	110 78	107.42	104 26	----------
6000 - 6499	-2- 622 166 67	-1- 1399 159 09	-3- 2627 152.17	-2- 10070 145.83	-1- 1217 140 00	-1- 717 134.62	129.63	125 00	120 69	116 67	112 90	109 38	106 06	102 94	----------

State Department of Education
Division of Public School Administration

Table IV—Continued

Districts Reported by County Superintendents With Problems Due to Growth, Showing Number of Districts and Total Enrollment Involved at Certain Percents of Increase in Districts According to Assessed Valuation Per Pupil

Assessed valuation per pupil	Percent increase in enrollment														
	0-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	70—
C															
5500 - 5999	-1- 715 164 52	-1- 57 157.05	-1- 478 150.22	-1- 2399 143.96	138 20	132 88	-1- 382 127 96	123 39	119 14	115 17	111 45	107 97	104 70	101.62	----------
5000 - 5499	162 38	-2- 4236 155 00	-1- 287 148 26	-1- 535 142.08	-2- 1272 126.40	-1- 444 131.15	-1- 551 126 30	-1- 627 121 79	-1- 519 117 59	. 113 67	110 00	106 56	103.33	100 29	----------
4500 - 4999	-2- 1585 160.71	153 41	13281 146.74	140.63	-2- 2018 135.00	-1- 217 129 81	125 00	120 54	116 38	112.50	108 87	105 47	102.27	99 26	-1- 663 (98.5)
4000 - 4499	-2- 2445 159.05	-4- 1550 151.82	-7- 2354 145 22	-4- 6587 139.17	-3- 2213 133.60	128 46	123.70	119 29	115.17	-2- 1577 111 33	107 74	104 38	-1- 99 101 21	98 24	-1- 33 (73 7) -1- (80 0)
3500 - 3999	-3- 6432 157.38	-3- 2138 150 23	-3- 1938 143.70	-5- 8080 137.71	-1- 1790 132.20	127 12	122.41	118 04	113.97	110 17	106.61	103 28	100 15	97.21	47
3000 - 3499	-1- 62 155.71	-1- 28 148.64	-3- 558 142.17	-2- 1224 136.25	-1- 1063 130.80	-1- 66 125.77	121.11	116 79	112 76	109 00	105 48	102.19	99 09	96.18	----------
D															
2500 - 2999	154.05	147.05	-1- 990 140.65	-2- 3958 134.79	-3- 4982 129.40	124.42	119 81	115 54	111.56	107.83	104 35	101.09	98 03	95 15	----------
2000 - 2499	152.38	-4- 2990 145.45	-2- 1220 139.13	-1- 399 133 33	-1- 936 128.00	-1- 746 123 08	118 52	114.29	110 34	106.67	103 23	100 00	96 97	94.12	----------
1500 - 1999	150.71	-2- 713 143.86	137.61	131 88	126.60	121.73	-1- 157 117 22	113 04	109.14	105.50	102.10	98.91	95.91	93 09	----------
1000 - 1499	-1- 783 149.05	-1- 396 142.27	136.09	-2- 1903 130.42	125.20	-1- 1171 120.38	115.93	111 79	107.93	104.33	100.97	97 81	94.85	92 06	----------

DUNN: Proceed, Mr. Wright.

WRIGHT: This study—we were attempting to find the extent of the excess growth in the State in order to determine how we are going to distribute this $245,000—while we are not greatly surprised we were somewhat, in a way, of the extent of this problem, we received reports from 165 elementary school districts and 29 counties, I believe. I believe you'll find that statement on page 2 (referred to Exhibit No. 3). One hundred sixty-five elementary school districts and 29 counties involving a total enrollment of 146,540 pupils were reported as having emergency needs due to growth. There are 12 districts involving 4,532 pupils were reported as confronted with emergencies from causes other than growth, and 4 high school districts with 4,532 pupils having problems other than emergencies other than growth. This fund that we have was set up in the law originally to take care of the type of emergencies as reported in these 12 and 4 districts. Not this other problem. Now we find with 146,540 pupils which ranges all the way from—if you will refer to this larger chart it will give you considerable information—you might turn to that—and also to Table 2 and Table 3 of the smaller group. Table 2 indicates the number of districts and the number of pupils according to the wealth. That is one factor that is very significant because it can be noted that the majority of the problems involving excess growth are below the line districts with approximately $7,000 assessed valuation. Table 3 is the number of districts and the number of pupils involved and also the percent of growth. For instance on the first item, zero to 5 percent growth—there are 19 districts in that grouping, with 19,839 pupils—then as you proceed on down you come into the 21-25 percent increase there are 20 districts involved with 17,706 pupils, and a total of districts, 165 districts, having a growth problem involving 146,540 pupils. Now that is the extent of the situation—pretty generally scattered around the State, however, of the 29 counties, most of the problem is around the metropolitan areas; what we sometimes refer to as the bedroom area, or sometimes the fringe area around the industrial metropolitan area because people invariably move out into the semirural areas in order to establish homes—in fact that's the only place they can build, I guess, principally, at any rate, they go there in these areas in these subdivisions and concentrate a great mass of people there—and they are usually the people who have children of school age, and the problem is one that is going to increase because there are so many preschool children there compared to other areas. And so the wealth and the financial ability state-wide is concentrated in certain areas, but that's not where the children are—if you could spread the wealth of the children and equalize the thing over the State—it wouldn't be so bad but the problem is, they concentrate in certain areas and these districts find themselves in a very serious situation.

Now this larger chart, I might attempt to explain this——

DUNN: Before you leave that Table 3, Mr. Wright, the districts shown on Table 3 totaling 165, I understand it, 29 counties?

WRIGHT: That's correct.

DUNN: **These districts are educating 146,540 pupils as of the date of this table for which they are receiving no compensation from the State.**

WRIGHT: That's right.

DUNN: If A.B 2120 had been passed as it was proposed with the rapid growth provision, those 19 districts with a growth of only 5 percent or less would have received no additional compensation——

WRIGHT: That's right.

DUNN: And they total 19,839 pupils which it was felt could have been absorbed by those districts, and although they averaged over a thousand pupils per district they could have been absorbed without too great a burden on those districts which would still leave 126,701 pupils which have become a burden on certain districts by the reason of the fact that they are not being compensated for that education. Of course, as the table proceeds the burden becomes greater, in relation to the amount of percentage of growth and the size of the district.

DILUTION OF EDUCATION

WRIGHT: We use the term, I think it quite illustrative, what we mean when we talk about the dilution of the amount of money available per child. To illustrate, if a district had no growth, they had $170 per pupil, and a maximum tax rate, any district that would fall into that category—they have $170 per pupil—they have no growth—if they have growth of 100 percent, we have one district in Fresno County with a 98 percent growth, that means that $170 must be split right in two—that $170 has to serve two pupils. That of course is a serious problem. Now it will vary from there on up and down and as the district approaches the 5 percent, it doesn't become quite so serious as long as the district has enough wealth—of the override tax (difference between 45 cents computation tax and 90 cents maximum tax) that is above the computation tax—they may absorb some, and we played around with that principle in trying to dispose of our $245,000—we have given it up pretty much because **we only have about 10 cents on the dollar or less than that to take care of the most drastic needs.**

DUNN: $245,000—where does that come from?

WRIGHT: That $245,000 is a residue from a $2 a.d.a. fund that comes from the elementary and high-school a.d.a. which is set aside under A.B. 2120 to provide for transportation under the formula set forth in the law, and then whatever is left is allocated or left in the fund for distribution and allocation by the Superintendent of Public Instruction for emergencies, and that law specifies certain conditions that the districts must meet. First they must have within one-half cent of the maximum tax rate for one thing, and then we set up some other requirements they have to meet—the administration of it and the approval—they have to be down in the lower brackets in order to be eligible. So it is strictly an emergency fund and that's the source of it Last year that fund was $560,000. This year the transportation has come up due to several things—more children to be transported and the ability to purchase busses—so therefore the cost went up higher in transportation and we have that much less And at the rate it is going, it will probably wind up, in another year we'll have practically no money left in that fund

This larger chart will illustrate what's happening (Ex. 3) by this so-called dilution. This—we have no particular brief not advocating this valuation procedure, although it is a factor, but down the vertical column to your left is the wealth per pupil that these districts fall in. Across the

top is the percent increase in growth. We start at the bottom in the bottom lower corner—a district that has 5 percent growth with a 1,000 to 1,499—you take in those brackets—there is one district in the State that has 783 pupils that has a 5 percent growth and that means that program which would otherwise have been at least 153 diluted to $149.05 Now if you move across that line over to the 26-30 percent you will find one district there with 1,171 pupils in it and they are required with the money they have to try to attempt to operate their school at $120.38 per pupil. The average cost in the State will run somewhere in the neighborhood $185 per pupil and this district—I happen to know about this district—it's located in Sacramento, it's the Robla District in Sacramento County—in order to tear their budget down to meet their income they cut off principals and teachers in some quantity. They cut them off the paper work—the budget—but they actually had to employ them—they are employed now and unless they get some assistance—financial assistance—to bolster up that $120—**their school will be forced to close because they are going to run out of money sometime along in March or April.** Unless they get some assistance or unless teachers teach without pay.

Now if you want to go up to another example—take the $5,000 district which is about two-thirds down—with a 5 percent growth, their foundation program, by the way, this is with a maximum tax too, it's not just a foundation program—the maximum income that the district would get under the law, is $162 per pupil. As we progress to the right, you will see that the top figure is the number of districts. The second one is the number of pupils The third figure underneath there is the amount they will have per pupil. If you drop over—there's one district there 41-45 percent growth, 519 pupils in that one district that they will have $117.59 to operate their school. And so on—even up in some of the more wealthy—here's one 7,000 over better than 50 percent growth—900 pupils involved there. They will be diluted to $115—if you want an extreme one—the one I mentioned—the west side, that has between 4,500 and 4,900—there is one district there of 663 pupils that will be diluted—we haven't computed that amount but it will be well below—70 percent—is $99 and the other will probably be down around the neighborhood of $75 or $80.

Now that is the effect of this dilution and it is to be noted that this outside line to your right is the breaking point between what $153 will provide with the maximum tax and every district below that even with a maximum tax, will be diluted less than that amount. Now if that line were moved with the $153 with the computation tax it would be moved up to our left still further—and the problem would even be greater.

DUNN: Mr. Wright, you have two red lines there, or three red lines.

WRIGHT: Well, the second line we have taken—it's a matter of study on the thing. That second line (it's indicated on the last page of the report) is $165.

DUNN: Let's get this clear. The first line which is in the 5 percent column down to 8,000 to 8,499. That is based on what?

WRIGHT: I might say, Mr. Dunn, that this table—it's marked on Table 1. Refer to Table 1, line D is this bottom one, and that's $153 with a maximum tax.

DUNN: That is assuming state support of a program based on $153 per pupil with a maximum tax by the district?

WRIGHT: Yes. Using all the resources of the district.

DUNN: Using the maximum tax of the district and that plus what the State would contribute *would give a total* amount of $153 per pupil.

WRIGHT: That's right. That line represents that breaking point. Then the next is $165 (line C), which is the next one up. And B, is $175 and A is $185.

DUNN: And the average cost per pupil is about $185 for an adequate elementary education program.

WRIGHT: That's right. Now, one point where this data is incomplete is the fact we asked the county superintendents to list—report those districts which had an increase of more than 5 percent and whose assessed valuation was less than $10,000 per pupil, and whose budget or plan indicated that they would not be able to complete school. Now some of those people have worked it out some way or other to stay down within a $125 or $130 by cutting off teachers putting 50 to 60 children per room—cutting out all supplies—I've talked to a number of superintendents—they have told me what little supplies they had at the first of the year, they haven't bought a single piece of paper—or a pencil or anything since the beginning of school, because they knew they just didn't have it. And even those people probably have some trouble, but the tragic thing is that, **the boys and girls of those districts are paying the price because somebody has forced the program on them in order to try and stay within an adequate income.** So those people in those districts were added here to give the same kind of a program that these districts say they need.

RUMFORD: It would increase this same amount—

SCHOOLS FORCED TO CLOSE

WRIGHT: We do not know how much, but we will have those figures before very long but we put in quite a sizeable number. Now there is no way of knowing exactly how many schools are in extreme dire distress, but out of 165 we have reason to believe there will be somewhere between 50 to 75 or 80 will close with only 170 days and we believe many of those will be forced to close short of that even as low as 145-150 days of school is all those kids are going to get, unless the teachers teach for nothing. And somebody pays the water bills—the light bills and the custodians and janitors have to work for nothing and we don't believe that probably will happen. That will mean this that they, under the law, will likely be able to apply to the Superintendent of Public Instruction for an exemption from holding school 170 days, in order to get the next year's a.d.a. I see no way out of it but what we'll have to approve those—**that means we're going to say in California,—we cannot finance 170 days of schools for all districts** but some of them are going to give our official approval to reluctantly of course,—we're going to go along with 150, 155 or 160 days or even possibly less than that. That's pretty much the picture of it.

DUNN: Mr. Wright, those who advocate keeping the schools open longer as part of the solution to the shortage of the buildings, would also have to face the additional cost of more supplies, maintenance service and things of that sort.

WRIGHT: That's correct.

DUNN: Then we have another problem that if schools are closed because lack of money to continue operation, it means that the children are then going to be left without any supervision,—in other words, they'll

just have a longer vacation and more "idle hands," let's put it that way. So that there is another problem then enters into this as to what somebody is going to have to do to occupy the time of those children—the minds of those children through an educational program or through some kind of a prevention of delinquency program in some instances.

WRIGHT: We have observed in reviewing a number of these problems that districts that have formerly had some community service activities such as opening buildings for public use, the boy scouts and the use of playgrounds—that sort of thing, the expenses incidental to that program, but not a very large amount have been completely eliminated from their budgets. So what Mr. Dunn says, is true, we not only have a shorter time for the kids to be involved in a normal school activity but we also are depriving them of the other thing—that's kept a lot of kids out of trouble. These areas—where this problem exists—are areas that probably need those services about as much as anything you can think of. I might say, too, that a great many of these schools have been operating due to the fact they have voted a very high increased tax levy. That's particularly true in Los Angeles County and most of these districts have had that problem. So they have done more than their share. Even with that, we're not going to be able to meet these high percentages of growth problems. Now if we had some way—I think something that needs to be given a very serious consideration and that is, some way that in our regular apportionment—some way even if we have to have an amendment to the Constitution that this problem—the reimbursement or the support of education can be on a current basis that you can get the money at the time you get the child—not after you get it. Now that of course is the whole problem and this is kind of a patch-work sort of a thing trying to pick up or correct a very bad situation that would not exist if we were paying for the things that we have, and that may involve some constitutional change, but it certainly is the only real answer to it—we wouldn't have this sort of thing coming along—schools would have a stable income—every child would have a right to know—his parents would, when he goes to school regardless of what—there is going to be an education there for him that the State intends him to have. We do not believe the State of California ever intended for this sort of thing to happen—it's come on us and we've been asked why has this problem come now—why hasn't it been here before. **It's been here—it came up last year—it was one of the urgent things we had in AB 2120.** We've had it for the last four or five years. One of the reasons that it has been taken care of during the war days because the federal government came in and picked up this slack. After the war it was transferred over to the State. And so it's come up to us now—last year came up as a very critical year—this year it is even worse, and it looks as though in the future it is going to get more so because with this emergency fund we have we've picked up some of those worse cases and passed the hat and apparently we're not going to even have that. But **the emergency fund now to meet this problem which we believe will range anywhere from one million to three or four million dollars** depending on what the Legislature might desire to do to meet the need which will have to be substantiated by some further data, cannot be a couple hundred thousand dollars—it's just a drop in the bucket to meet the problem.

DUNN: Mr. Wright, you said earlier, something about the available wealth of the State that's realized from local property taxes or realized

from the State's General Fund taxes contributing to the State General Fund so that the money would be raised where the money could be raised and then spent where the need of more education exists. What you really mean is, not some kind of share-the-wealth program but to undertake the same responsibility for elementary and high school and junior college education that we now have for the support of the university and the state colleges in the educational field, where we actually do support them completely from state funds, or in the support say of our other state institutions such as mental hospitals, prisons and so on. As a matter of fact because of this problem or other related educational problems, some children become delinquents they finally get into a state-sponsored program if they happen to get into one of our state institutions, as a result of delinquency which may be actuated or stem from inability to provide decent educational opportunities in the elementary and high school levels.

WRIGHT: **Yes—we have full equalization—complete equalization in the State of California in our penal institutions, as you say, and in our reform schools** every place else but we do not have it in education—public education due to the fact that the equalization program is geared to a tax assessment problem in each individual district—that varies. It's also tied in with this problem which very largely will be corrected under the bill 2027 by equalizing the assessment for state distribution fund purposes only, but the districts that have a low assessed valuation are treated the same up to the foundation program, but the difficulty—the tragedy of the thing is that the foundation program is too low. The foundation program actually met the average as it was proposed in A B. 2120, it was $185—this problem would not be quite so acute, but we have a double barrel one—not only the excess growth we are faced with now, we are also faced with these districts that are down in the lower corner of this chart here (Exhibit 3). **California has a state education system—it's not a local system—it's locally administered it's true, a trusteeship sort of a thing, but it's a state program** in which we do not have equal opportunity for children who may come to California to live in different wealth districts. The worst of it is, most of the kids, it seems like, as I said before, seem to congregate right now in low wealth districts whether the excess children produce a low wealth per pupil or whether it's reverse—it's probably the hen and the egg question, anyhow they are together.

DUNN: Any further questions by members of the committee? (no questions). All right then. Thank you, Mr. Wright. Now we have another facet to this problem. Is Mr. Anderson of Brawley School District present? Will you come forward and give us your name for the record?

ANDERSON: G. K. Anderson, Superintendent of Schools, Brawley School District, Imperial County, California. Due to the press of time and the lack of proper clerical facilities I cannot give you a complete set of these (Exhibit No. 4). I filed one complete set with Mr. Dunn.

DUNN: Now this statement that you filed with me as Chairman of the Committee Mr. Anderson, is it your intention to read this statement?

ANDERSON: Not to read it, sir—to discuss just the salient facts that may be contained therein.

MIGRATORY LABOR AND EXCESS GROWTH

DUNN: The statement will be accepted as Exhibit No. 4, and you may continue to read parts of it or discuss it as you see fit.

Exhibit No. 4

BRAWLEY SCHOOL DISTRICT

G. K. ANDERSON, District Superintendent

A study of population growth inside of the boundaries of a school district requires an understanding of the elements making up the population group. This is rather difficult, since the American ideal of democracy has traditionally prevented the collection of census data based upon the generalities or definitions of population groups necessary to such a study. The attendance reports collected by the State Department of Education are even more impersonal than are the other forms of census data collected by the federal or other governmental units. Hence, it is necessary to compare all available data in order to gain, by inference, the insight necessary to a logical and accurate generalization of the problem. It is the purpose of this paper to identify and measure the extent of two population types producing growth in varying degrees within the school districts of Imperial County.

The two types of population groups referred to above are permanent population and migratory population. The characteristics of these two types are determined by the nature of the mobility of the family group seeking employment. The permanent population type is characterized by a fixed residence for the family regardless of the migration of the family breadwinner in the search for employment. The children of such a family tend to remain in one school district for long periods of time, frequently for the entire school period of the child's life. The birth rate of this type of population tends to be on the average or slightly below the average of the State and the Nation. It is this type of population group that has produced the recent increased birth rate currently contributing to the overloading of our classrooms.

The migratory population, on the other hand, is characterized by extreme mobility of the entire family in search of employment. These families tend to have a birth rate above the average for the State and for the Nation. There is little or no evidence of the practice of birth control among the majority of families comprising this population type. The children of the migratory population frequently enroll in and attend two or more schools in the State during any one school year. The advent of these children into the population of a school district is characterized by an accumulative retardation in the age-grade placement of pupils A great majority of the children of migratory families never reach high school. These children drop out of school as soon as they are able to obtain a work permit or as soon as they appear to be old enough to be employed without the danger of the employer being readily detected in the illegal employment of minors.

Evidence of the extent to which the drop-outs occur in districts serving the children of migratory families is found in the following citation from the records of Brawley School District and Brawley Union High School District, both of Imperial County, California.

It is obvious that a 100 percent carry-over of pupils from the elementary schools to the high schools will produce a high school approximately four-ninths as large as the elementary school supporting it.

It is also obvious that the normal beginning kindergarten child of 10 years ago, or the first grade child of nine years ago is the ninth grade child in the current year of high school attendance.

The March 31st enrollment of the first grades of Brawley School District totaled 618 pupils in the 1939-1940 school year. The average first grade enrollment in Brawley School District for the period 1940-1941 through 1948-1949 was 578 pupils.

The total enrollment (including special students and night school classes for adults) of Brawley Union High School was 576 students on the March 31st report of enrollment for the school year 1948-1949.

This enrollment of 576 students for the entire four years of high school compares with the 1939-1940 first grade enrollment in Brawley School District of 618. Since Brawley School District is only one of four elementary school districts furnishing students to Brawley Union High School, it is obvious that three out of four students that enroll in the first grade of Brawley School District never finish high school.

The ninth grade of Brawley Union High School recorded only 197 students on March 31, 1949, against 618 students starting with that class in the first grade of Brawley School District on March 31, 1940. The first grade enrollment of the other three elementary school districts for March 31, 1940, is not known However, an indication of the drop-out and retardation of pupils is shown in the loss of over 421 pupils out of an initial starting class of 618 pupils. This is a ratio of more than 68 retarded or drop-outs in each hundred pupils starting in the first grade.

One of the most serious obstacles to a study of this type is the extreme lack of comparable data among school districts of the same county as well as among the counties of the State. Only since 1947-1948 Fiscal Year has any uniform attendance data been collected upon a state-wide basis that can be used to indicate the advent or approximate relative extent of migrant populations in the various school districts of the State. This source of data is found in the enrollment reports made by each district in the State to the Department of Education, via the local county superintendent of schools, on the 31st day of October and on the 31st day of March in each school year.

Brawley School District has maintained a very close accounting of attendance data since September of 1933 The office of Superintendent of Schools of Imperial County has kept an accounting of attendance data since 1933-1944 that can be used to study growth problems over the county as a whole. It is regrettable that the data for Brawley School District, Imperial County, and the remaining counties of the State are not comparable for growth studies. The comparable data collected by the Department of Education is not adequate to a true study of population growth other than a crude indication of net growth and possible migrant variations found between school districts on only two days during a school year. It is for this reason that so little is known about the migrant population of the State.

The attendance data of Brawley School District indicates that the schools of the district open with an enrollment appreciably smaller than the average daily attendance of the preceding school year and grow to a peak enrollment much larger than the average daily attendance of the

preceding school year. This presents a serious financial problem, since all operation, maintenance, transportation, and fixed charges on the general fund of the district, and all capital outlay charges of the district have to be based upon the actual peak enrollment of the school population and not upon the average daily attendance produced by the constantly changing enrollment. In addition, the constantly changing pupil population in each class of the district prevents the pupils coming from the permanent population of the community from realizing educational opportunities commensurate with the amounts expended by the district per unit of attendance. This loss is very marked in those classes that must assimilate badly retarded migrant pupils. The effect upon the retarded pupil is also regrettable

The extent of the total shift between beginning enrollment and peak enrollment in Brawley School District is demonstrated by Table I.

Table I

Starting and Peak Enrollments of Brawley School District Reported by School and by Total for the District for the Years 1940-1941 Through 1948-1949

	Ruth Reid School		*Myron Witter School*		*Mig. Hidalgo School*		*Barbara Worth School*		*District Total*	
Year	*Start*	*Peak*	*Start*	*Peak*	*Start*	*Peak*	*Start*	*Peak*	*Start*	*Peak*
1940-1941	732	763	220	240	559	1,641	225	251	1,736	2,895
1941-1942	479	747	162	198	385	1,337	171	122	1,197	2,404
1942-1943	502	674	149	186	355	1,421	177	221	1,183	2,502
1943-1944	456	681	172	200	377	1,247	183	259	1,188	2,387
1944-1945	463	695	198	241	329	1,162	169	234	1,159	2,332
1945-1946	527	764	226	255	360	1,145	183	230	1,296	2,394
1946-1947	509	780	210	243	319	1,261	201	242	1,239	2,526
1947-1948	667	842	274	304	514	1,291	200	242	1,655	2,679
1948-1949	692	843	280	354	560	1,299	206	246	1,738	2,742

A glance at Table I indicates that the starting enrollment in each year is the lowest enrollment of the year and that it is also lower than the peak enrollment of the next preceding school year. This statistical pattern indicates beyond any doubt the presence of migratory elements in the population pattern of Brawley School District. Wherever this statistical pattern is found, in whatever form it may take during a school year, there is no doubt as to the presence of migratory population in the school population pattern.

An attempt to indicate the extent of the migratory population in Brawley School District is found in the tabulations of Table II. This table lists the total starting enrollment and the peak enrollment for each year found in Table I plus the percentage change occurring during the school year.

Table II

Percentage Change Between Peak Enrollment and Starting Enrollment in Brawley School District From 1940-1941 Through 1948-1949

Year	*Starting enrollment*	*Peak enrollment*	*Ratio of peak to start*	*Percentage of increase*
1940-1941	1,736	2,895	1.668	66 8
1941-1942	1,197	2,404	2.008	100.8
1942-1943	1,183	2,502	2 115	111.5
1943-1944	1,188	2,387	2 009	100.9
1944-1945	1,159	2,332	2.012	101.2
1945-1946	1,296	2,394	1.847	84.7
1946-1947	1,239	2,526	2.039	103.9
1947-1948	1,655	2,679	1.669	61.9
1948-1949	1,738	2,742	1,578	57.8
Average increase for years shown			1.839	83.9

A study of Table II indicates that the peak enrollments for the years shown tend to be much more similar in size than do the starting enrollments. However, a low starting enrollment is usually paired with a lower peak enrollment. The relative growth during a school year starting with a low enrollment tends to be larger than the relative growth for years of higher starting enrollments. While it is not indicated in any of the tabulations contained in this study, an examination of attendance data of Brawley School District indicates that the actual time of starting school has a great effect upon the size of the starting enrollment. The drop in attendance between 1940-1941 and the following years with the sudden increase occurring in 1947-1948 is attributed to general economic conditions on the whole Pacific slope. The migratory vegetable worker of the "stoop" variety is usually of Mexican descent and frequently is a skilled or semiskilled craftsman. These people follow the heavy building and construction industry in prosperous times and return to vegetable work during times of recession in the building trades. Their places are taken in the fields by imported Mexican Nationals and by the so-called "Wet Mexican." Neither of these latter groups come into the district with their families, hence the drop and increase in school population reflected in Table II.

It has been previously pointed out that all budgeting for a school year must be based upon the actual peak enrollment of the previous year rather than upon the average daily attendance of such year. State apportionments to school districts are based upon the average daily attendance of the next preceding school year. A comparison of the peak enrollment as a measure of need and average daily attendance as a measure of support is tabulated in Table III. It should be noted that enrollment figures for all years include kindergarten enrollments while the average daily attendance figures listed are those used by the State Superintendent of Public Instruction in making apportionments to school districts. The latter figures contain the kindergarten attendance only for the last three years shown in Table III. This apparent discrepancy is justified by the purpose of Table III. It is an attempt to reflect the difference between actual need and need recognized for apportionment purposes.

Table III

Comparison of Peak Enrollment Recorded by Brawley School District and Average Daily Attendance Allowed by State for Apportionment Purposes

Year	*Peak enrollment*	*Average daily attendance allowed (A.D.A.)*	*Difference*	*Percentage A.D.A. is of enrollment*
1941-1942	2,404	2,122	—282	88.3
1942-1943	2,502	1,957	—545	78.2
1943-1944	2,387	1,888	—499	79.1
1944-1945	2,332	1,855	—477	79.5
1945-1946	2,394	1,833	—561	76.6
1946-1947	2,526	2,188	—338	86.6
1947-1948	2,679	2,303	—376	86.0
1948-1949	2,742	2,443	—299	89.1

Attached hereto are Table IV and Table V. These two tables are graphic representation of comparable data between the County of Imperial and Brawley School District. Table IV carries the graphic enrollments left active at the end of each school month for the first grade through the eighth grade for the years 1943-1944 through 1948-1949. The

TABLE IV. ENROLLMENT
(Excluding Kindergarten) at End of School Month

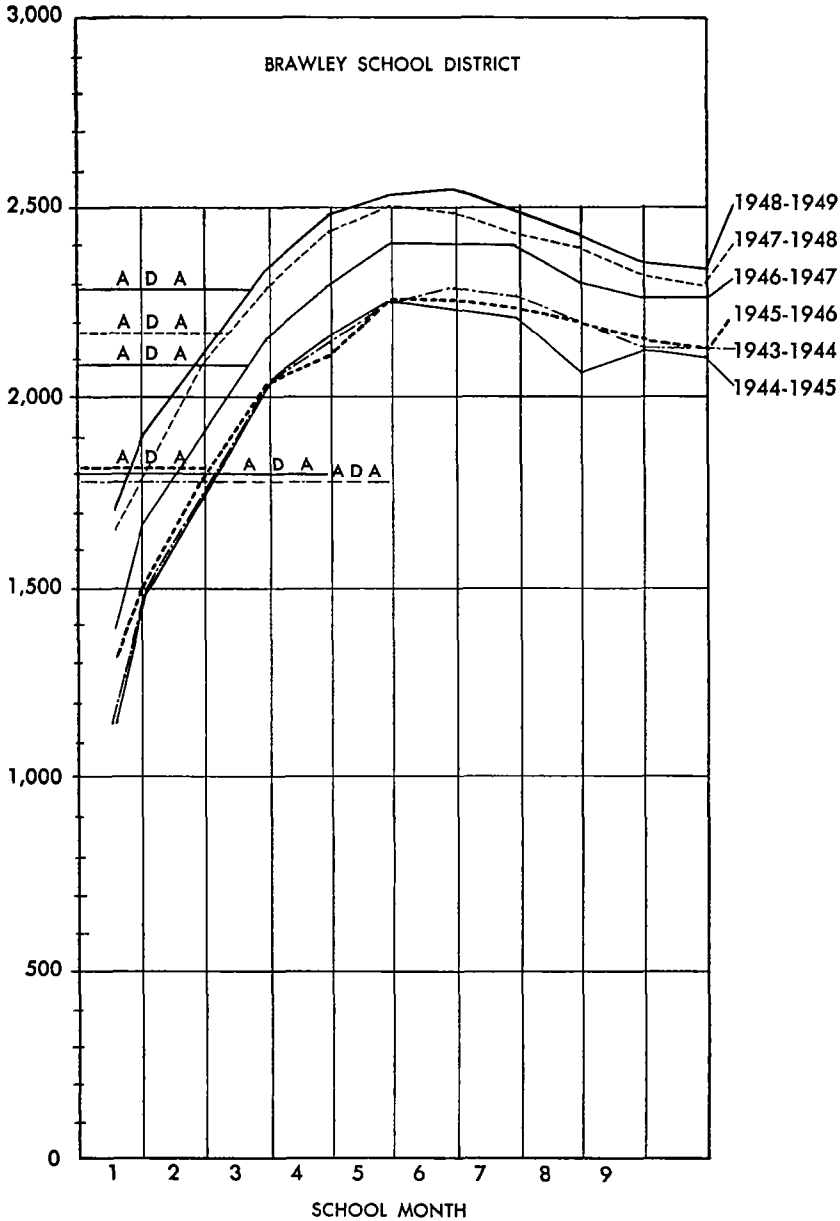
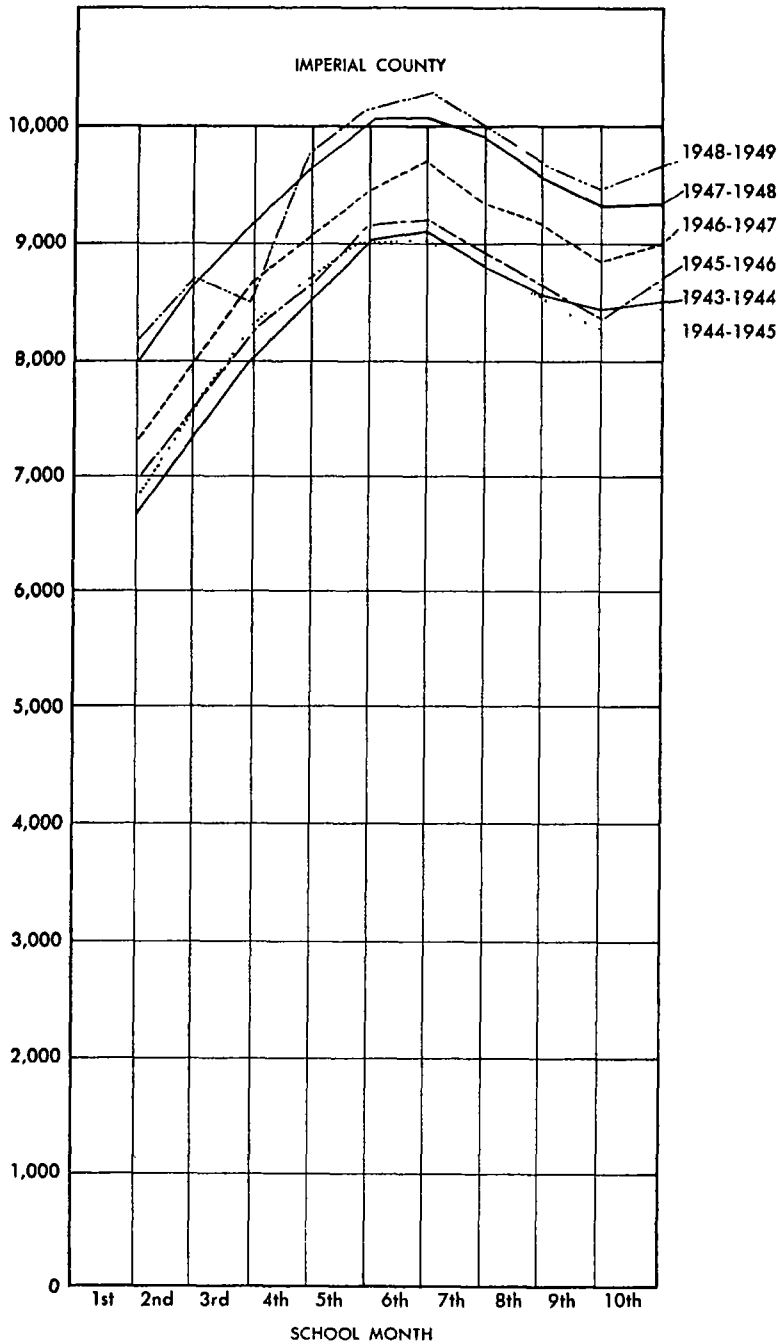


TABLE V. ENROLLMENT
(Excluding Kindergarten) at End of School Month



kindergarten totals have been eliminated from this graph in order to make a more precise comparison with county data. Available county data excludes all kindergarten information since only a few of the districts of the county maintain kindergartens. Table V carries the total active enrollments of all of the school districts of the county for the end of the school month as reported by the districts to the county superintendent of schools during each school year.

A study of the graphic representation of the enrollment of Brawley School District and of Imperial County (Tables IV and V) demonstrates the fact that migrant population is not confined to Brawley School District alone, but is a county problem as well. It should be reemphasized that the data contained in these graphs is not comparable to the data contained in Tables I through III. The enrollment at the end of a school month may be considerably larger or smaller than the enrollment was during the major portion of the month.

The lack of kindergarten data in the graphic representations does not invalidate the growth characteristics of the curves. The Education Code requires the closing of all starting grades at the end of the first school month to all new students except those coming into the district with a transfer from some other school district. This fact, coupled with the fact that a majority of small rural school districts do not have kindergartens, gives the kindergartens of Imperial County a stability in enrollment out of keeping with the radical growth characteristics of the first eight grades in the same area. Hence, no change would be produced in Tables IV and V by the introduction of kindergarten data except the raising of all coordinates upon the graph by a constant amount.

An effort to measure the relative amounts of migration in the schools of Imperial County is found in Tables VI through VIII. These tables are based upon the attendance data reported on the thirty-first day of October and the thirty-first day of March in each school year. The extremely chance nature of these two days in the selection of comparative data prevents their use for more than an indication of the probable extent and direction of change in growth occurring in the schools of Imperial County. The ratio of March to October, if larger than 1.000, indicates a growth pattern similar to that found in Brawley School District. A ratio of March to October of less than 1.000, indicates a different growth pattern than that found in Brawley School District, but does not necessarily indicate a loss in population nor a reversal in growth trends. Table V indicates a severe loss in pupil population in the schools of Imperial County for the third school month of 1948-1949 school year.

Table VI

Comparison of October 31st Enrollments With March 31st Enrollments of All School Districts in Imperial County; Data for School Years 1947-1948 and 1948-1949. Enrollments Include Kindergarten

School district	*October 31st Enrollment 1947*	*March 31st Enrollment 1948*	*October 31st Enrollment 1948*	*March 31st Enrollment 1949*
Acacia	143	166	141	174
Alamitos	66	74	50	53
Andrade	26	24	19	17
Bard	122	137	125	131
Brawley	2,032	2,599	2,183	2,686
Calexico	1,063	1,320	1,170	1,397
Calipatria	387	443	338	419
El Centro	1,917	2,107	2,006	2,299
Eucalyptus	35	47	35	43
Fort Yuma	146	149	144	152
Heber	132	145	127	139
Holtville	612	717	599	734
Imperial Union	467	631	603	669
Jasper	116	123	85	106
Laguna	20	18	19	54
Lantana	9	11	9	15
Magnolia Union	40	48	35	51
McCabe Union	128	144	154	163
Meloland	32	36	34	31
Mt. Signal Union	57	81	71	81
Mulberry	47	49	50	58
Niland	200	234	212	259
Ogilby	--	14	--	20
Pine Union	163	193	134	169
Rose-Mesquite Union	56	62	54	60
Seeley Union	117	174	189	206
Silsbee	25	35	30	31
Verde	50	57	41	61
Westmorland Union	318	377	311	367
Westside Union	63	78	82	83
Winterhaven	110	112	111	125
Total elementary school districts	8,759	10,472	9,231	10,871
Union high school districts				
Brawley Union	666	616	577	576
Calexico Union	304	307	319	315
Calipatria Unified	150	153	130	131
Central Union	1,101	1,006	1,132	1,131
Holtville Union	236	255	259	293
Imperial Valley	189	197	200	250
Total high school	2,646	2 534	2,617	2,361

Table VII

Comparison of March 31st Enrollment With Average Daily Attendance Allowed for All of the School Districts of Imperial County for School Years 1947-1948 and 1948-1949, Data Includes Kindergarten

School district	*March 31st Enrollment 1948*	*Ave. Daily Attendance Allowed*	*March 31st Enrollment 1949*	*Ave. Daily Attendance Allowed*
Acacia	166	158	174	157
Alamitos	74	70	53	52
Alamo	67	62	47	41
Andrade	24	22	17	17
Bard	137	126	131	128
Brawley	2,599	2,303	2,686	2,443
Calexico	1,320	1,163	1,397	1,246
Calipatria	443	413	419	381
El Centro	2,107	1,952	2,299	2,079
Eucalyptus	47	42	43	39
Fort Yuma	149	136	152	145
Heber	145	136	139	129
Holtville	717	664	734	680
Imperial Union	631	592	669	624
Jasper	123	113	106	98
Laguna	18	19	25	25
Lantana	11	10	15	13
Magnolia Union	48	46	51	45
McCabe Union	144	135	163	160
Meloland	36	33	31	32
Mt Signal Union	81	70	81	76
Mulberry	49	48	58	53
Niland	234	218	259	223
Ogilby	14	--	20	15
Pine Union	193	177	169	153
Rose-Mesquite Union	62	60	60	53
Seeley Union	174	160	206	190
Silsbee	35	32	31	26
Verde	57	52	61	48
Westmorland Union	377	337	367	341
Westside Union	78	77	83	81
Winterhaven	112	109	125	115
Total elementary school districts	10,472	9,535	10,871	9,608
Union high school districts				
Brawley Union	616	573	576	565
Calexico Union	307	283	315	285
Calipatria Unified	153	141	131	124
Central Union	1,006	939	1,131	966
Holtville	255	233	293	261
Imperial Valley	197	192	250	204
Total high school	2,534	2,361	2,696	2,405

Table VIII

A Comparison of October and March Enrollments for Two Consecutive Years in Imperial County, Together With a Comparison of the Average Daily Attendance Allowed With the March Enrollment for Two Consecutive Years

School District	*Ratio of March to October enrollment 1947-1948*	*Ratio of March to October enrollment 1948-1949*	*Percentage A.D.A. is of March enrollment 1947-1948*	*Percentage A.D.A. is of March enrollment 1948-1949*
Elementary School Districts				
Acacia	1.161	1.234	95.2	90.2
Alamitos	1.121	1.060	94.6	91.1
Alamo	1.117	1.343	92.5	87.2
Andrade	0.923	0.895	91.7	100.0
Bard	1.123	1.048	92.0	97.7
Brawley	1.278	1.230	90.0	91.6
Calexico	1.242	1.194	88.1	89.2
Calipatria	1.144	1.240	93.2	90.9
El Centro	1.099	1.142	92.6	90.4
Eucalyptus	1.343	1.229	89.4	90.7
Fort Yuma	1.020	1.056	91.3	95.4
Heber	1.098	1.094	93.8	92.8
Holtville	1.172	1.226	92.6	92.6
Imperial Union	1.351	1.109	93.8	93.3
Jasper	1.060	1.247	91.9	92.5
Laguna	0.590	0.463	105.6	100.0
Lantana	1.222	1.667	90.9	86.7
Magnolia Union	1.200	1.457	95.8	88.2
McCabe Union	1.125	1.085	93.75	98.2
Meloland	1.125	0.912	91.7	103.2
Mt. Signal Union	1.421	1.140	86.4	93.8
Mulberry	1.043	1.160	97.9	91.4
Niland	1.170	1.222	93.2	86.1
Ogilby	----	----	----	75.0
Pine Union	1.184	1.261	91.7	90.5
Rose-Mesquite Union	1.107	1.111	96.8	98.1
Seeley Union	1.487	1.090	91.9	92.2
Silsbee Union	1.400	1.033	91.4	83.9
Verde	1.140	1.488	91.2	78.7
Westmorland Union	1.186	1.180	89.4	92.9
Westside Union	1.238	1.012	98.7	97.6
Winterhaven	1.018	1.126	97.3	92.0
Total Elementary	1.196	1.178	91.1	88.4
Union High School Districts				
Brawley Union	0.925	0.998	93.0	97.9
Calexico Union	1.010	0.987	92.2	89.3
Calipatria Unified	1.020	1.008	92.2	94.7
Central Union	0.914	0.999	93.3	85.4
Imperial Valley Union	1.042	1.250	97.5	81.6
Total High School	0.958	1.030	93.2	89.2

This loss was the result of a killing "freeze" that destroyed large amounts of row crops ready for harvest at the time of the "freeze." Attention is directed to a complete lack of a comparable drop in the attendance graph of Brawley School District (Table IV) for the same period. This is caused by a slightly different growth characteristic of Brawley School District than is common to Imperial County as a whole. Brawley School District serves as the "home" of large numbers of migrant families who work over the entire county area. These migrants follow several different farming operations during their stay in Brawley School District. This results in a greater stability among them than is

demonstrated by the migrant who lives in labor camps adjacent to the harvest area who must move upon the completion of the specific harvest or upon the advent of a destruction of the crop. This is cited here to serve as a warning against a hasty generalization based upon insufficient data.

The problem has been demonstrated by the preceding pages. It now remains to make recommendations for the correction of some of the problems illustrated.

It is recommended that an "excess cost" type of apportionment base be developed for the purpose of making apportionments for attendance earned from migrant pupils. Such an apportionment base is currently in use for the attendance of mentally and physically handicapped minors. The actual excess costs of educating migrant pupils will vary from district to district, depending upon the length of stay and the extent of retardation represented by the pupils present. Such an apportionment may well take the form of granting one and a fraction parts for each unit of average daily attendance as currently computed. The fractional part to be determined by a cost study over the state as a whole compared with good and *questionable* educational practices resulting in the cost differences. The important feature of any attempt to give additional aid for the education of migrant children is making the aid in the form of an *increased average daily attendance* factor in order to insure sufficient appropriations to the State School Fund for the purpose of making adequate apportionments. The idea that a portion of the "Equalization Fund" can be used for this purpose is based upon insufficient knowledge of the facts of the scope and extent of pupil migration in the State.

The justification for the request for an excess cost type of an apportionment for migrant pupils is found in the extreme and accumulative retardation of these pupils wherever they are found in our schools. The lack of the proper enforcement of compulsory attendance laws in the areas of short harvest season during the school year; plus the lack of interest of local school authorities based upon inadequate financing for the education of these pupils results in the type of retardation statistics found in Imperial County. That is to say, total high school populations smaller than the enrollment of one of the high school's four classes upon the date that class started in the first grade of our public schools. Less than one child in four that starts in the first grade finishes high school.

A second justification for an excess cost type of apportionment for migratory pupils is found in the mechanics of caring for such pupils in regular classrooms. Brawley School District opens school with some 1,600 or more pupils. These pupils are segregated into classes of roughly comparable educational accomplishments. These classes are loaded to 35 pupils wherever possible in order to conserve the salary funds for the employment of additional teachers as the school year progress. The migrant pupils start the second or third day of school. They are placed in a regularly organized class until there are sufficient numbers of them of each grade placement to warrant the employment of an additional teacher. A new class is then formed, and the process is repeated over and over again until the peak enrollment is reached sometime between the second week of February and the last week of March. It is the contention of the writer that this constitutes a questionable educational procedure. It is unfavorable to both students and teachers. It has merit only in its questionable economy of school funds. However, it is the only basis of

operation that has been developed that enables Brawley School District to remain solvent and a going educational concern.

ANDERSON: Thank you sir. Our problem is not the problem of growth that has been presented here, this morning. It is a different type of growth. We are primarily an agricultural region both of the school district that I represent and of the county in which it forms a part. The chief agricultural products of this area are row crops that come off in the middle of the winter. Row crops, if you are familiar with agriculture is almost synonymous with hand labor Hand labor, from our experience, is also synonymous with a very high birth rate. In this district each year we will open school with the starting enrollment of as low as 1,200 to as high as 2,100. We will reach a peak enrollment from anywhere from 2,600 to as high as 3,200. Our state apportionment is based on the average of the actual attendance of those children in the schools. **Our financial problem is cursed with the necessity for making all capital investment, all operating maintenance, fixed charges provision for transportation. On the basis of a peak enrollment and not on the basis of an average daily attendance.** Probably in the simplest way of illustrating the problem is to look at the graphs that are following page 7. I think they are large enough so that you can see the trend. This first graph is nothing but Brawley School District for the years 1943-44 through 1948-49. You will notice that the growth characteristics exhibited under that curve are very very similar. Two factors control that, based on our observation experienced since about 1930. Those factors are the climatic conditions on the western seaboard and that's everything west of the Rockies, plus the market condition and the market demands for produce on the eastern seaboard. And if you can tell us how we can predict any one of those factors accurately we're open to suggestions. We've never been able to do it. A sudden climatic change on the western slope may give us an increase of 10 to as high as 30 percent on our starting enrollment. Now the characteristics under that curve will not alter it because we start with a high enrollment. The curve will follow almost exactly the same configuration as it followed the previous years, reaching a much higher peak. The one fortunate thing from mechanical operation of the school district that we find in these characteristics is the fact that we do not lose enough children in the spring of the year to have to curtail our classes. Once the class is set up and established normally, it will carry on through the year.

On the second one of the graphs—there is one based on the active enrollment at the end of each school month for Imperial County. You'll find almost identically the same characteristics for the county as a whole as you find for the individual Brawley School District. The freeze of last year was mentioned here a little earlier—idiosyncrasy between two graphs—this sudden drop that occurred during the third month last year is in the effect of the freeze in the deep producing region—the tomato regions—and the squash regions of Imperial County. A migrant laborer that works in those crops lives adjacent to the crop area.

DUNN: (Interrupts) Mr. Anderson, just to identify for the record, the first month is September?

ANDERSON: No those are school months. They will range ordinarily from the second week in September until the last week of September on the individual districts.

DUNN: The first school month is, normally, let us say September.

ANDERSON: Half of September and half of October.

DUNN: Then the third school month would be October-November, November-December. You are now talking about November-December as the third school month. And that is the time when the freeze or the effect of the freeze caused this sudden drop in attendance.

ANDERSON: Yes, sudden drop in attendance. Now if you will refer back to the Brawley School District graph you'll find no such drop in attendance. The reason for that is the geographical location—the certain districts in that area is ideal for a labor pool for our type of growing. Brawley School District has in its boundaries the labor—approximately two-thirds of the area of Imperial County We can only tax approximately one-tenth of that area for the support of local taxation. Our city is involved in the same thing. They must supply police, sanitary sewerage, water, fire protection to these people but lack the ability to tax the basic economic resources that the people are dependent upon for their income. Now I don't know how we could eliminate that particular thing except by consolidating all the school districts into one county unit, with a study of county resources for this curve then you have not improved the situation one iota. There are individual districts which are extremely wealthy. The county as a whole against this particular problem is rather poor Now this is one problem that occurs year in and year out. Now these children come from somewhere within the State. Our records lead us to believe that the **majority of those children do not attend school anywhere except in the Imperial County area.** There are several very good reasons for that The population is following a crop rotation plan. They will be on the first day of school say in a district in the San Joaquin Valley—they will only be in that area for a matter of a week—two weeks at the longest. They move over to an adjacent school district. They will only be there for a matter of two or three weeks. It is not until they come into the Imperial Valley that the residence of that group is going to be sufficiently stable for them to put their children in school. Now, talking with the people that are on the other end of this cycle—they have very good reason for not trying to get out and get these people in school. They haven't facilities. They haven't finances. They may be in the area, they may or may not be aware of the extent of them in the area. They just plain can't be interested—no money to back it up. We have to take it because there are so many. We would be overrun if we followed that procedure.

Now the dilution that Mr. Wright mentioned of the state funds, is the plea that we're making here. Our state funds are being diluted to the point that we are not giving the children of the migrant population or the permanent population, the education to which they are entitled. The mechanics of assimilating these people into a school district means that an established class of 20 to 35 children must assimilate up to 45 before there are sufficient children that to warrant the employing of another teacher. The logical way of attacking that problem of course would be to set your current population in classes, as the migrant comes in, be he one, employ a teacher and start your new class so that he is not confused with your regular people. We cannot do that—we don't have the money. We are paid on the basis of an average and not on the basis of our actual loading. Now the Chapter 1575, of the Statutes of 1947, better known

probably as relief for distressed school districts was the first statutes in my experience as school superintendent that faced this problem realistically. We were permitted to make an application for construction needs under that legislation to build on the basis of enrollment. The state department has also permitted us in this new bond issue program to build and establish our capital outlay basis, on the basis of our actual enrollment needs and not on the basis of average daily attendance.

It's my opinion and it's only an opinion—I have no figures whatever to back it up—that the districts that are on the other end of this cycle who would have these people in the fall and have them again in the spring of the year, would at least attempt to reach them and serve them if they were being properly recompensed for that. Under the present situation they are working against themselves. They are harming their own people. They are rather reluctant to do that. The legality of the issue and the rest of it doesn't mean anything, under actual operations. Whether or not that reasoning is sound I do not know. That happens to be an opinion. The balance of the material that I've furnished Mr. Dunn contains a whole group of tables giving the extent and the incidents of this, and setting forth some of the problems that the State will have to face on a state-wide basis in order to root out and clear out the facts behind this. You see we make two reports of enrollment each year, as well as our annual reports. Those two reports are spots October 31st and March 31st. It happens that October 31st catches us with an appreciable growth over our first day. March 31st catches us normally after our peak. Now there are many other districts in the State would start high, where they are actually meeting this problem. October 1st catches them much lower than their starting point. March 1st catches them at their normal operating picture. So to highlight this thing we are going to have to get some common basis statistics on starting and peak enrollments and the points from which they start and the points to which they peak—in order to understand it—I've tried every way I could for several years to get good comparable statistics to highlight this problem over the State as a whole. To date I have been unable to get comparable figures. Are there any questions?

DUNN: Just to clear up the last figures you mentioned—if a district whose harvest season was at its peak at the opening of school, they would indicate their peak enrollment at that time, assuming the children of these migrant workers were in school.

ANDERSON: That's right, sir.

DUNN: Because they reported in October after their harvest season has passed——

ANDERSON: You do not get that peak.

DUNN: They are not getting the peak, and your peak occurs as I see it in the chart, between February and March.

ANDERSON: That's right, sir.

DUNN: The peak has passed when you report on March 31st——

ANDERSON: That's right.

DUNN: So those are complicating factors. Because the fact that many of these children are engaged in the harvest season in other parts of the State either just before school closes for the summer vacation and the districts themselves probably feel that they can't afford the education or the effort necessary to round up these children and get them into

school, so those children usually don't attend school in your opinion in other districts to any great extent.

ANDERSON: Not to any great extent. Now we have individual families and we have numbers of them that have been on the winter cycle with us for years—those children are honor students in the schools, and the reports we get from other districts they are honor students in those schools. But that child actually will get a better education by virtue of his travel and the various experiences they have than the normal child, but there is a very very small minority. The great bulk of them get only three to six months of education a year. To substantiate that, this one tabulation in this report sets forth on the basis of the statistics contained therein—**that less than one child in four that we have with us in our first grades and that includes all children both migrant and current, ever enrolls in the high schools.** So that you have an excellent breeding place for your potential delinquent in that situation and the whole thing, I believe, is a matter of finance. One recommendation I would like to make to this board—if recommendations are in order and that is, that we attempt to develop some type of an excess cost apportionment to take care of these migrant children in exactly the same manner that we are attempting to meet the problem of educating our physically handicapped and our mentally handicapped children. That type of excess apportionment might be one and a fraction units of a.d.a. under our present set-up allowed for this problem to cover the excess cost to make it worthwhile and these districts to get out and get them out of these migrant labor camps and get them into the schools whether it be two weeks or two months, so that district would not suffer financially and the children resident in that district would not suffer educationally.

DUNN: Now do you find, Mr. Anderson, because of the influx of these children who don't attend school as many months in the year as the permanent population does, that it dilutes the opportunity for advancement of your permanent population.

ANDERSON: Definitely, sir. You cannot put these badly retarded migrant children into a standard classroom of roughly standard ability without disrupting the entire educational procedure of that classroom It holds them back, the burden on the teacher is terrific—and they are only going to be there for a matter of anywhere from two days or not to exceed two weeks when the growth will be sufficient for them to form a new class. But you've robbed that child of that two days or two weeks of its educational possibility.

DUNN: You mentioned transportation. You have to maintain sufficient busses.

ANDERSON: The bus equipment has to be available. Our transportation pattern does not change from the beginning of school to the end. The only change that takes place is that we will have to reroute certain busses because they will develop overloads in an area that formerly had no people in it at all. And some other area will develop a short load where we had a normal load, but the actual cost of operating our fleet doesn't vary from beginning to end any more than the cost of our insurance on their operation.

DUNN: You would operate the same amount of mileage approximately throughout the year?

ANDERSON: That's right.

DUNN: You just carry more passengers——

ANDERSON: During certain parts on certain roads. And the odd thing is, while route No. 1 will be overloaded some, other routes 2 or 5 or 7 or one of them will be underloaded. So that we have been able to shift equipment back and forth.

DUNN: So actually your cost of transportation isn't really involved very much in this excess

ANDERSON: Only outlying has one item of excess cost. If we had a stable population we would probably get to operate more efficiently with fewer busses and fewer personnel. I would like to point out one thing in that whole excess cost factor. Supplies and materials do not amount to a great deal. It's the salaries of your noncertificated and your certificated personnel. That's where your money goes. The difference in the cost of papers and janitor supplies and that sort of thing we could absorb very readily and very easily on the average basis. But the salaries of the people that are involved in that you cannot absorb without a dilution factor entering in.

DUNN: I thought that perhaps the possibility of renting busses for the peak period might help solve that, but you have a transportation problem anyway.

ANDERSON: We operate over 87 square miles of territory and as such we would have transportation problems anyhow.

DUNN: Now I notice in your charts that you show a drop in the years 1943-44.

ANDERSON: If you will refer back to one table here, I believe, highlights that chart. Yes, in 1944-45 your enrollment was lower than in any other years because since they dropped below 1943-44 then it increased in 1945-46.

ANDERSON: Well, parenthetically, I might add that, the highest one of these curves that we have ever experienced was in the year to 1938-39 and 1940. Now the factors that are in back of that—the great bulk of our migrant farm labor particularly of the stoop variety are Mexican-Americans. Now those people—or rather the bread winners in those families are very largely skilled and semiskilled artisans. When there is a boom in the building industry or in all heavy industry, those people move out of that area. They come into this area, part of the overloading factors that are in here. They are cement finishers, they are plasterers, they are lathers, they are stone masons following crafts and trades. Now those are the first people that are hit in the depression They are the first ones that are cut out of their jobs. And, they come back into the vegetable industry. Now, since about 1942-43 the vegetable industry down there has been using very large numbers of imported Mexican nationals for field labor They are brought into this county under contract and do not bring families with them As a result there is a very marked decrease in enrollment.

ANDERSON: Now those people (Mexicans), doesn't make any difference whether they are the contracted labor or otherwise, do not bring their families with them; hence, we show a very definite drop in school enrollment during those years. Now the recent recessions and heavy industry, slight though they have been, have been reflected with these Mexican-Americans coming back into the agricultural work in our area, with the decreased numbers of laborers of a national variety being used.

So that we are in a very vulnerable situation We will probably run this year with less than 14 double sessions. We have been operating as high as 30 some double sessions in the first four grades

We are applying for added funds to eliminate all those double sessions That is all based on our projected enrollments. **The major recession in the heavy industries in this State is going to cause us to be completely inadequately built to receive that impact.** We know that we are going to get it.

RUMFORD. Do you have in there a segregated school system?

ANDERSON: No, I believe every district in the county this year for the first time eliminated all of our segregated school districts and that incidentally was done chiefly through the assistance of the financing for distressed school districts.

RUMFORD: I was wondering if you were speaking about either one system or the other—whether you eliminated them

ANDERSON: No, we have eliminated segregated districts in Brawley, the district that I represent. We've segregated for years on the basis of language. As a child comes to school who does not use the English language with the facility that a child his age should use it, any Latin language, background, was put into what we refer to as Miguel Hidalgo School, which is primarily an American school designed to teach these non-English speaking children in English. But we have eliminated that. Simply because it doesn't work. The Spanish speaking child which is our major problem—we have a few Portuguese, very few, chiefly Spanish —will learn English much more rapidly and much more accurately associating with the English-speaking children than they will if segregated out and put into special language school. So we've wiped that out. Now the segregation of the colored in a few of the districts down there was eliminated this year.

DUNN: Is that all, Mr. Rumford?

RUMFORD: Yes, that's all.

DUNN: I noticed on page 77, where you have Table II showing the starting enrollment in 1940-41, 1,736 In 1941-42 there was a decrease of 539.

ANDERSON: That's right, sir.

DUNN: The peak enrollment of 1940-41 showed 2,895; in 1941-42 peak enrollment of 2,204, or a drop of 491, which is approximately the same ratio and that substantiates your statement that as construction and heavy industry increased, as we know it did because of the recruitment program for the war effort, it took out people from the agricultural industry in your area And then as the war effort receded we find in 1946-47 you had a starting enrollment of 1,239 and a peak of 2,526; and in 1947-48 starting enrollment of 1,655 with a peak of 2,679 which showed a marked increase of the first instance of 416, but the peak enrollment had a gain of only 173 so as I see that, the starting enrollment began to pick up when price controls and things of that sort were removed and people then left industry partly because of recession and partly because of increase of cost of living in the cities and came out to work in agriculture, where I presume the cost of living would be slightly less.

ANDERSON: Well that was a factor—now there is another factor that is entering in there in those years—if you will notice the differential between the peak enrollments of the years 1946-47 through 1948-49 is

not as great as it was prior, and is not as great as the differential between the starting *enrollments*. That reflects the effect of the increased birth rate of the permanent populations. I might point out here that, now the two population groups that we are dealing with, the permanent population that we have there is typical of any community in California. They have the average birth rate—that is, if you would count the families and survey the families as we have in years past you would find those families are at the birth rate of the State and Nation. Now the migrant. Here race, color or nothing else has any bearing on it, just the fact that they are engaged in following the migrant labor problem will have from seven to as high as nine and 10 per family. Now prior to the war if you go back and check the populations of the City of Brawley and compare it with the City of Pomona—Pomona was something like three and one-half times the size of Brawley, yet the average daily attendances of the two school districts in those cities were very similar. Pomona was about 10 percent, 12 percent higher than that of Brawley. Now all of that differential occurs in the families of these migrants who in turn are the ones that are producing your badly retarded child. And when I say retarded I don't mean that they are mentally unfit or anything of that sort—that's not true. **They just have not had the educational opportunity—or are not getting the education and opportunity to go ahead and do the work that they are capable of doing.**

DUNN: I would like to call the attention of the committee to Table III on page 78 which gives the actual figures—the actual difference between the average daily attendance on which the State makes apportionment and the peak enrollment and the percent that is of the average daily attendance. I don't believe I have any more questions—I had the opportunity to develop my questions through prior study of this very excellent statement of Mr. Anderson.

Please refer to page 85, I have emphasized the word "questionable." You say the "fractional part to be determined by a cost study over the State as a whole compared with good and questionable educational practices resulting in the cost difference." I think perhaps if we develop exactly what you meant by "questionable" there, Mr. Anderson.

ANDERSON: Well by questionable, I'm referring to the practice that we are following right now in meeting our problem of putting these migrant children in with the children that are of normal advancement. That would lay in my mind as a questionable practice. You will find other questionable practices putting 55 and 60 children, as I previously mentioned, in here through no fault of the district schools but through financial necessity into a classroom to produce a low cost per assessed value, because they have to live within their budget.

DUNN: Thank you, that's cleared up. Here's another one here on page 85 "total high school population smaller than the enrollment of one of the high school's four classes upon the date that class started in the first grade." Now, that means of course, when the class started in the first grade you had an enrollment of "x" numbers. By the time that same group—age group, let us say, had proceeded through the elementary grades when they got into the first grade of high school, there was considerable reduction in the number of the children that were in the class.

ANDERSON: Yes, sir—so much so that, if you take any starting class on the 10 years that the way you would run these surveys on, I **don't recall of a single instance in which the first grades, either in the Brawley School District or Imperial County as a whole were not larger than the entire high school population of that county.**

DUNN: That's even allowing for the increase in the permanent population.

ANDERSON: That's right, sir. So the retardation is terrific in the denying the educational opportunity as the result of that is terrific.

DUNN: That's all the questions. Any more questions by members of the committee?

GEDDES: Mr. Chairman.

DUNN: Mr. Geddes.

GEDDES: I would just like to point out, Mr. Chairman, that it seems particularly the presentation made as to the Brawley School District is rather solid—I have taken the liberty of rearranging some of the figures and you get some rather interesting results. You find on page 78, in Table III, the average daily attendance which was allowed or, a.d.a. as we call it—particularly with reference to 1945-46 school year in subsequent years where our present allocation formulas apply more—there has been some revision but we started at the end of the equalization and following the Strayer report enactment of the legislation, recommended therein, 1945-46 the peak enrollment was 2,394 average daily attendance allowed was 1,833. Now from previous table of that same year we find that from the high of 2,394 to the low of 1,296 there is a spread of 1,098—then you show, sir, a difference of 561. Well I'll point out it is just approximately half or a little less of the total spread but it makes up the difference, so that of course you can't take averages of averages—but, taking the figures that are used to determine the support and the actual figures of the spread you get rather approximately a current picture.

ANDERSON: Well you see, the only reason that we can develop this type of a picture in Brawley School District is the fact that for nearly 11 years we have not been keeping the standard state school register. With that permission from the State Department of Education to keep an accurate person record. One sheet is kept on each child to avoid duplication and double entries in your records and that type of thing, and we have a very accurate and very precise figures as to what this problem is in that area. Now I do not know of another school that is affected with the migrant problem in the State of California that keeps that type of record, and it's almost impossible to get this data out of the state register as you are required by law to keep it, unless we were given permission to do something else.

DUNN: If that type of recording was done in all districts that have the problem of migratory labor, you would be able to do a more accurate check as to the number of the children of migratory families that do attend school——

ANDERSON: I wouldn't recommend it on that basis, Mr. Dunn, because it is a very costly thing. It happens that the problem is so great with us that we can make money on it—that by keeping a more accurate set of records we can absorb the overhead entailed in keeping those records by a greater control of our attendance in getting our children in—keeping a more accurate record all the way through. But, there are other ways that we can highlight and develop these same statistics. I threw that

in just as an explanation of why we have that on Brawley and do not have it on Imperial County—right there in the same area. Ordinarily, it would appear it should be able to develop the same figures for the county as we have for the district—that's not true

GEDDES: Well your problem is analagous to traffic over a certain section of highway, or bridge or anything like that, the **whole structure has to more or less be designed to handle the peak loads. Maybe 20 hours out of 24 why there is plenty capacity, but those four hours will entail a tremendous expenditure of money and material.**

ANDERSON: Well, here's an oddity. I mentioned a number of double sessions that we now have. This is the first day of December. In one plant we have two vacant classrooms and in the second plant we have three vacant classrooms as of now and yet we are operating double sessions right in that same district in other schools—there are five schools in the district. Our records indicate that each keg has got to stand on its own bottom, or we are going to be in terrific difficulty—we can't prevent the formation of double session classes—over in Whittier school over there, we have a vacant classroom because there would be different cycle coming into that area that would need that classroom in another two or three weeks.

GEDDES: Well it's very fortunate that you have an experience record going back over that number of years—we can do anything in working out immediate legislation to take care of problems like this—it's going to be very valuable to the committee——

ANDERSON: Oxnard in Ventura County is another point—this same problem because their crop cycle is very similar to ours. Now the Salinas Valley and the row crop areas of the San Joaquin Valley theoretically, at least, should have a high starting enrollment, a low period of enrollment through the center of the year and a high spring enrollment. So the dispersion of those people up there is something that is unknown at the present time.

DUNN: Any more questions by members of the committee? Thank you very much, Mr. Anderson, for your very excellent presentation.

ANDERSON: Thank you for the permission of testifying before your committee. Is there anyone here who doesn't want to stay this afternoon and who would like to testify before lunch?

BENTON: My name is R. N. Benton, District Superintendent of the Norwalk School District in Los Angeles County. Our problem is one of sudden and rapid growth due to the Santa Ana Freeway and the subsequent conversion of pasture lands in our district and to acres and acres of homes, subdivisions.

Exhibit No. 5

NORWALK SCHOOL DISTRICT

Financial Data Affecting School Operation

I. Assessed valuation per pupil in this district is *declining:*

Year	*Assessed valuation*	*A. D. A.*	*Assessed valuation per pupil*
1945-46	12,260,545	895	13,699
1946-47	11,038,715	1,040	10,614
1947-48	13,923,515	1,276	10,912
1948-49	16,804,300	1,973	8,517
1949-50	20,454,520	3,000 (Est.)	6,818

II. The local tax rate has been *raised* each year in an effort to provide a good educational program:

Year	*Tax rate*
1945-46	.8657
1946-47	.8939
1947-48	.9000
1948-49	1 2500
1949-50	1 2956

III. We have not been able to continue to offer as good a program as we would like to:

	Per pupil expenditures	
Year	*L. A. County*	*Norwalk*
1945-46	133 90	133 04
1946-47	144 84	148 60
1947-48	176 54	168 52
1948-49	196 01	179 67
1949-50	200 00 (Est)	142 70 (Est.)

IV. Children attending school in the Norwalk School District are not getting a fair educational opportunity because—

The present state apportionment law does not meet the needs of rapidly growing districts.

Using the current year for an example:

1. On last year's A. D. A. of 1,973, we have been apportioned $227,208, or $115 per pupil But, we must *spend* this $227,208 to educate 3,000 pupils, which gives each pupil only $78.88. When we add the $61.36 per pupil that a 90 cent tax rate produces on our local assessed valuation, we have only *$101.21* per pupil!

2. The "rapid growth" provision in A. B. 2120 would have brought up an additional $34 per pupil. We would then have $174.24 per pupil to spend.

Rapidly growing districts cannot finance an adequate program without extra state help *during the year in which the growth occurs.*

DUNN: You heard Mr Magee describe the Rivera District—would you first describe the location of your district, especially in relation to the Rivera District?

BENTON: Our district is a little farther southeast—we're the first established town that the freeway gets—I mean at the time the freeway was projected and people that were interested in buying land and subdividing—thought of a place to go why they thought of Norwalk because—there it was, the freeway coming right up through open fields from Los Angeles to Norwalk and following the established route on into Santa Ana, so that the town was already there—it was a small town and for the most part it was the center of a dairy industry The subdivisions we are getting are former pasture lands and dairy farms.

DUNN: Is Norwalk closer to the center of Los Angeles than Rivera?

BENTON: No, it's farther—it is about three miles farther.

DUNN: Thank you.

BENTON: When the freeway is finished, we will be about fifteen minutes from the city hall. I have tried to condense these figures and make them brief because I know you are loaded down with figures already, but I want to say this that, our school district four years ago was considered in an active position—very envied by our neighbors and the State as a whole—in fact last year we applied for emergency state help—you know the type of thing I mean.

DUNN: Yes.

BENTON: Some of the people said: "What, Norwalk applying for help?" This thing hit us just that suddenly. And where formerly we were able to offer a good program, now we are only able to offer a substandard program because of this watering down or dilution that takes place. And in this one paragraph, which I would like to call your attention to, in this statement of facts, I think the thing is summed up about as well as if I talked a half an hour. **Our a.d.a. last year was 1,973. We opened this year with approximately 2,800—we'll hit 3,000 probably in January. We'll say that we are educating 3,000 children on the apportionment that was given us for 1,973 children. Before this year is over, we will reach 3,500 pupils and on the basis of projections that we are permitted to make in applying for Proposition No. 1 money we'll hit 5,600 pupils in 1951.** Now those are on the basis of actual houses under construction right now. I can take you down to Norwalk today and show you 1,200 houses under construction. We have letters and subdividers showing another 1,700 under construction there sometime next summer. You've heard this same story—our story is no different than the Rivera District—just the numbers are different. It hits us the same way—it hits us a little harder because the percentages are greater. Last year it was 56 percent increase. Any district can absorb 5 percent. It has been testified here without much harm. And when it becomes to get 10 and 20 it really pinches. When it is 50 it is a catastrophe. What can we do?

RUMFORD: Mr. Benton, are these people primarily coming from Los Angeles area?

BENTON: A great many of them—we made several checks—we made checks to see if they are veterans—70 percent of them are veterans—one of the subdividers who keeps very excellent records said 70 percent of these people are veterans I would say that about half of them are moving out from the City of Los Angeles. The others are coming from the four corners of the country. We have people who have moved in directly from Rhode Island and Connecticut and we have people move in by way of Long Beach, Compton, Downey, Santa Monica, etc. Now the houses they are building out there are being assessed for about $1,500 to $1,800—two- and three-bedroom houses—they are selling for about $7,500—they get on the assessment roll for about $1,500. Then if they are a veteran—then the next year, of course, he applies for his $1,000 exemption, that knocks it down to $500. So that the amount of tax revenue we get is very slight and it comes next year—it doesn't come this year.

GEDDES: Would you say that the average selling price of those homes cost the purchaser—is what, if they are assessed for $1,800?

BENTON: Around $7,500.

GEDDES: $7,500. I think it points again, Mr. Chairman, what we saw in hearings in San Francisco and that is, the tremendous building growth—those communities where it's occurring doesn't add appreciably to the taxable amount—nowhere proportionate to the valuation before. In other words we are going to take 10 acres of orange groves which has maybe $30,000 value. Subdivide that and put buildings on it and put people in it, so immediately that increased wealth becomes a liability to the school using population.

BENTON: Well that's shown very clearly from this table, the first table.

GEDDES: That's right.

BENTON: Our assessed valuation per pupil is declining and will continue to decline, because we look forward to this same sort of thing for several years. The utility companies made some very far-reaching surveys out there—the Edison Company and the telephone companies, they tell us they look forward to a population of about 60,000 people in the next five years. Right now we have about 20,000 people, and you can see what that's going to do to us if we continue to have these increases and it hurts a little district or it hurts a big district. It's a matter of percentage. It is the percentage in growth that hurts—it isn't the number of pupils—a city of 20,000, I'm talking about pupils now, could absorb 1,000 pupils without throughout many years. We can't absorb 1,000 pupils, and we're going to have to between now and June. We have already taken in seven or eight hundred over last year. We have another 1,000 coming in before June and not a penny of revenue that is in sight. We applied, of course, under the provisions of the fund that Mr. Wright referred to—we've applied for money—we've applied for $134,000. I think he told you there is $240,000. We've applied for $134,000. What chance have we of getting it? And without that $134,000 we can't even pay the teachers we have hired for the full year. We can't hire the additional 10 or 12 we'll need to accommodate the increased classes.

DUNN: Are you proposing to close school earlier if you can't meet your problem?

BENTON: We are considering that as a possibility, that's right. Now unfortunately, a good many of these subdivisions are areas that are not within walking distance to the schools, because we haven't been able to build buildings as fast as we have needed to. We have had some state help—we have had a small amount of state help under the austerity program, but we couldn't qualify—you see it was based on enrollment of a certain date. Well our enrollment hit us after that date. Enrollment for January, 1947—only 1,200 pupils was all we had then, before the end of the year we had 1,800, we opened the next year with 2,600. What I was referring to on this matter of housing is that we still have to bring these children in that are coming on these new subdivisions into our existing schools until we can get the money to build new ones. And these are a transportation problems. We haven't been able to buy new busses, and right now we are hard pressed to bring those to school that we have, notwithstanding the fact that we have an additional 1,000 children coming to us after Christmas. I would like to have you drive there and see that section right now is in an excellent condition to see. There are 1,200 houses—you can drive around—frames, most of them just frames. They finish them up—there are 25 a day. Look at the Los Angeles papers on Sunday and you'll see them advertised for sale. $99 moves you in.

DUNN: What is your percentage of growth?

BENTON: Last year it was 56 percent. So far this year it has been 46 percent.

DUNN: Based on a higher enrollment however?

BENTON: Yes, based on a higher enrollment—the number is just as great—percentage appears smaller because you are basing it on a larger base. Before this year is over it will be 60.

DUNN: Is that percentage of growth—is that equalized over all the grades, or is it higher in some grades and lower in others?

BENTON: It's concentrated in the lower grades. Of course in kindergarten, we limit. Our enrollment would be higher but we limit the kindergarten enrollment.

DUNN: Yes.

BENTON: When it gets up to—we have one teacher teaching two groups—that means she handles 68 children—one teacher. When it gets up to that point we stop. We establish a waiting list.

DUNN: You refuse to enroll any more pupils in kindergarten?

BENTON: That's right.

DUNN: Despite the fact you'll lose state aid on that account?

BENTON: That's right.

BENTON: Our policy at the present time is, 68 children is enough for one teacher to handle in kindergarten.

DUNN: So there's no effort then to enroll more children at least in the kindergarten merely for the purpose of qualifying for additional state a.d.a.

BENTON: That's true. Now these are children that would normally come in now and in January and February. We ask them to wait and attend first grade next year.

DUNN: Your growth was 56 percent—and divided over how many, six grades?

BENTON: Eight grades.

DUNN: Eight grades—but the majority of that was in the first three grades it's possible you could absorb the enrollment of the next five grades without your employing additional teachers, I suppose. But would you be less able to absorb it in the first three grades?

BENTON: That's true.

DUNN: Probably it might be up to say 75 percent of the first three grades, and so your capacity for absorption there is reduced.

BENTON: I have other figures with me regarding class size and that sort of thing that will bear that out very well—that our classes in the lower grades tend to build up to 36-38 children while we don't have as many in the upper grades—for example, we have 217 eighth graders—we have 436 first graders.

BENTON: Of course our situation exists right now—it isn't something we are talking about next year. The problem is right before us at the present time We cannot see a way to finish the year, and we cannot see a way naturally to add additional teachers that we would like to add. Keep our class-size down The impact on pupils—you can realize what that is. The impact is just as strong on public relations Here are people moving into a community—buying a new home—hundreds of them—thousands of them—and what do they find? They find the school situation is almost intolerable. It's hard for them to understand and it's hard for us to explain to them. You can't say well it's their fault, and they naturally think it's our fault because they think we're not doing the right thing in relation to proper education So I'll admit our public relations situation right now is rather critical and will become more so as the year goes on.

DUNN: If you relieve your situation to any appreciable extent, what do you suppose will be the result of the impact on future building programs in that district?

LACK OF SEWERS PROMISES RELIEF

BENTON. Well I'll tell you. As I testified here before the Senate Committee about two months ago, the thing apparently that is going to help us out is that the sewer installation down there is getting to capacity, and they won't approve any more subdivisions after this year—until more sewer bonds are voted and more sewers are put in, so we may get a respite sometime about 1951 whereby we may catch our breath.

DUNN: Let us take that, then So that if for health reasons the local authorities refuse to approve any more subdivisions because of the lack of sewerage capacity—it means that, people who desire to move out of, let us say, Los Angeles or Long Beach, would be restricted They would either have to move into another area where the sewerage capacity is not overloaded or stay where they are.

BENTON: That's right. Right now subdividers and builders are competing for connections to the sewer—it's getting to that point. They are fighting each other on that issue.

DUNN: If people are prevented from moving from where they are, let us say. If they stay in Los Angeles, the city of Los Angeles, or in Long Beach, then those cities would be responsible for providing the cost of education for the children of those people.

BENTON: They would have them instead of us. That's right.

DUNN: And so the City of Long Beach or Los Angeles or any other area that is now able to meet its problems, would then be going to be overloaded.

BENTON: That's right. I will say that at the present time, through these people moving out of Los Angeles into Rivera and Downey, Bellflower and Norwalk—they are relieving the situation in Los Angeles to an appreciable extent.

DUNN: And they are relieving the taxpayers of those communities of of the current cost of education, also for the cost of additional buildings.

BENTON: That's right.

DUNN: So then, the statement Mr Wright made earlier as to equalizing the educational opportunity and raising the money where the money is available and spending it where the children are—is actually a very sound principle

BENTON: Yes.

DUNN: And one that these communities that are not yet affected as your community is—should be deeply interested in it too.

BENTON: There's bound to be others, because it just so happens that our area now is the hot spot because of this freeway. But there's bound to be other areas in the county that are going to have the same experience. As we said here earlier, during the war the F. W. A. took care of it. We have a neighboring community—Bellflower. They grew just as we are growing now, during the war. We didn't grow during the war—their growth was provided for, both buildings and operation costs, by federal funds. Now that is not available and of course the state funds are not available either.

DUNN: Any more questions?

Thank you very much, Br. Benton, or coming here. Do you want to leave that statement with us also?

BENTON: These figures here—I'm attending a meeting this afternoon on this question of housing, and Proposition No. 1 money, and I prepared these figures to take with me, but I will make copies of them and see that they are mailed to you, in order for you to have that as part of the record.

DUNN: Well then, we'll accept that as Exhibit No. 5, and you can send it to us after you have finished using it this afternoon—send to Room 322—State Capitol, Sacramento, Cal.

BENTON: Thank you very much

Recess.

LETTER FROM MR. BENTON

NORWALK PUBLIC SCHOOLS
NORWALK, CALIFORNIA, December 9, 1949

HON. FRANCIS DUNN, JR.
Room 322, State Capitol
Sacramento, California

DEAR MR. DUNN: Information relative to the projected enrolment in the Norwalk School District is given below. This projection is based on a preschool survey made in September, 1949, and upon subdivisions now under construction and subdivision approved for construction in 1950. All of the data used in compiling these figures can be audited to show the accuracy of the data I am furnishing you.

PROJECTED ENROLLMENT

Grade	*Present*	*1950*	*1951*
Kindergarten	384	700	1,003
Grades 1-6	1,992	3,200	4,150
Grades 7-8	445	800	1,090
Grand Total	2,821	4,700	6,243

In this district we experienced a 56 percent increase in Average Daily Attendance in 1948-49. Our percentage of increase for this year to date has been 44 percent and will probably reach 60 percent by May, 1950.

I am also enclosing a few extra copies of the informational sheet supplied to members of the Education Committee at your recent meeting in Los Angeles.

Very truly yours,

REGINALD M. BENTON
District Superintendent

The committee reconvened at 2 p.m.

DUNN: The first witness this afternoon will be Mr. Lucas.

LUCAS: Dan B. Lucas, Superintendent of Schools, Baldwin Park Elementary School District. I would like to offer this copy of the large map I have here for the record. The map was prepared for the information of the Division of Schoolhouse Planning relative to our recent application for building aid.

DUNN: Thank you, the map and other data will be accepted and marked as Exhibit 6.

LUCAS: In this survey I tried to follow out the questions asked by your chairman, Mr. Dunn. On this question 1, it's very brief, but I thought I would give a comparison enrollment of last year and this year. You see the enrollment last year, the average daily attendance was 2,847

last year starting out though **the beginning of last year the enrollment was 2,700, now we have 3,320, from 2,700 to 3,322 enrollment.** Here we took the average daily attendance from last year which we get paid for and the enrollment now, because we have to have teachers to take care of the enrollment. **The average daily attendance doesn't count as far as number of teachers are concerned—you have to have the teachers to take care of the pupils when they come. Now that is increased to date by 475 pupils. We received remuneration for the district at the rate of $147, so the 475 additional pupils times $147 would give $69,825—had we been paid on the current enrollment we would be $69,825 ahead.** Now, homes—there are 552 homes either ready for occupancy or are under construction and to be ready by January 1, 1950. In other words, when we return from the Christmas vacation we will find that we have children from these 552 new homes facing us the next two weeks.

DUNN: Mr. Lucas, right there, you are assuming one child to each home?

LUCAS: It will run close to that. No, it shouldn't be quite that. In some areas it runs a little over that, but on the whole it runs sixty-four one-hundredths as you see down farther (map).

DUNN: Well, that figure there would have to be corrected.

LUCAS: To be corrected, yes. We'll do that and send it to you.

GEDDES: Mr. Lucas, wouldn't you say that in the Baldwin Park area, that it runs very close to one child per home—you would have to do quite a bit of looking around to find 33 homes in that particular area today, wouldn't you?

LUCAS: Yes.

DUNN: In other words, on this you are going to call your trailers a home?

LUCAS: Yes. For the new increase, by around the first of March or April depending on the season—there will be 80 or 90 more homes occupied which are already under construction, will not be ready until that time and working out by the same formula there are 60 prospective pupils. These figures came in so late this morning we didn't have a chance to change them. And taking three-tenths of a school year remaining would give us the sum of $2,000 which makes a total of $121,000 that we feel that we would have gotten on the other basis. (This $121,000 is the total estimated by Mr Lucas which the district would have received in addition to their apportionment under the present law if a.d.a. was computed on a "current basis" instead of on the preceding year's a.d.a.—Ed.) I think it will run considerably more, but that is just on the basis alone because our children in a good many of those new subdivisions are running higher than that.

Then you asked for a veteran's survey. The way we did that—we tried the P.T.A. two years ago on a survey, and it didn't work out, so we sent all our teachers out with one of these forms (indicating to blue-ruled sheet entitled, "Veteran of World War I and II") to check on streets—each teacher was assigned a certain street, and to check on veterans homes—the number of children under school age—the number in kindergarten—and the number in the school from one to eight. And we found out, according to the survey, that there were 798 veteran homes in the area checked. Five hundred eight children of school age in those veteran homes, 572 pre-school veteran children. The average child per veteran home was 1.35. The percentage of homes checked in the area

was 47 percent veteran. And the percentage of children of school age per house was sixty-four one-hundredths. That will answer you there. Now we only spot-checked that, and you have the map there to show your areas spot-checked. When we first started figuring this, we figured .70 and the returns came in last night. The red is the new veteran's home and the other is the old established area in Baldwin Park. So I think that will give you it pretty close.

DUNN: Now, Mr. Lucas, the red is new construction?

LUCAS: New construction.

DUNN: New construction within the last two or three years?

LUCAS: Yes. Of course, the individual houses—that's just in subdivisions and the individual houses spotted throughout the areas considerably.

DUNN: You have no record of them?

LUCAS: Well we checked those too. It came out in the survey. But we put the lines along just to show the area that was checked. Blue and red represents areas checked for veterans. But the red is where the new housing additions have come in in the last three years that are predominately all veterans. The blue has both. The green is the subdivisions that are under construction or will be next month

DUNN: Under construction or contemplated?

LUCAS: Contemplated. We have the verification like this (indicating to sheet) we sent out.

DUNN: And the white is the old residential districts, or wasn't checked?

LUCAS: Yes. We figured we got about 80 percent because those big white areas, a good many of them are chicken or rabbit farms or old farms that were there and have not been subdivided at this time and subdivision will take place slowly. We just wanted to give you some idea for authenticity in making this check. And with this check we checked back on that map according to our survey that came in on these papers and they checked out on three or four streets within two or three pupils. I don't know what accounts for the variance But they did, so that shows it was fairly close. This was made by teachers in the past few days. Past two days, in fact.

KIRKWOOD: May I ask what the assessed valuation was in 1948-49.

LUCAS: 1948-49—8,200.000, something like that—eight million, something.

KIRKWOOD: Well actually, strictly, I don't know what questions were asked this morning, I'm sorry I couldn't be here, but if you're figuring your schools are on a reimbursement basis you would have had the tax on $1,200,000 that wouldn't have been figured in your budget last year except for making application for part of this $121,000 as a need from the State for excess growth.

LUCAS: It probably would and that would be at—our rate would be . . .

KIRKWOOD: Well I don't want it at $1.40, you quoted 50 cents extra, apparently 90 cents maximum.

LUCAS: Yes, 90 cents. Our rate is $1.30—10 cents added to take care of the retirement of the noncertificated. Yes, there would be a little bit more local money there. That's correct. That is one of those things I didn't think about.

DUNN: What Mr. Kirkwood said was, if you had the product of the tax on this local property it would offset some of this need, that's assuming that the property is on the tax roll.

KIRKWOOD: Well I was figuring the increase for 1948-49.

LUCAS: But in spite of the increase of assessed valuation, every house that goes in Baldwin Park now is taking down the average valuation per child because the houses are getting cheaper each year. For each subdivision that is going in it's cheaper. They started in last year where previously the subdivision ran about $9,500 to $10,500 per house; $9,500 for two-bedroom and $10,500 for the other. Now they're running about $5,500. They are concrete slab with dried boards stuck up on the top of them.

DUNN: Do you notice, Mr. Lucas, the variation of the percentage of children to the home as you go from the higher priced property down to the low priced property?

LUCAS: Yes If I may point to the map, I'll show you. These houses are *not moved* into—there are 210 of them—no 110 we checked back, our figures are wrong on that. These are all sold and will be moved in. They are moving in before they get the lights in, and they told me that all but two of the 110 had children in them. They average from three and four and some of them five and six and those are the cheapest houses—down on the river bottom. These houses up here were built three years ago—they were about $10,500.

DUNN: And that's where you get your six-tenths of a child count?

DUNN: Do you care to explain that map, Mr. Lucas?

LUCAS: Well it just goes along with—this map was made for the Division of Schoolhouse Planning so that they can look at it and plan where the schoolhouse should be—this expanding area in the last three years. And this area in here. These purple areas (southwest corner) represent the houses that are being moved into, beginning next week, by about January 5th or 6th. They all will be occupied. They are all sold. Brown represents the houses under subdivision or will be next year. The orange tacks represents the kindergarten children, red represents (lower left of map) one through the sixth grade, blue represents the children seventh and eighth grade. We have no high school in Baldwin Park as you notice. We belong to the Covina Union High School System. We feel we need about eight—some more classrooms. To show you the desperate situation in the kindergarten, we have five kindergarten rooms and 25 classes We have made the most of that because we put two teachers with the class session. We have two teachers at a time working with about 45 pupils in the classroom. It helps us and it's not so bad a program. This is a new school building made available to us by the emergency school fund. This is the other, and this——

DUNN: New intermediate school for which contracts will be let? On Friday?

LUCAS: Yes.

DUNN: Yes. That's in the southeast section?

LUCAS: Yes. And as you see the way the population is crowding in here—we have about 23,000 and we anticipate something around 40,000 within the next five years, we will need immediate help within that area, or else school bus transportation is going to be terrible. This will have

1,200 more people in it and when you begin to get 12 to 1,500 more in an already crowded junior high——

DUNN: You need a new intermediate school then in the northeast area within the next few years

LUCAS: These buildings are so constructed that they will carry 12 more classrooms—this one is filled to capacity and this one will take 12 more (indicating on map). We probably need another school in here—and one over in that area to take care of that. There is nine rooms going in here. These are all numbered—the number of houses going into the subdivision.

GEDDES: Now that high school site, that's merely vacant property, is it not?

LUCAS: That's vacant.

GEDDES: And that's if and when.

LUCAS: Yes.

GEDDES: And they are for a high school?

LUCAS: That's right. That high school will be for Baldwin Park in the West Covina area.

GEDDES: They'll still be part of the same district.

LUCAS: Covina Union High School.

GEDDES: That's right Now would you relate, pardon Mr. Chairman, I think it would be interesting if Mr Lucas would relate that map as to other cities that the committee has heard about—where is that in relation to El Monte?

LUCAS: El Monte is right across the river. Mt. View is another one of our rapid growth areas and is out here (Indicating.)

DUNN: El Monte is across the river to the West? Would be to the west of your district.

LUCAS: Mt. View is across—

DUNN: To the southwest.

LUCAS: To the southwest of Garvey Boulevard.

GEDDES: Now Arcadia is north? or west—

LUCAS: Arcadia is northeast.

GEDDES: Now Monrovia and Duarte?

LUCAS: Duarte is almost straight up here

DUNN: North.

LUCAS: The very unfortunate part, all the wealth in our immediate area is concentrated in Monrovia's territory. We have a big concrete pipe plant, about $50,000,000 worth of contracts right there—there is a big dam between it and Monrovia—

GEDDES: Now will you show us where the Santa Fe Dam is (extreme top of map).

LUCAS: Right about 600 feet above that.

GEDDES: So that land could never be developed—taxable?

LUCAS: That cannot be developed because that's for the Santa Fe Dam—government land, but there is some land below, that we get all the housing units on that land, but they get the assessed valuation above. That's just one of the unfortunate things.

DUNN: You mean, the assessed valuation of this—was it a concrete pipe plant?

LUCAS: Yes.

DUNN: Is not in the Baldwin Park district.

LUCAS: No, it is in Duarte Grove?

DUNN: But the residents—the people that work in the plant are residents primarily?

LUCAS: Yes. It's five miles up the wash (San Gabriel River) to Monrovia or Duarte there behind the dam.

GEDDES: Now will you show us where.

LUCAS: Just one more thing. That concrete plant is putting 100 houses in there next year—that's all their property.

GEDDES: It's on their property?

LUCAS: On their property.

GEDDES: Will that be within this school district?

LUCAS: That will be within our school district. We get the kids, the other people get the property, that's the way it works out, the whole thing.

GEDDES: Now will you show us where Charter Oak is?

LUCAS: Charter Oak belongs to our high school district—it's off in the northeast. Covina leads over here four miles.

DUNN: Charter Oak is northeast, and Covina is east.

LUCAS: Charter Oak, Covina, Baldwin Park and Duarte belongs to the high school.

GEDDES: Azusa is about where the ventilator is (on wall of committee room)?

LUCAS: Yes It's approximately up there.

GEDDES: So this district—the elementary district, is pretty well isolated. It is too large to be consolidated with any other district.

LUCAS: We have 70 percent of the 1,200 or 1,400 students at high school come from Baldwin Park. We will have I presume this year about $10,000,000 assessed valuation—the high school district will have about 25 or 30 million.

GEDDES: Then with the exception of Charter Oak and Duarte all of your neighbors are incorporated areas and Baldwin Park is unincorporated.

LUCAS: That's right—these are sand and gravel trucks—(pictures pasted on map of trucks, etc.), big gravel pits here. Their main plant and all their assessed wealth concentrate over here (pointing to map). They run conveyor belts under the highway to take the gravel out of Baldwin Park—

DUNN: Let's hear that again. The gravel pit concentrates their plant and operations in Charter Oak—

LUCAS: Yes, and part of Covina—Fruitdale school—it's part of Covina.

DUNN: Well, Covina is incorporated?

GEDDES: Yes.

LUCAS: Yes—but this area here belongs to their high school district They run a conveyor belt in under here and are taking out all this gravel —we get nothing out of it—

DUNN: They take the natural resources in the way of gravel out of Baldwin Park school district and process it by running their conveyor belt under the highway in another school district.

LUCAS: Yes.

DUNN: But there again the residents, the occupants of your district, are the people who operate the processing plant, work in the processing plant.

LUCAS: There is a big Western Steel Pipe Company—just up there—just across the road. It's their subdivision.

DUNN: What school district is the Western Steel Pipe Company.

LUCAS: Azusa.

DUNN: They are in the Azusa School District, and most of their employees are residents of the Baldwin Park district, the company owns land in there which the Western Steel Pipe Company has subdivided for their employees?

LUCAS: Yes See the big dam spreads all around there, and shields it all—our district. This is—orange groves. The California Experimental Factor Farm for Citrus Culture. The county poor house right here.

DUNN: Now the Citrus Experimental Station is operated by the State?

LUCAS: Operated by the State of California.

DUNN: Does the State have any employees living in state-owned property?

LUCAS: Not employees, but they do have homes in the district. This is gravel wash—a big wash in through here, San Diego River wash.

DUNN: Do you remember asking as part of the letter I sent out whether or not there were state facilities of any kind within some of the school districts that were going to be discussed today, and whether the employees in those facilities were residing in state-owned property which paid no local taxes and sent their children to the district's schools—now they don't in your case?

LUCAS: No.

GEDDES: Mr. Lucas, will you point out south of Garvey Boulevard, that's mostly West Covina?

LUCAS: Yes, West Covina in here. And we did have some wealthy homes in here but they subdivided that last week, so that took our wealthiest area off. This chicken and rabbit farm gets gravel pits for commercial purposes. This was just the old circus grounds—it's nothing but a gravel bar We put our school in there because we can get land cheaper. Tried to work that thing out. Here's the thing that might interest you—why our transportation was one of the hard things. All the gravel from this gravel plant comes down this street without any sidewalks. We have to transport the kids—we do not have the kids running across that street—there are about 1.200 gravel trucks rolling night and day along those streets. Then we have a 250-foot street with electric railway—and all the freight. Now, they were going to take that freight out—and Monrovia objected.

DUNN: What's the name of that street?

LUCAS: That is Ramona Boulevard.

DUNN: Any more questions? (No comment.) Thank you, Mr. Lucas.

Exhibit No. 6

REPORT AND SURVEY OF THE BALDWIN PARK SCHOOL DISTRICT AS OF NOVEMBER 1, 1949, FOR THE ASSEMBLY INTERIM COMMITTEE

By DAN B LUCAS, Superintendent

I. Comparison of growth of A. D. A.

1949-50 (Enrollment as of November, 1949)	3,322		
1948-49 (Average for year including summer school)	2,847		
1949-50 increase	475 pupils		
1945-46 A. D. A.	1,408		
475 pupils × $147 apportionment per pupil received by Baldwin Park from State			$69,825
Homes			
474 homes now ready for occupancy or under construction and to be ready by Jan. 1, 1950 (minimum of children) (This figure was reached by allowing 1 child per home, while the percentage rate in Baldwin Park is really 1 1/10 child per home)		474	
474 prospective pupils × $147	$69,678		
6/10 school year remaining of $69,678			$41,806
125 houses to be ready for occupancy by April 1, 1950 (minimum of children)		100	
100 prospective pupils × $147	$14,700		
3/10 school year remaining of $14,700			$4,410
Total amount needed for budget			$116,041

II. From a general scattered survey of approximately 80 percent of Baldwin Park School District, made by the teachers during the week of Nov 28, 1949

Total veteran occupied homes	798
Total school children of veterans	508
Total preschool children of veterans	572
Average children per veteran home	1.35
Percentage of homes owned by veterans	47.64
Percentage of school children (veteran families)	.64

III. Tax exempt property:

New homes built, now occupied and children in school	360	
Houses ready for occupancy, or under construction and ready for occupancy January 1, 1950	474	
Total	834	
834 homes × $1,200. (Conservative county assessed valuation)		$1,000,800

IV. Migratory labor

This is no problem in Baldwin Park, as most of the seasonal crops such as walnut groves have been removed, and the land subdivided.

V. Since September 10, 1949, Baldwin Park has completed two new schools, and will start construction on a third school building as well as the district administrative building next week. To furnish and equip these buildings will cost the district over $26,000. Since the district has no available building funds or bond money left, the $26,000 will have to come out of the meager funds of the General Budget.

Summary:

The assessed valuation for 1949-50 is approximately $9,468,054.
The district assessed valuation is less than $3,000 per A. D. A.
The Baldwin Park School District tax rate for 1949-50 is $1.40.

We have a rapid increase of school population caused by the occupancy of so many new homes just recently built and by the many veterans and their families moving to this district.

Large number of recently built homes not on tax assessment this year

Heavy construction program of homes for the balance of this school year

Attached map shows a spot check of veterans homes

THE SACRAMENTO "TOWN AND COUNTRY" AREA

DUNN: Now I think we'll switch to Sacramento. Mr. Cowan will you step forward and identify yourself?

COWAN (James R. Cowan, District Superintendent of Schools, Arcade Elementary School District, Sacramento): This is my first appearance before any kind of a committee, Chairman Dunn—I didn't know exactly what to prepare—this perhaps isn't what you gentlemen are used to or wish, but, I'm James R. Cowan, District Superintendent of Schools of the Arcade School District in Sacramento County. That's the area where some of you people come out and have dinner in the evening, when you are attending sessions in Sacramento, and perhaps you have all visited throughout our area—it's the Town and Country area. Our problem as I see it in listening to the gentlemen this morning and afternoon is like drawing a dark underlined lining—the only difference I feel, perhaps it isn't a difference, Mr. Dunn, is the fact our problem for many large schools has been more continuous. It hasn't just come last year. We've had this problem since about 1941. This little bulletin or paper I have prepared here lists 13 districts that are situated in and around Sacramento in what you might call a bedroom area in Sacramento, and they are all now fairly good sized school districts and they have all experienced this growth. I have a little table here that shows the growth from 1947-48, 1948-49, with the percentages which we made a little in duplicating—I wrote them in ink because you might not have been able to read them in the duplication there. Those are individual school districts—some of them having one, two and three elementary schools within their districts, but these are all independent school districts with this continuous kind of a growth crop. Many of these schools were one, two and three teacher schools, as little as 10 years ago. In my own district, we now have almost 1,500 youngsters, and when I first came there we had about 180 children.

DUNN: How long ago?

COWAN: Ten years ago, in 1939. When I speak about the continuous problem of this lag, it has hit our district every year continuously. We have always been broke from the standpoint of these lags. Now I think that the gentlemen who have spoken previously have pretty well substantiated the fact of the financial problem of this lag. How there is a definite growth in all of these areas. And I think that perhaps if I pointed out some of the specific problems—causes, Mr. Dunn, it might help the committee. There are losts of annoying little things that come up because of this lag. It contributed daily to the problems of running the school and decreases what you might be able to offer to the children. For example, the fact that you never have a carry-over balance and that you are always

broke when you start a new year. When you build a budget you have nothing to start with—you always have to start with exactly what you are going to get on state a.d.a and what you can determine in terms of the tax rate. That means starting in July, then, you start registering warrants and you register in July—you register in August and register in September and October and you register in November. Then perhaps if your assessed valuation is enough so that the November 1st apportionment in taxes in November is enough, you sometimes catch up in November. But the state apportionment, you see, there has been none in July and none in August and the first one comes in September, and most districts of this type all operate with their permanent employees on a 12 months' basis, rather than a 10 months' basis. So that you're something like $30,000 and $40,000 in the red, figuratively speaking, before you get any money in order to start paying that off. Well that's just one point

DUNN: Now this registering warrants—is that more expensive than actually——

COWAN: Oh yes, I had to budget over $500 last year just to take care of that small item.

DUNN: That's for interest?

COWAN: Interest and charges.

DUNN: And discount.

COWAN: Yes, and discount.

LEVERING: What do mean, registering warrants?

COWAN: Well, sir, it's the method of borrowing money.

DUNN: And you write post-dated checks.

COWAN: Yes, post-dated checks. Unless you have some money to take into your budget each year to carry over the months that you have no money, well then you have to borrow that money, and we do it by registering warrants. The warrants registered are not signed for payment—in general, the bank holds them. The bank holds them and we pay the bank 5 percent interest.

LEVERING: Well, it's a discount of an anticipated income?

COWAN: Yes. It is expensive.

DUNN: I doubt the State operates through many years of deficits.

COWAN: Yes.

KIRKWOOD: Who gets the $500.

COWAN: The banks get it. Or somebody who might hold enough of those warrants to collect—there are a few business concerns that do I know Sherman-Clay in San Francisco do.

LEVERING: In other words, they'll take a—issue credit against them.

GEDDES: That's about the aggregate of the interest charges, isn't it?

COWAN: That's what it was last year, sir. I know it's going to be more this year in our particular district.

DUNN: Well, what's the effect on the employee who receives that warrant? Do they get full reimbursement, or do they have to take a discount?

COWAN: No, sir. They get full reimbursement. Although once in a while we have people who refuse to cash those warrants through their not knowing they are readily cashed—and there is inconvenience there. It's a small matter, but it is one of these matters.

DUNN: But if the school district gets deeper and deeper in the red, there would be a point I assume in the possibility of getting over-reimbursements from the warrant by at least delay, and for that reason it is possible that the warrants would be discounted by the person who cashed them, because I know during the depression years that happened. Many people were being paid on directly warrant basis.

COWAN: That's right.

RUMFORD: Mr. Cowan, for a matter of information do you have any difficulty in selling these warrants?

COWAN: Well, no we have none. Of course the district itself literally doesn't sell them—we handle them as if they are negotiable checks and we pay our employees with these registered warrants when they send them to our creditors, and they, in turn cash them and, in our county there are many districts which do that. Actually, so many of them that the banks are used to it and when the warrants come in, the banks just hold them, and then the county office generally notifies them—the banks in some manner and then send them through for payment

DUNN: Well it is a more expensive way of operating.

COWAN: The banks would naturally have to charge if they are going to advance the money—the rate of interest is based on the short term loan. I know that we have been in as deep in the red as $30.000 in our own district, so far this year, and $500 was the figure from last year. Well, this year we have registered far more than we did last year. Now we even use devices to keep from registering for example—we have to make our pay roll, but there are certain things such as large supply bills running two or three thousand dollars, or payments on desks or payments for bills that we just don't pay. We hold them until after our November taxes are in so that we don't have to pay interest on those, but you are not saving a lot of money. I always save my large supply bill for payment until after November just for that reason.

DUNN: Do you lose any discounts on those bills on account of that?

COWAN: Oh yes—that's a good point, Mr. Dunn—you are well aware that a good number of business houses send their invoices to you with one to two percent discount for 30 days, and we are never able to take advantage of that. And a district as large as ours is now in terms of our budget, even on its inadequate basis, runs almost a quarter of a million dollars I think you could realize that.

RUMFORD: Save quite a bit

LEVERING: Well then on that sort of a shaky financial set-up you are losing as much as from 12 to 24 percent per annum on discounts, alone.

COWAN: We lose a good deal of money because we haven't enough money to meet our bills.

Now all of these districts here, gentlemen, are extremely poor districts, there isn't one of them listed here that hasn't an assessed valuation over $6,000 per child. There are two or three of them that have—three or four of them that less than $2,000 per child, and when you get down to a district like Robla—Mr. Wright mentioned this morning, and Del Paso Heights which has only $1,050 or $1,100 per child, the amount of tax that they get on their 90-cent rate is practicably negligible in terms of converting that money into a school program. They are almost 100 percent dependent upon the State. Now we are working on unification in our area, and we are scraping for it day after day, and yet one of the

points we are trying to make is that, lowering cents in the tax dollar on the average on our six districts involved in unification listed here comes from the State We are all poor districts and it is the poor districts that get hit worse than any other in terms of this lag in the state apportionments for some of these reasons that I am pointing out. It seems the poor man gets, apparently, worse than the man that has something.

Well you have had the point of double sessions—I know you realize how that is.

KIRKWOOD: Mr. Cowan, strictly, isn't that a corollary point—that wouldn't be solved just by the provisions of A. B. 2120 or this provision for excess growth in the years allocations ahead—that has to come from building, is the only way you can relieve your double sessions, isn't it?

COWAN: Well that's why I'm not bringing the double sessions in—that is, sir, a different problem.

KIRKWOOD: I see.

COWAN: We are handling that with this 250 millions of dollars.

KIRKWOOD: Yes, that's what I mean.

COWAN: The only point is, the double session itself is costly (?).

KIRKWOOD: That's right But this provision to take care of this rapid growth factor as far as your support program is concerned won't help you on your double session

COWAN: There is a point though, when you run double sessions you have to hire your drivers for a full day where otherwise some districts can hire part-time drivers who drive in the morning then drive after school. Well, we have five busses, and we ran over 50 trips a day last year. We're one of the few districts in the State that double sessions all nine grades last year, from kindergarten through the eighth grade, and if you think that's fun That's the most difficult thing just to schedule them. That type of double sessioning in keeping with the certain minimum times for certain grade levels and the differences in kindergartens for their minimum sessions—we had children going to their bus stops with flashlights—you know that story, and coming home after dark. The problem of interpretation to our people was tremendous We tried to have them realize what the problem was and it was not particularly our personal fault, you see. Well, there are so many things that came into it—this business of appointing your custodians when you have long days and heavy sessions and not enough custodian help—our classrooms are always dusty, in fact we don't even require custodians to dust. They haven't the time—there aren't enough of them. That is just another minor point.

Now the unfortunate thing is, even though we make studies—we know what our growth is going to be—I have been in our district long enough to know. I can predict fairly accurately what our growth is going to be. It doesn't do any good. We have no way of taking care of it even when we know it, because of this lag in the state apportionments.

GEDDES: You just know the train is coming and you can't get off the track.

COWAN: That is it exactly. Yes sir. It has almost come to a point where the measure of an administrator in our type of district is how much money he can get from one source or another. Most of our time—a great deal of our time, is spent in preparing these applications—digging into this federal pocket wherever we can. One of our administrators went to

Washington, D. C., and we have our eye to the ground on all sources of funds, because many of these districts cannot operate even through a fiscal year without extra money. I know that four or five of these districts have, since 1942, consistently received some emergency money in order to get by, and the administrators have devoted a good portion of their time just to that one function—that of getting money. They have been measured as "good" or "bad" administrators in terms of the amount of money they get—not in terms of what their education program is. Another point I like to make on this business is that many of these schools don't have supervision in their schools—they don't have principals in their schools They are large schools of 600 or 800 pupils where the adminstrator is also the principal. All of them will admit to spending at least 80 percent of their time in administrative work and many of them spend more than that. Where there is 10 to 15 percent of their day or even less devoted to their problems for which they are actually trained—devoting time to their pupils—to their teachers and their parents. That is another thing that happened because of this continual searching for money.

DUNN: That cuts down the educational opportunity of the children.

COWAN. Yes. Any measure of the school—it is an old saying in school administration. Mr. Dunn, that "as is the principal, so is the school." That is an old saying and a truthful saying because, unless a man has time to devote to the little problems of his pupils and of his parents and his teachers, the school just exists—it just goes along—children just come to school Although you have a few outstandingly good teachers who do function pretty well. Our problems, you see, are made even worse because of the little salaries we can offer, therefore we are overburdened with the emergency teacher business. These are the the kind of districts that have contributed to the great shortage of teachers in California. That wasn't just something that happened because people were not interested in teaching, but because of this kind of a district and this lag in state apportionments which has contributed to the great shortage of teachers in California. I think that is one of the most important points

DUNN: You have trouble getting competent teachers because of this overload problem, you have a disadvantage when you are competing with the better-off districts?

COWAN: Yes. We lose—I haven't suffered personally so much—I think we have a fairly nice school in my district but, I have had good people apply at my school, but for the last five or six years it has been on the basis of whether the teacher would come and talk to us about our school and our system and decide whether he wants to work for us, rather than them coming and applying for a job and having us look them over—except we know that the thing has been turned down recently. Well, we have had many capable people come and find out that our classes are sometimes heavy, our salary scale is inadequate and so they accept other positions, especially in Sacramento.

LEVERING: What is the minimum salary you pay your teachers in that district?

COWAN: Well, last year we had a new salary scale set up in hopes of A.B. 2120 passing—and, we set the scale on the basis of that, and of course it didn't pass. We went ahead and paid that scale anyway, because we don't have to pay the top of it right now, but our salary scale starts

at $2,700 for regular credential people, $2,600 for emergency credentials and goes on up to about $4,500—we have no one on that top scale, of course. Our average salary in Arcade District is around $3,250 per teacher, but we have quite a group of experienced older teachers, and we have 11 tenure teachers and that is a little heavier. The Carmichael has an average salary at $2,910 per teacher and they have 35 on their staff. That is almost five to six hundred below the average elementary in the State. It is pathetic. Fair Oaks has about $200 to $250 below the average. All of us are below the state average. There isn't one district listed here (referring to Exhibit No. 7) that brings their teachers' salaries up to the state average for elementary according to the CTA studies on elementary studies. I have been working on this unification business.

These are not financial points except that they are involved in financial points. These are the results of lack of finances. With this type of district this lag in the state apportionments is considerable. Well, let's take my own district, Arcade. We have increased around 300 pupils a year each year for the last four or five years. This statement next to the bottom on the second page, "at Arcade, the a d.a. figures for the last four years have been: 496, 666, 855, and 1141." And for this second school month it was 1362—average daily attendance, not average attendance. Now we actually have within 20 pupils of 1500 students we have to provide services for. We are getting state money through 1141 pupils. That doesn't look like a lot of money. It doesn't look like a lot of pupils, it is around 300 pupils. When you immediately interpret it into teacher cost, you take 300 pupils—taking about three teachers per 100 pupils, there are nine teachers for 300 pupils. The average $3,000 a teacher, which is a small average, is $30,000, or $27,000.

Well the tax leeway in a district like ours doesn't even begin to make up that difference. Our tax leeway is only 35 cents anyway, and all these districts are on the 55-cent program instead.

DUNN: The tax leeway is the difference between the 55-cent participating tax and the maximum 90-cent tax.

COWAN: Yes. All these districts, without exception, run 90 cents and above, depending upon the amount of their noncertified employees. And the point you made a while ago, sir, about last years assessed valuation—being taxed after eight months after the homes are occupied is true, but when we do get it, it's never enough.

We have gotten money from the State on emergency apportionments and from the Federal Government. I got federal money four times for our district and this is the fourth year that I hope to get some extra money from the State Emergency Fund, although this year we will be lucky to get anything.

DUNN: Is the federal money available at the present time for districts such as yours?

COWAN: No sir. It isn't. There was a small amount made available at the very last minute of the last fiscal year, and we went ahead and got it. But when we got it, it wasn't made available until after the 15th of June after school was closed. It was a small amount we got—it was only available for things we needed while school was in session. We were not able to use any of it last year and I had to turn it back—about $6,000.

DUNN: Do you have any federal installations in your district that pay in lieu taxes?

COWAN: What do you mean by that?

DUNN: I mean for instance, federal properties for which the Federal Government makes cash payments in lieu of taxes.

COWAN: No we haven't.

DUNN: Such as federal housing, or anything of that sort.

COWAN: No we haven't. There is nothing like that, and the reason I asked that point was, there is a federal coast and geodetic survey building that has been completed in the last year and a half. Now I am not acquainted with the tax situation on that. We are just to the south of the McClellan Army Field. Mather Field is two miles to the south of us out of our district. We have quite a number of those youngsters. Our county office, by the way, just completed a survey of the number of federal employees and military personnel whose children attend schools in our area.

DUNN: Well where do the parents live?

COWAN: Lots of them live in our district.

DUNN: They live in your district and buy and occupy homes for which they pay taxes? Do any of the parents live on the military base in homes, and are not paying taxes?

COWAN. No I believe there a few homes on McClellan base but it doesn't affect our area at all. The reason we have been able to apply for what was left of federal money was because we had quite a number of personnel of that type. That money is just about out.

This tax lag has always led to a complete watering down of all of our services to our children. Our district is large enough so that we are not under county supervision unless we contract for it. We haven't enough money to contract for it, nor do we have enough money to employ our own supervisors of instruction. That is a point. Then of course, this business of providing home teachers and teachers for physically handicapped children. The lag works the same way there. We have to set the program up first and get it going and establish the a.d.a. for a year, and then we get reimbursement for it. We have a number of children right at the moment who are physically handicapped. We had quite a number of cases of polio in our district a year ago—four or five. Two or three of those children needed home teachers. The only way I could work that is to impose upon my classroom teachers to visit those youngsters. We can't provide them with day-by-day teachers because I haven't the $3,500 or $3,000 to pay a teacher a year ahead of time before this money comes to us.

DUNN: When you undertake a program of home teaching, you have no way of paying the salary of that teaching until a year after the teacher has performed the service?

COWAN: That is right. The situation is rather difficult for us in terms of our kindergarten, Mr. Dunn. We have eight kindergartens of 270 children and we run them on the minimum day of 130 minutes. Well, we are paid 13/18 of one a.d.a per child That is perhaps partly our own fault, but we can't run a full day because we can't afford to hire those teachers ahead of time to take care of them. In order to put my kindergartens on a regular day of 180 minutes, I would have to hire four more teachers and I don't have the money. Well, we are kind of caught behind the eight-ball on that deal. But we do provide services for as many kindergarten children as we can this year. Here is an interesting point. This is the first year in our district that our kindergarten enrollment has exceeded our first grade enrollment. There is at least 25 percent of the

kindergarten enrollment that does not attend the first year. We have always had a few more first-graders than kindergarten youngsters. This year we have 270 kindergarten youngsters and about 230 first-graders. Now those two together, you see, make a good 500 and that is a full one-third of our total enrollment, just kindergarten and the first grade.

DUNN: If the same percentage holds true, you still have only 75 percent of the total of the first grade population for next year going to kindergarten.

COWAN: Yes, that is right.

DUNN: So instead of having 270 in the first grade, you will have 270 plus 25 percent of that number, or somewhere around 50 more—40 or 50 more.

COWAN: That is right. That's right down the line. Now of course the tax lag doesn't help us a bit there, because it is part of that increase we get. We haven't got the type of increase they have in the district—the gentleman who testified just before lunch, in which he had about one thousand all these houses. But in our application to the State, we can show that in two years we have 3,000 youngsters because we have over 560 homes under construction right at the moment, plus a thousand-some-odd that I do have letters for, from subdividers That would merely continue this problem that we are pointing out, because I do not expect that we get more than 500 or 600 a year of those youngsters.

Now the point is, as the gentleman pointed out just before lunch—you can't do an adequate job and try to interpret your program to your people. They come, and they are angry. They are angry because you are on double sessions. They want to know why we haven't done this—and why we haven't done that. We are having a bond election on Tuesday. It is the fourth bond election in four years. No district could do more than that, and every year it has been to a maximum, and they put it over nicely. We had a maximum tax rate for ten years. Now some people might argue that we should have had far more than that in terms of the tax—we should have gone to the voters and asked for a special tax. Well we did. We have done that before. But the amount of money we can raise by going to the voters and asking them to increase your tax isn't enough to make any difference in our programs. That is why I stopped trying to encourage my board to have the voters pass and raise our tax 30, 40 or 50 cents. It isn't enough.

DUNN: Then local resources can't meet the problem even in terms of far more than a maximum tax.

COWAN: That is right. We have come to the conclusion that, it cannot be solved that way. One of the reasons a number of the administrators in the Grant Union High School area told me that they are opposed to unification there is because even unifying won't solve their problems since they are so bad off financially.

This lag in state apportionments to our district amounts to enough thousands of dollars to not only ours, but to all these districts so that it would completely transform the attack for educational programs all these districts are suffering. I have recently been doing considerable graduate work and go to a university now, to sit in classes with professors of education and to discuss the program that is conducted in cities like Berkeley or in cities that have a more-or-less stable population. For example, I found out what the rate of growth is for the whole City of

Berkeley in one year—just last year **I found they had no more growth in terms of total number of pupils in all of the City of Berkeley than we had in just our little district.** So you can see by comparison, the type of program they can have in the City of Berkeley which is more-or-less a stable situation. There is a terriffic difference between what actually occurs in our districts and what the school professors hope is occurring in terms of what is a good school. The lag is so terrific that you can hardly bring the two of them together. To see any relationship between what is a good program and what we actually have to do in order to function.

If the State could develop legislation to eliminate this one factor, this factor of lag in education, they could put us on the same kind of basis as a city like Berkeley, for example, in that, we would at least have a minimum program each year that we count on. As it is now, we can't even budget adequately. The budget is just a lot of paper work, because you make it up and then you revise it and then you revise it every time you make an application for either state or federal emergency funds. You revise it in terms of the number of pupils you have through the year. If we could count on just the minimum program of $153 so that we could plan for it, and knew we had that money coming in, and could hire teachers just from the basis of that minimum program, we would do a great deal for every single one of these districts. But there are some of these districts whose minimum program is watered down to about $120 and $130. Our own is better this year. I think it would be about $143. That is all we can do this year. The bad thing is, you can never hire teachers and conscientiously tell them at the end of a certain number of years they could count on getting tenure or they can count on getting a certain salary, because our type of district can't afford to make promises like that—although we have.

DUNN: They probably see through it.

COWAN: I think they do. Unless there is a new apportionment law enacted this spring, I have to call a meeting of my teachers, my staff, and my salary committee, and I have to go to them and say, now, "we'll just have to revise our salary schedule because what we are getting this year is maximum for all you teachers who are on tenure and getting around $3,700—that's all we can go" and, "you people whom we promised to give a raise to this year in terms of the new salary schedule maybe we can bring you along this far."

One of the districts here has a salary schedule in which they raised their teachers $36 a year. I don't think that is a salary schedule. That is a shame.

DUNN: That certainly is not an incentive—$3 a month raise.

COWAN: I would hate to ask a professional person to feel that that was the sum total of my work from year to year in terms of future growth, when you think in ten years how little that would be. Ten years—$360—20 years $700.

DUNN: Any more questions to ask Mr. Cowan?

All right, Mr. Cowan. Thank you very much for your testimony. If you have anything you feel you should add to this, you can submit it to me at Sacramento at the State Capitol.

COWAN: Thank you, Mr. Dunn. I want to extend the invitation of my district, since we are near Sacramento, to you or any members of your committee or any other groups of people who want to visit our type of

district. I would be very happy to take you around, show you our classes and let you examine our books, our budget and our problems.

Thank you very much.

DUNN: That is all we have scheduled with reference to the "excess growth" question, if the members of the committee have no further comments on this subject we will proceed with some matters relative to the administration of the state school building program.

Exhibit No. 7

THE PROBLEMS CREATED BY THE LAG IN STATE APPORTIONMENTS IN SELECTED DISTRICTS OF SACRAMENTO COUNTY WITH EMPHASIS ON ARCADE ELEMENTARY

The rapid growth of California schools has been the cause of severe building problems in poor districts. These same districts have the further aggravated problem of taking care of increased enrollments with last year's money. This is caused by the lag in the state apportionments. The State apportions money to the districts on the basis of last year's A.D.A. This is sometimes several hundred pupils below the current year's enrollment. What occurs then is watering down of educational services; a lack of supplies; overcrowded classes, and in general, an over-all inadequate educational program.

The following evidence is offered to support the proposition that the State should help support the children who are in school *now* rather than that lesser number who were in attendance last year.

District Growth in the Sacramento Area

District	*A.D.A. 1947-1948*	*A.D.A. 1948-1949*	*Percent of growth*
Pacific	256	311	24%
South Sacramento	560	589	06%
Sutterville Heights	217	355	64%
North Sacramento	2,990	3,279	10%
Arcade	*855*	*1,141*	*33%*
Arden	324	562	73%
Carmichael	838	1,038	24%
Fair Oaks	354	465	31%
Orangevale Union	326	364	12%
Sylvan	652	748	15%
Robla	719	831	15%
Rio Linda	740	900	21%
Elder Creek	365	448	25%
Average			26+%

The above table merely shows the growth for one year. Some of these districts were two- and three-teacher schools only 10 years ago. The difference in A.D.A. for each year is the amount of stretching the school dollar gets in order to provide services for all the children. Please note that the figures are for A.D.A. and not for actual enrollment. School costs are actually determined by total enrollment and not A.D.A.

Other Problems Caused by the Lag in State Apportionments

1. Districts operate without any, or very little carry-over balance in their budget. This makes it necessary to register warrants until November tax receipts are in, or later—a costly procedure.

2. There is inadequate planning of finances. The budget becomes merely paper work as additional state and federal emergency funds are always needed, and the budget continually revised.

3. Many of the districts are double sessioned. These sessions are costly in terms of transportation and supplies. Drivers have to be hired for a full day. Custodial assignments are difficult.

4. The districts cannot hire for anticipated growth even when known. They have to wait for emergency apportionments. Classes are disrupted due to changes in personnel. There are often heavy classroom loads until emergency apportionments make teachers available.

5. Census taking is no help as funds are not available even when growth problem is known.

6. Some schools actually have no principal. When he is also the administrator, the excessive administrative duties and the continual searching for money keep him from supervisory duties.

7. Besides the lag in the state apportionments there is also the lag in the local assessments for tax purposes. This has the same effect on the school program—too little and too late.

8. This situation always robs the districts of the extra school services such as supervision, speech correction work, education for handicapped children, special physical education instruction, shop, remedial classes and on down the line.

9. This type of district never has enough secretarial help, bookkeepers, accountants, purchasing agents, nor business help—always too poor.

10. Most of the school administrator's problems arise out of inadequate finances, caused by growth and the lag in school funds. Public relations are not always effective due to the many new people needing "indoctrination" into the impoverished district.

11. Some administrators in our area have admitted that without emergency funds it will be necessary for them to close school as early as March this year.

12. Some housing projects develop like mushrooms. One unit of 53 homes was occupied within two weeks in the Arcade area.

When we are always handicapped by this lag in apportionments, our schools just exist from year to year. Arcade alone has received federal money four times and extra state emergency apportionments the last three years in a row. Our state application for this fiscal year is already in. We are receiving state money for an A.D.A. of 1,141. Our A.D.A. this second school month was 1,362. This pupil increase requires over $20,000 just for classroom teachers alone.

At Arcade the A.D.A figures for the last four years have been: 496, 666, 855, and 1,141. It will probably average 1,400 for this school year.

This growth problem certainly deserves the attention of the Legislature and it is the hope of all the Administrators and Boards of Trustees that this coming session will see enacted provisions in the school apportionment bill to take care of the problem of the lag in the state apportionments.

REQUEST FOR UNANIMOUS CONSENT THAT REPORT BE PRINTED AS SEPARATE DOCUMENT AND THAT 500 COPIES BE PRINTED

Mr. Dunn asked for, and was granted, unanimous consent that the above mentioned report be printed as a separate document, and that 500 copies be ordered printed in 10-point type.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. William H. Beeman of Sacramento.

On request of Mr Kilpatrick, the usual courtesies of the Assembly for this day were unanimously extended to Mrs Anne Beeman of Los Angeles.

On request of Mr. McCollister, the usual courtesies of the Assembly for this day were unanimously extended to W. H. Van Dyke, superintendent, and the following pupils of the Tamalpais Union High School of Marin County: Marjorie Robson, Marian Miley, Richard Signorelli, Robert Snellgrove, Armando Ambrosini, and Edward Wachsman.

On request of Messrs. Dills and Porter, the usual courtesies of the Assembly for this day were unanimously extended to Judge and Mrs. Ralph C. Dills of Compton.

On request of Messrs Moss and Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Dr. Sam Wood, teacher, and the following students of the Sacramento State College: George Lake, Robert Pierce, Robert Williams, Dorothea Meng, Richard Genasci, Jack McAtee, and Larry Crase.

On request of Mr Lindsay, the usual courtesies of the Assembly for this day were unanimously extended to J. L Lucas, teacher, and the following pupils of the Sutter Creek Union High School: Janice Casagrande, Barbara Cletus, Joanne Hill, Loretta Kilgore, Chuyl Kilgore, Norman Kuhn, Mavis Larsh, Edward Lasich, Louis Laverone, Robert McLane, Esther Murray, Earlene Reynolds, Audrey Shepard, Frank Standridge, Arley Stone, Beverly Wallace, Bill Wolen, and Buster Woody.

ADJOURNMENT

At 4.22 p m , on motion of Mr Dickey, the Speaker declared the Assembly adjourned until 11 a.m . Tuesday, December 13, 1949, out of respect to the memory of the late Assemblyman Samuel L Heisinger, the late Congressman Richard J. Welch of San Francisco, and the late Helen Regina Gaffney, daughter of Assemblyman Gaffney.

SAM L. COLLINS, Speaker

GERALDINE B HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, December 13, 1949

The Assembly met at 11 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: As we pause this morning, may we hear the moral challenge that sounds forth from the moral sentiments of the State as voiced by the greatest citizens and its chief spokesman.

The call to set up a standard of public and political morality above the impulses of greed or selfish policy.

May we honor those public servants who have stood for civic righteousness even though they lose temporary political popularity.

May we see that the financial and industrial soundness of California or of the Nation depends upon the uncorruptible integrity of citizen or statesman.

Lift up before us the man of Galilee who chose the Cross rather than moral compromise.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Bennett, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Silliman, on motion of Mr. Stanley.

Mr. Hinckley, on motion of Mr. Stanley.

The following member was granted leave of absence for the day, and desired to waive his per diem:

Mr. Huyck, on motion of Mr. Stanley.

PETITIONS

By Speaker Sam L. Collins:

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

OFFICE OF THE SECRETARY OF STATE
STATE OF CALIFORNIA, SACRAMENTO, December 13, 1949

Hon. Arthur A. Ohnimus
Chief Clerk of the Assembly

We transmit herewith petition from ROBERT SCHUMAN, Box 24615, Represa, California, relative to impeachment.

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

Above mentioned petition ordered referred to the Committee on Judiciary.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 19: By Mr. Yorty—An act to add Chapter 2.5 to Division 1 of the Welfare and Institutions Code, relating to mental hygiene boards and making an appropriation.

Referred to Committee on Ways and Means.

Assembly Bill No. 20: By Messrs. Geddes, Burke, Morris, Doyle, Anderson, Babbage, Beck, Burkhalter, Cooke, Erwin, Fletcher, Hahn, Hollibaugh, Levering, Luckel, Mrs. Niehouse, Messrs. Price, Reagan, Rosenthal, Stanley, Stewart, Tomlinson, and Weber—An act to add Sections 9413 and 9414 to the Government Code, relating to contempts before legislative committees.

Referred to Committee on Judiciary.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Bill No. 1

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bill ordered enrolled.

(On December 14, 1949, Assembly Bill No. 1 was recalled from enrollment. Assembly Journal, page 155).

SENATE CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Concurrent Resolution No. 1
Assembly Concurrent Resolution No. 2
Assembly Concurrent Resolution No. 3

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 13, 1949

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

Senate Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 2—Approving the charter of the City of San Leandro, County of Alameda, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of September, 1949.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 12, 1949

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

Senate Concurrent Resolution No. 1

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

MAYWOOD WOMAN'S CLUB
CORNING, CALIFORNIA, December 3, 1949

Speaker, Mr. Sam L. Collins:

The Maywood Woman's Club of Corning sends an earnest appeal asking for a stricter enforcement of the present laws pertaining to sex crimes and asking what can be done on a local level.

MARY A. BERRYMAN, Secretary

By Speaker Sam L. Collins:

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

ASSOCIATED FARMERS OF CALIFORNIA, INC.
SAN FRANCISCO, CALIFORNIA, December 12, 1949

Hon. Sam L. Collins, Speaker of Assembly
State Capitol, Sacramento, California

DEAR SAM: The enclosed resolution was adopted by the Associated Farmers of California, Inc., after full consideration of the subject of lobbying at their annual meeting held December 8 and 9, 1949, in San Francisco. The delegates present represented approximately 20,000 farm families throughout the State.

We would appreciate your giving this resolution your favorable consideration.

Sincerely,
ASSOCIATED FARMERS OF CALIF., INC.
By CHAS. E. GIBBS, Executive-Secretary

Resolution Adopted by the Associated Farmers of Calif., Inc., at Their Annual Convention, Dec. 8-9, 1949

The Governor has called a Special Session of the Legislature to act on various subjects, one being the practice of lobbying. Under present legislative procedure all persons appearing in a representative capacity before the Legislature are required to be registered, stating who they represent and are given in turn an advocate's card. The Legislators are called upon to analyze and vote on thousands of measures each session. To properly understand and evaluate these measures, they themselves find it necessary to seek expert advice from the many advocates who are authorized by them to appear for or against the various measures. There are laws now to prohibit lobbying, defined by the Constitution as improperly attempting to influence the vote of a Legislator, a crime punishable as a felony; now, therefore, be it

Resolved, We recommend that the Legislature, in attempting to curb the lobbying evil *does not interfere with the free right of petition as is now permitted; provided*, registered advocates list all the interests they represent, and further, provide that registration rules apply equally to office-holders and those representing public as well as private agencies.

REQUEST FOR UNANIMOUS CONSENT THAT ALL COMMITTEES MEET THIS AFTERNOON

Mr. Dickey asked for, and was granted, unanimous consent that all committees be permitted to hold meetings this afternoon.

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND PRELIMINARY REPORT BE PRINTED IN THE JOURNAL

Mr. Stewart asked for, and was granted, unanimous consent that a letter of transmittal and a Preliminary Report of the Assembly Interim Committee on Governmental Efficiency and Economy be ordered printed in the Journal in 10-point type.

(Above mentioned letter of transmittal and report will appear prior to the motion to adjourn.)

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

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

Assembly Concurrent Resolution No. 8: By Mr. Brown—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

Assembly Bill No. 21: By Messrs. Fleury and Moss—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the submission of information to the bureau.

Referred to Committee on Judiciary.

Assembly Bill No. 22: By Messrs Fleury and Moss—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor.

Referred to Committee on Judiciary.

Assembly Bill No. 23: By Messrs Fleury and Moss—An act to amend Section 290 of the Penal Code, relating to the registration of persons heretofore or hereafter convicted of certain offenses

Referred to Committee on Judiciary.

Assembly Bill No. 24: By Messrs. Evans, Dills, Morris, Hahn, Burkhalter, Hawkins, and Rosenthal—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181 01 and 2224 of the Welfare and Institutions Code, relating to aged aid, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 25: By Messrs. Conrad, Babbage, Morris, Lipscomb, Burke, Burkhalter, Butters, Caldecott, Clarke, Collier, George D. Collins, Connolly, Crichton, Dickey, Dolwig, Erwin, Fleury, Grant, Hahn, Kirkwood, Levering, Lincoln, Maloney, McCarthy, McCollister, Meyers, Moss, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for lay-off of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Social Welfare

Assembly Bill No. 26: By Messrs. Moss, Fleury, and Brown—An act to amend Sections 5512 and 5513 of the Welfare and Institutions Code, relating to sexual psychopaths.

Referred to Committee on Judiciary.

Assembly Bill No. 27: By Messrs. Fleury, Moss, Babbage, Burke, Burkhalter, Butters, Caldecott, Collier, George D. Collins, Connolly, Conrad, Cloyed, Dolwig, Erwin, Gaffney, Grant, Hahn, Kirkwood, Levering, Lincoln, Maloney, McCarthy, Sherwin, Smith, Stanley, Thompson, Tomlinson, and Waters—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance and Insurance.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 10 BE WITHDRAWN FROM COMMITTEE, AND BE RE-REFERRED

Mrs. Niehouse asked for, and was granted, unanimous consent that Assembly Bill No. 10 be withdrawn from the Committee on Social Welfare, and be re-referred to the Committee on Ways and Means.

ANNOUNCEMENTS

Mr. Sherwin announced that he is holding, at his desk, a bill relative to lobbying activities, and that all members who desire to be co-authors may sign the bill prior to its presentation across the desk.

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

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

Assembly Bill No. 28: By Messrs. Caldecott, Babbage, Butters, Clarke, Collier, Connolly, Conrad, Cloyed, Erwin, Fleury, Kirkwood, Levering, Lincoln, Lipscomb, Maloney, Price, Reagan, Smith, Stanley, and Waters—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

(See page 157, Journal for Wednesday, February 14, 1949, for authority to delete names.)

Assembly Bill No. 29: By Mr. Coats—An act to add Section 9056 to the Government Code, relating to the solicitation and acceptance of fees to prevent the enactment of legislation.

Referred to Committee on Governmental Efficiency and Economy.

APPRECIATION EXPRESSED

Mr. Maloney expressed, on behalf of the Members of the Assembly, appreciation to Mr. Dickey for his efforts in renovating the third floor for the accommodation of Members of the Assembly.

REQUEST FOR UNANIMOUS CONSENT THAT RESOLUTION BE PRINTED IN THE JOURNAL

Mr. Beck asked for, and was granted, unanimous consent that the following resolution by the Subcommittee of the Assembly Interim Committee on Judicial System and Judicial Process to Investigate Sex Crimes be ordered printed in the Journal in 10-point type:

Resolution of the Subcommittee of the Assembly Interim Committee on Judicial System and Judicial Process to Investigate Sex Crimes

WHEREAS, This subcommittee was created by the Assembly Interim Committee on Judicial System and Judicial Process to investigate the problems of sex crimes in the State of California and to report thereon with its recommendations; and

WHEREAS, This subcommittee has held hearings for this purpose from December 7 to December 9, 1949, inclusive, in the City of Los Angeles; and

WHEREAS, The Governor has convened the Legislature of the State of California to meet in Extraordinary Session at Sacramento, on December 12, 1949, and one of the purposes of the special session, as proclaimed by the Governor, is to consider and act upon legislation relating to sex offenses, and

WHEREAS, This subcommittee has heard the testimony of many witnesses who are experts in the fields of medicine, psychiatry, sociology, criminology, education, law enforcement, and the administration of justice; and it has also heard the representatives of civic organizations, civic leaders, and many others who are interested in the problem created by sex crimes; and

WHEREAS, The testimony received by this subcommittee has demonstrated that although there are areas of agreement, still there are fundamental differences of opinion among those who are experts in the various fields concerned with this problem as to the scope of the problem and how it is to be met, the program to be followed to protect the public health and safety, and the disposition of sex offenders, their treatment and rehabilitation; and

WHEREAS, This subcommittee realizes that there is a vast amount of information and material relating to this problem which should be thoroughly considered and correlated; and

WHEREAS, This subcommittee desires to propose legislation which would reasonably cope with the entire problem and to present an overall, uniform and long range program for its solution; now, therefore, be it

Resolved by the Subcommittee to Investigate Sex Crimes, a Subcommittee of the Assembly Interim Committee on Judicial System and Judicial Process, That it be recommended to the Legislature:

1. That the consideration of proposed legislation by the Legislature at the special session beginning on December 12, 1949, relating to

sex crimes be continued until the convening of the proposed special session of the Legislature to run concurrently with the Budget Session on March 6, 1950, and

2. That an additional sum of seven thousand five hundred dollars ($7,500) be made available to the Assembly Interim Committee on the Judicial System and Judicial Process to complete the investigation that this subcommittee has begun in relation to the problem of sex crimes.

APPRECIATION EXPRESSED

Speaker Sam L. Collins expressed appreciation to Mr. Beck and his Subcommittee on Sex Crimes, for the constructive work they have recently done.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Senate Concurrent Resolution No. 2

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

DICKEY, Chairman

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, without reference to committee, print, or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Approving the charter of the City of San Leandro, County of Alameda, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of September, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Joint Resolution No. 1

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

House Resolution No. 13

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF HOUSE RESOLUTION NO. 13

By Messrs Thompson and Kirkwood:

House Resolution No. 13

Relative to printing an address of former Senator Herbert C. Jones, relating to the First Session of the California Legislature

WHEREAS, The fifteenth day of December, 1949, will mark the one hundredth anniversary of the commencement of the First Session of the California Legislature, and

WHEREAS, On December 10, 1949, former Senator Herbert C. Jones delivered an address to the California Historical Association, relating to said First Legislative Session, and

WHEREAS, It is contemplated that said address will be published in the Journal of the Assembly for December 14, 1949, in order that it will be available in print on December 15, 1949, and

WHEREAS, Said address contains the fruit of careful research into a matter of great historical interest to the people of the State of California, and copies of it in separate form should be made available for the use of the Members of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is hereby directed to cause to be printed as a legislative document 5,000 copies of the address of former Senator Herbert C. Jones hereinabove referred to, the cost thereof to be paid from the appropriation for legislative printing.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

House Resolution No. 15

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF HOUSE RESOLUTION NO. 15

By Messrs. Hawkins, Anderson, McMillan, Crowley, Coats, Lewis, Beck, Cooke, Elliott, Burkhalter, Rosenthal, Porter, Morris, Doyle, Dills, Fletcher, Kilpatrick, Yorty, Condon, Evans, Rumford, Mrs. Niehouse, Messrs. Thomas, George D. Collins, and Geddes:

House Resolution No. 15

Relating to the consideration of the extension of state support to child care centers at the special session, convening December 12, 1949

WHEREAS, California child care centers and the welfare of thousands of our children are threatened under existing legislation which provides withdrawal of state financial support as of June 30, 1950 and the assumption by the counties of the entire government assistance; and,

WHEREAS, The counties are already overburdened and any additional tax load on the common property owners is impractical, whether in direct assumption of these centers or in relief payments to parents deprived of this program; and

WHEREAS, The cessation of these centers will materially increase juvenile delinquency and crime, create unemployment and disrupt many families, including thousands of veterans; and,

WHEREAS, The need for these centers is amply indicated in present enrollment of approximately 14,000 children with many thousands on waiting lists unable to enroll because of shortage of facilities; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor be respectfully requested to include the continuation of state support to child care centers after June 30, 1950, within the matters considered at the Special Session of the Legislature, commencing on December 12, 1949; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Hon Earl Warren, Governor of the State of California.

Resolution read.

Motion to Amend

Mr. Hawkins moved the adoption of the following amendments:

Amendment No. 1

In the title of the resolution as printed in the Assembly Journal of December 12, 1949, page 47, line 2, after "1949", insert "or at a subsequent session to be called not later than March, 1950".

Amendment No. 2

In paragraph 5 of the measure, as printed, line 4, after "1949", insert "or at a subsequent session to be called not later than March, 1950".

Amendments read, and adopted.

Consideration of House Resolution No. 15, as Amended

By Messrs. Hawkins, Anderson, McMillan, Crowley, Coats, Lewis, Beck, Cooke, Elliott, Burkhalter, Rosenthal, Porter, Morris, Doyle, Dills, Fletcher, Kilpatrick, Yorty, Condon, Evans, Rumford, Mrs. Niehouse, Messrs. Thomas, George D. Collins, and Geddes:

House Resolution No. 15

Relating to the consideration of the extension of state support to child care centers at the Special Session, convening December 12, 1949, or at a subsequent session to be called not later than March, 1950

WHEREAS, California child care centers and the welfare of thousands of our children are threatened under existing legislation which provides withdrawal of state financial support as of June 30, 1950 and the assumption by the counties of the entire government assistance; and,

WHEREAS, The counties are already overburdened and any additional tax load on the common property owners is impractical, whether in direct assumption of these centers or in relief payments to parents deprived of this program; and,

WHEREAS, The cessation of these centers will materially increase juvenile delinquency and crime, create unemployment and disrupt many families, including thousands of veterans; and,

WHEREAS, The need for these centers is amply indicated in present enrollment of approximately 14,000 children with many thousands on waiting lists unable to enroll because of shortage of facilities; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor be respectfully requested to include the continuation of state support to child care centers after June 30, 1950, within the matters considered at the Special Session of the Legislature, commencing on December 12, 1949, or at a subsequent session to be called not later than March, 1950; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Honorable Earl Warren, Governor of the State of California.

Resolution read, as amended, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 1

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connelly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—67.

NOES—Reagan—1.

Resolution ordered transmitted to the Senate.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere:

Mr. Hoffman, on motion of Mr. McCollister.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF LEGISLATIVE COUNSEL BE PRINTED IN JOURNAL

Mr. Evans asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel pertaining to the repeal of the relatives' responsibility clause, be ordered printed in the Journal:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 12, 1949

Hon. John W. Evans
Assembly Chamber

Repeal of Relatives' Responsibility Clause—No. 344

DEAR MR. EVANS: You have asked us to prepare, as soon as possible, a bill repealing the relatives' responsibility clause.

We are not certain whether you desire to effect this result only in respect to the Old Age Security Law, or whether you desire to eliminate relatives' responsibility in respect to aid to the needy blind and aid to the partially self-supporting blind as well as in respect to aid to the aged. In order to comply with your request that this bill be prepared as soon as possible, we have assumed that you desire to eliminate relatives' responsibility only in respect to aid to the aged, and the bill draft which we are giving you is limited to such aid.

If you desire also to eliminate relatives' responsibility in respect to aid to the needy blind and aid to the partially self-supporting blind, that can readily be accomplished either by the introduction of a separate bill, or by appropriate amendments to this bill to repeal also Sections 3088, 3088.1, 3474, and 3474 1, of the Welfare and Institutions Code.

We have assumed, also, that you desire your bill to be an urgency measure, so that it may become operative on March 1, 1950, as soon as is constitutionally possible.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRIETT R. BUHLER, Deputy

REQUEST FOR UNANIMOUS CONSENT THAT APPENDIX TO PARTIAL REPORT OF PROCEEDINGS ASSEMBLY INTERIM COMMITTEE ON PUBLIC EDUCATION BE PRINTED IN JOURNAL

Mr. Dunn asked for, and was granted, unanimous consent that an Appendix to the Partial Report of the Proceedings of the Assembly Interim Committee on Public Education be ordered printed in the Journal.

(Above mentioned appendix will appear prior to the motion to adjourn. The report appeared in the Journal of Monday, December 12th.)

REQUEST FOR UNANIMOUS CONSENT THAT 500 ADDITIONAL COPIES OF APPENDIX BE PRINTED

Mr. Dunn asked for, and was granted, unanimous consent that 500 additional copies of the above mentioned appendix be printed, as separate documents

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Concurrent Resolution No. 7

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

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

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

Assembly Bill No. 30: By Messrs. Sherwin, Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Sam L Collins, Connolly, Conrad, Cloyed, Crichton,

Crowley, Davis, Dickey, Dills, Doyle, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Price, Rumford, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Referred to Committee on Governmental Efficiency and Economy.

Motion to Place Rush Order on Printing of Assembly Bill No. 30

Mr. Sherwin moved that a rush order be placed upon the printing of Assembly Bill No. 30.

Motion carried.

Assembly Bill No. 31: By Messrs. Babbage, Waters, Conrad, and Grant—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Referred to Committee on Social Welfare.

Motion to Place Rush Order on Printing of Assembly Bill No. 31

Mr. Babbage moved that a rush order be placed upon the printing of Assembly Bill No. 31.

Motion carried.

Assembly Bill No. 32: By Messrs. Waters, Babbage, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Dills, Dolwig, Erwin, Evans, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Kirkwood, Levering, Lincoln, Lipscomb, Maloney, McCarthy, McCollister, Morris, Moss, Mrs. Niehouse, Messrs. Price, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, and Weber—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 33: By Messrs. Moss, Fleury, and Brown—An act to amend Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths

Referred to Committee on Judiciary.

Assembly Bill No. 34: By Messrs. Dunn, Geddes, Rumford, Mrs. Niehouse, Messrs. Babbage, Beck, Dickey, Erwin, Fleury, Levering, McCollister, and Moss—An act to add Article 15, comprising Sections 7161 to 7167, inclusive, to Chapter 15 of Division 3, of the Education Code, relating to apportionments to school districts.

Referred to Committee on Education.

Assembly Bill No. 35: By Messrs. Kirkwood, Babbage, Levering, Caldecott, Butters, Connolly, Conrad, Davis, Dolwig, Erwin, Fleury, Lincoln, Moss, Sherwin, Stewart, Thompson, Waters, and Yorty—An act making an appropriation to provide financial assistance to school districts during the 1949-1950 Fiscal Year, to take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 36: By Mr. McCollister—An act to add Section 2160.3 to the Welfare and Institutions Code, relating to aid to the aged in respect to the minimum age of eligibility therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 7

And reports the same correctly engrossed

GRUNSKY, Vice Chairman

Request for Unanimous Consent

Mr. George D. Collins, asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Approving amendments 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 a general municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None.

Resolution ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Joint Resolution No. 2: By Messrs. Maloney, McCarthy, Grunsky, Reagan, and Sherwin—Relative to the designation of the year 1950 as the year for the observance of an American Free Enterprise Centennial.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Concurrent Resolution No. 8

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No 8

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Request for Unanimous Consent

Mr. Brown asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 8, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 8

Assembly Concurrent Resolution No. 8—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr Speaker—70.

NOES—None.

Resolution ordered transmitted to the Senate.

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

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

Assembly Bill No. 37: By Messrs Smith, Babbage, Caldecott, Connolly, Dills, Hahn, Stanley, and Tomlinson—An act to amend Section 186 of the Penal Code, relating to the crime against nature.

Referred to Committee on Judiciary.

Assembly Bill No. 38: By Messrs. Smith, Babbage, Caldecott, Connolly, Dills, Hahn, Stanley, and Tomlinson—An act to amend Section 189 of the Penal Code, relating to degrees of murder.

Referred to Committee on Judiciary.

Assembly Bill No. 39: By Messrs. Smith, Babbage, Caldecott, Connolly, Dills, Hahn, Stanley, and Tomlinson—An act to add Section 209.1 to the Penal Code, relating to punishment for sex crimes.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Brown, Beck, Smith, and Rosenthal:

House Resolution No. 16

Relative to augmenting the funds of the Assembly Interim Committee on the Judicial System and Judicial Process

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on the Judicial System and Judicial Process (created by House Resolution No. 232, 1949 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. Hahn, Collier, Burke, Morris, Stanley, Tomlinson, Conrad, Erwin, Lincoln, Lipscomb, Reagan, Babbage, Smith, Butters, Levering, Grant, Fleury, Sherwin, Stewart, Luckel, Mrs. Niehouse, Messrs. Lindsay, Cloyed, Kirkwood, Grunsky, Connolly, Clarke, Caldecott, and Weber:

House Resolution No. 17

Relative to adding Rule 13.5 to the Standing Rules of the Assembly, relating to officers and attaches

Resolved by the Assembly of the State of California, That Rule 13.5 is added to the Standing Rules of the Assembly, to read:

13.5. All officers of the Assembly, except those officers who are members, all attaches, and all employees of all Assembly standing and interim committees, who are employed for a period of 10 days or longer, shall file an affidavit with the Chief Clerk of the Assembly showing all persons by whom employed and all sources from which they have received any income during the past two years, all sources of income at the present time, and all income which they expect to receive for outside services during their tenure in their present legislative position. Such affidavits shall be filed by each officer, attache, or employee when he commences his employment and at the commencement of each annual session.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. Hahn, Collier, Burke, Morris, Stanley, Tomlinson, Conrad, Erwin, Lincoln, Lipscomb, Reagan, Babbage, Smith, Butters, Levering, Grant, Fleury, Sherwin, Stewart, Luckel, Mrs. Niehouse, Messrs. Lindsay, Cloyed, Kirkwood, Grunsky, Connolly, Clarke, Caldecott, and Weber:

House Resolution No. 18

Relative to employees of the Legislative Counsel

Resolved by the Assembly of the State of California, That the Legislative Counsel shall require all employees of the Legislative Counsel Bureau who are employed for a period of 10 days or longer to file with him an affidavit showing all persons by whom employed and all sources from which they have received any income during the past two years, all sources of income at the present time, and all income which they expect to receive for outside services during their tenure in their present position. The Legislative Counsel shall require such affidavits from each employee at the commencement of each annual session.

Resolution read, and ordered referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING

Mr. Waters asked for, and was granted, unanimous consent that he be permitted to hold a special meeting of the Committee on Elections and Reapportionment, at his desk, upon adjournment.

LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE
ON GOVERNMENTAL EFFICIENCY AND ECONOMY

SACRAMENTO, CALIFORNIA, December 13, 1949

Hon. Sam L. Collins
Speaker of the Assembly
Assembly Chamber

MR. SPEAKER: The Assembly Interim Committee on Governmental Efficiency and Economy, created by House Resolution No. 253 of the 1949 Regular Session, submits herewith a preliminary report of its study of the subject of lobbying and related activities.

Very truly yours,

A. I. STEWART, Chairman

PRELIMINARY REPORT OF ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

Mr. Speaker and Members of the Assembly:

Your Interim Committee on Governmental Efficiency and Economy, created by House Resolution No. 253 of the 1949 Regular Session, reports that the committee, at its organization meeting held August 26, 1949, entered upon a study of the subject of lobbying and related activities with a view to ascertaining what changes in the laws of this State on that subject might be necessary or desirable.

It was evident that consideration and analysis by your committee and its members of the laws of the United States and of the other states of the Union dealing with this subject would be an essential and indispensable part of such a study. No such compilation existed or was available. Accordingly, on August 26, 1949, we requested the Legislative Counsel to prepare such a compilation.

It proved to be a work of some magnitude which the Legislative Counsel prosecuted to completion by December 1, 1949. It is a compilation of some 162 pages entitled "Federal and State Laws on Lobbying" prefaced with a summary index of various of the significant features of the laws compiled, and supplemented with a list of references designed to be of aid in analyzing the scope and effectiveness of the various laws compiled. Copies of this compilation have been distributed to all of the Members of the Assembly and the Senate.

Sacramento, California, December 13, 1949.

Respectfully submitted,

A. I. STEWART, Chairman

APPENDIX TO PARTIAL REPORT OF PROCEEDINGS ASSEMBLY INTERIM COMMITTEE ON PUBLIC EDUCATION

STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION
SACRAMENTO 14, December 12, 1949

INCREASE IN ENROLLMENT

October 31, 1948, to October 31, 1949

This table lists school districts having an increase of more than 10 pupils and more than 5 percent in enrollment from October 31, 1948, to October 31, 1949.

	Enrollment Oct. 31, 1948	*Enrollment Oct. 31, 1949*	*Percent increase*
Alameda County			
Castro Valley	1,453	1,849	27
Centerville	310	334	08
Hayward	3,245	3,643	12
Irvington	315	351	12
Livermore	754	834	11
Mission San Jose	61	85	40
Newark	337	365	09
Niles	505	530	05
Piedmont City Unified	1,281	1,339	05
Pleasanton Joint	657	692	06
Russell	383	447	17
San Leandro City	3,670	3,844	05
San Lorenzo	3,937	4,624	17
Tennyson	314	378	20
Amador County			
Amador City	15	30	100
Ione Union	218	239	10
Jackson Union	406	423	05
Butte County			
Bangor Union	42	59	41
Biggs	193	255	32
Cherokee, Oroville	9	20	122
Chico City	3,325	3,685	11
De Sabla	10	25	150
Durham	265	290	10
Floral	20	33	65
Gridley Union	913	969	06
Manzanita	96	106	10
Oroville City	1,580	1,729	09
Palermo	299	359	20
Pleasant Valley	93	117	26
Thermalito	351	420	20
Wyandotte	60	104	74
Calaveras County			
Altaville	84	101	20
Copperopolis	33	48	46
San Andreas	193	237	23
West Point Union	225	238	06
Colusa County			
Indian Valley Joint	34	78	130
Maxwell Union	169	217	29
Princeton Union	95	124	31
Williams Union	262	291	11

	Enrollment Oct. 31, 1948	*Enrollment Oct. 31, 1949*	*Percent increase*
Contra Costa County			
Alamo	162	216	34
Antioch Live Oak Union	1,980	2,070	05
Danville Union	322	379	18
Knightsen	163	173	06
Lafayette	906	1,154	28
Oakley Union	578	617	07
Orinda Union	607	733	21
Pinole-Hercules Union	797	936	18
Port Costa	71	82	16
San Pablo	3,188	3,475	09
Sheldon	61	85	40
Vine Hill	125	150	20
Walnut Creek	1,239	1,459	18
Del Norte County			
Crescent Elk	438	458	05
Pine Grove	51	66	30
Redwood Union	119	129	09
El Dorado County			
Cave Valley	19	34	79
Coon Hollow	8	22	175
Fresno County			
Alvino	102	121	19
Auberry Union	140	204	46
Barstow	86	101	18
Big Creek	90	113	26
Biola	166	188	13
Bryant	245	351	44
Bullard	443	549	24
Burrel Union	112	185	65
Canal	68	78	15
Cantua	499	691	39
Caruthers Union	512	562	10
Centerville Union	149	176	18
Clovis	669	771	16
Coalinga-Huron Union	1,646	1,907	16
Esterby	591	622	06
Firebaugh Joint	965	1,134	18
Fresno City Unified	14,222	15,233	07
Fresno Colony	366	437	20
Friant Union	85	111	31
Fruitvale	73	86	18
Great Western Union	285	309	08
Helm	115	128	11
Herndon	155	194	25
Kerman	442	479	09
Los Deltas	120	171	43
Lone Star Union	273	351	29
Madison	373	454	22
Malaga	410	490	20
McKinley	318	369	16
Mendota Union	1,019	1,402	38
Miramont	24	36	50
Oil King	212	344	63
Orange Center	260	317	22
Ora Loma	270	340	26
Pershing	65	76	17
Pinedale	388	446	15
Prairie	214	236	11
Raisin City	175	186	06
Reedley Joint	886	1,032	17
Riverdale Joint	343	459	34
San Joaquin	314	438	40
Scandinavin	288	311	08
Squaw Valley	12	23	92
Teague	408	479	18
Temperance-Kutner Union	193	225	17
Terry Union	168	183	09

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Fresno County—Continued			
Tranquillity	277	315	14
University Colony	68	86	27
Washington Colony	223	254	14
West Park	310	345	11
Westside	435	870	100
Walters	236	249	06
Glenn County			
German	40	50	25
Hamilton Union	204	215	06
McIntosh	63	75	19
Plaza	41	60	46
Humboldt County			
Arcata	822	948	15
Blue Lake	165	177	08
Bridgeville	28	61	118
Cutten	113	154	36
Eureka City	2,123	2,355	11
Fortuna	392	482	23
Garfield	28	38	36
Glendale	24	41	71
Hoopa Valley Unified	192	228	19
Jacoby Creek	82	108	32
Lolita	94	106	13
Orleans	27	38	41
Rio Dell	246	269	09
Rohnerville	151	167	11
Scotia	184	236	29
Trinidad Union	226	255	13
Worthington	162	184	14
Imperial County			
Calipatria Unified	338	358	06
El Centro	2,006	2,133	06
Eucalyptus	35	48	37
Fort Yuma	101	149	48
Imperial Union	603	634	05
Jasper	85	110	30
Magnolia Union	35	57	63
Pine Union	134	174	30
Rose-Mesquite Union	54	72	34
Seeley Union	189	214	13
Westmorland Union	266	329	24
Inyo County			
Big Pine Unified	125	145	16
Bishop Union	623	760	22
Furnace	13	25	93
Lo-Inyo Union	250	307	23
Olancha Union	38	53	40
Round Valley	128	161	26
Kern County			
Arvin Union	1,378	1,457	06
Aztec	91	105	16
Bakersfield City	11,550	12,825	11
Beardsley	1,451	1,574	08
Caliente	35	58	66
China Lake Joint	1,152	1,268	10
Edison	152	162	07
Fairfax	597	681	14
Fruitvale	337	354	05
Indian Wells Valley Union	360	450	25
Lebec	56	67	20
Lerdo	311	432	39

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Kern County—Continued			
Lost Hills	95	114	20
Mountain View	1,106	1,276	15
Muroc	277	353	28
Panama Union	430	567	32
Rio Bravo Union	132	154	17
Rosedale Union	304	331	09
Shafter	87	98	13
South Kern County Union	177	208	18
South Fork Union	65	75	16
Standard	1,398	1,498	07
Taft City	1,907	2,028	06
Tehachapi	478	543	14
Kings County			
Armona Union	398	478	20
Central Union	262	287	10
Corcoran Union	2,003	2,356	18
Dallas	258	409	59
Hanford	1,836	1,961	07
Kings River	131	142	09
Lakeside Union	371	439	19
Lemoore Union	651	727	12
Mid Valley Union	126	139	11
Reef Sunset Union	1,059	1,164	10
Stratford Union	283	317	12
Lake County			
Lakeport Union	459	513	12
Lassen County			
Bieber	193	221	15
Herlong	545	617	13
Soldier Bridge	25	41	64
Los Angeles County			
Alameda	1,117	1,386	24
Alhambra City	5,498	5,848	06
Arcadia City	2,331	2,764	19
Azusa	180	204	14
Azusa City	1,743	1,956	12
Baldwin Park	2,906	3,265	12
Bassett	485	584	21
Bellflower	3,987	4,387	10
Bloomfield	780	839	08
Burbank City Unified	9,977	10,669	07
Carmenita	361	406	13
Charter Oak	207	226	09
Claremont Unified	675	713	06
Compton City	10,795	12,235	13
Downey	1,596	1,836	15
Duarte	572	905	58
Eastside Union	311	415	34
East Whittier	735	1,010	38
El Monte	4,776	5,114	07
El Segundo Unified	1,159	1,317	14
Gallatin	111	190	71
Glendora	757	801	06
Hawthorne	3,232	3,383	05
Hermosa Beach City	1,211	1,307	08
Hudson	1,000	1,212	21
Keppel Union	233	271	16
La Canada	890	1,131	27
La Verne City	599	634	06
Lawndale	2,207	2,692	22
Lennox	1,763	1,900	08
Little Lake	214	376	76
Long Beach Unified	26,879	28,131	05
Lynwood	3,231	3,466	07
Monrovia City	2,452	2,880	17
Montebello Unified	8,787	9,871	12
Newhall	608	670	10
Norwalk	1,948	2,817	45

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Los Angeles County—Continued			
Old River	534	604	14
Palos Verdes	457	556	22
Paramount	3,379	3,626	07
Potrero Heights	188	245	31
Ranchito	1,104	1,344	22
Redondo Beach City	3,461	3,829	11
Rivera	369	557	51
Rosemead	1,726	1,909	11
Rowland Union	143	177	24
San Dimas	475	500	05
San Marino City	1,427	1,615	13
Santa Monica City	5,996	6,583	10
Sierra Madre City	553	619	12
South Pasadena City	1,385	1,471	06
South Santa Anita	983	1,042	06
South Whittier	764	858	12
Sulphur Springs Union	127	144	14
Torrance City Unified	2,388	3,064	28
West Covina	444	631	43
Westside Union	419	484	16
Whittier City	3,434	3,764	10
Madera County			
Bass Lake	48	72	50
Chowchilla	1,082	1,147	06
Fairmaid	174	191	10
Fresno	34	48	41
La Vina	208	235	13
Madera	2,470	2,864	16
North Fork Union	191	267	40
Marin County			
Belvedere	66	77	17
Fairfax	541	591	10
Kentfield	271	335	24
Lagunitas	242	283	17
Larkspur	606	654	08
Mill Valley	1,365	1,506	10
Novato Union	419	533	28
Olema	22	33	50
Ross	272	310	14
San Anselmo	1,035	1,094	06
San Rafael City	1,293	1,374	06
Sausalito	1,434	1,527	06
Mendocino County			
Hopland Union	130	152	17
McNear	20	42	110
Potter Valley Union	146	161	11
Redwood Valley Union	143	187	31
River Union	116	140	21
Ukiah Union	1,055	1,189	13
Merced County			
Canal	48	58	21
Charleston	90	106	18
Dos Palos Town Joint	59	69	17
Dos Palos	699	825	18
El Nido	118	136	15
Fairview	41	64	56
Gustine Union	371	420	13
Los Banos Union	819	957	17
Merced Falls	18	28	56
Merced Union	2,567	2,806	09
Merquin Union	180	209	16
Mitchell Union	633	811	28
Planada	302	339	12
Volta	57	83	46
Weaver Union	471	532	13
Winton	329	390	19

	Enrollment Oct. 31, 1948	*Enrollment Oct. 31, 1949*	*Percent increase*
Modoc			
Alturas	516	541	05
Cedarville Union	76	89	17
Eagleville	20	32	60
Mount Bidwell	46	57	24
Mono County			
Mammoth	27	59	119
Monterey County			
Carmel Unified	480	547	14
Castroville Union	493	579	18
Chualar Union	201	230	15
Gonzales Union	442	469	06
Marina	119	148	25
Monterey City	3,305	3,607	09
Pacific Grove City Unified	1,140	1,291	13
Prunedale Union	295	310	05
Salinas City	2,641	2,978	13
San Antonio Union	43	57	33
Santa Rita Union	293	350	20
Soledad Union	687	731	07
Springfield	85	103	21
Tularcitos Union	62	85	37
Napa County			
Browns Valley	40	51	28
Carneros-Los Amigos Union	93	124	34
Howell Mountain	8	23	188
Mount George Union	268	288	08
Napa City	2,291	2,440	07
Nevada County			
Lime Kiln	17	35	106
Orange County			
Alamitos	201	235	17
Buena Park	971	1,057	09
Capistrano Beach	130	155	19
Centralia	162	210	30
Costa Mesa Union	1,648	1,799	09
Cypress	504	590	17
Fountain Valley	104	158	52
Fullerton	1,656	1,774	07
Laguna Beach Unified	793	864	09
La Habra	965	1,029	07
Loara	104	131	26
Magnolia	355	386	09
Olive	111	124	12
Orange Thorpe	184	240	31
Placentia Unified	817	853	05
San Clemente	189	221	17
San Joaquin	217	245	13
San Juan	126	156	24
Santa Ana City	4,847	5,401	11
Savanna	356	395	11
Seal Beach	463	522	13
Yorba Linda	190	207	09
Placer County			
Ackerman	56	75	34
Alpha	13	25	93
Alta Vista	128	148	16
Auburn Joint Union	830	900	08
Eureka Union	98	116	18
Forest Hill	114	124	09
Lincoln Union	618	646	05
Loomis Union	353	371	05
Ophir	80	95	19
Penryn	147	160	09
Rocklin	194	241	25

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Plumas County			
Plumas Unified	1,862	2,296	23
Riverside County			
Alvord	475	630	33
Coachella	693	754	09
Corina Unified	2,212	2,472	12
Desert Center	31	51	65
Glenavon	356	381	07
Hemet Union	1,161	1,240	07
Indio	1,532	1,634	07
Midland	450	488	09
Morena	50	64	28
Oasis	126	139	11
Pedley	72	83	16
Perris	411	454	11
Riverside City	6,331	6,691	06
Romoland	145	157	08
Thermal Union	413	475	15
Union Joint	447	526	18
West Riverside	663	738	11
Sacramento County			
Arcade	1,191	1,464	23
Arden	575	747	30
Beaver Union	94	129	37
Carmichael	1,099	1,289	17
Center Joint	16	27	69
Colony	41	51	25
Del Paso Heights	829	918	11
Edward Kelly	37	49	33
Elder Creek	448	520	16
Elk Grove Union	492	568	16
Fair Oaks	470	558	19
Freeport	65	76	17
Folsom Unified	587	626	07
Jefferson	36	52	45
Junction	211	236	12
North Sacramento	3,321	3,771	14
Orangevale Union	381	437	15
Pacific	312	389	25
Rio Linda Union	947	1,042	10
Robla	899	1,066	19
Sacramento Unified	11,397	12,842	13
South Sacramento	582	761	31
Sutterville Heights	330	496	51
Sylvan	768	808	05
San Benito County			
Ausaymas Joint	101	117	16
Hollister	662	707	07
Olympia	49	63	29
San Juan Union	318	346	09
San Justo	24	43	79
San Bernardino County			
Barstow Union	1,291	1,370	06
Bloomington	920	1,013	10
Central	222	259	17
Cucamonga	426	452	06
Fontana	2,678	2,938	10
Guasti	86	96	12
Hinkley Union	94	134	43
Oro Grande	113	128	13
Redlands	3,165	3,355	06
Rialto	539	595	11
San Bernardino	11,014	12,155	10
Victor	484	513	06
Yermo	155	174	12
Yucaipa Union	506	542	07

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
San Diego County			
Alpine Union	197	306	56
Carlsbad Union	617	675	10
Chula Vista Union	2,281	2,497	09
Clover Flat	33	44	34
Coronado Unified	1,224	1,320	08
Encinitas Union	373	396	06
Fallbrook Union	524	600	15
Lakeside Union	623	685	10
La Mesa	2,911	3,178	09
Lemon Grove	1,287	1,525	18
Oceanside	1,528	1,676	10
Otay	340	373	10
Pauma	61	71	17
Rich-Mar Union	208	238	15
San Diego City Unified	32,816	34,711	06
San Onofre	17	27	59
Santee	254	277	09
Solana Beach	269	314	17
South Bay Union	871	1,046	20
Vista Unified	1,004	1,156	15
San Joaquin County			
Banta	162	180	11
Calla	77	88	14
Chartville	71	90	27
Collegeville	60	71	19
Elkhorn	59	69	17
Everett	39	51	31
Farmington	55	69	26
French Camp	283	312	10
Grant	12	22	84
Lincoln	111	199	79
Live Oak	187	200	07
Lone Pine	70	90	29
Manteca	885	995	13
Montezuma	370	459	24
Mossdale	25	38	52
Naglee	22	41	86
Oakview Union	148	159	08
Stockton City Unified	13,573	14,339	06
Van Allen	125	140	12
Veritas	65	81	25
San Mateo County			
Bay Shore	435	482	11
Belmont	552	631	15
Brisbane	419	446	07
Burlingame	1,679	1,801	07
Coastside Union	294	336	15
Greerburg	129	175	36
Hillsborough	332	358	08
Jefferson	1,804	2,284	27
Las Lomitas	369	413	12
Menlo Park	809	985	22
Millbrae	1,156	1,424	23
Ravenswood	1,301	1,607	24
Redwood City	4,325	4,873	13
San Carlos	1,902	2,235	18
San Mateo City	4,013	4,674	16
San Pedro	240	353	47
Santa Barbara County			
Artesia	17	45	165
Blochman Union	98	108	10
Cold Springs	32	52	63
College	189	199	05
Lompoc Union	821	907	10
Orcutt Union	408	441	08
Santa Barbara City	3,186	3,470	09
Summerland	39	50	29

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Santa Clara County			
Adams	38	51	33
Alam Rock Union	1,696	2,208	30
Berryessa Union	209	229	10
Cambrian	434	536	24
Campbell	2,089	2,363	13
Cupertino	932	1,275	37
Encinal	114	173	52
Franklin-McKinley	696	795	15
Gilroy	1,274	1,424	12
Jefferson Union	726	785	08
Los Altos	1,045	1,245	19
Los Gatos	962	1,333	39
Milpitas	210	240	15
Morgan Hill	440	538	23
Mountain View	1,560	1,642	05
Mount Pleasant	89	103	16
Oak Grove	243	254	05
Orchard	355	408	15
Palo Alto City Unified	3,308	3,683	11
San Martin	185	243	32
Santa Clara City	1,033	1,138	10
San Ysidro	66	81	23
Sarotoga Union	332	412	24
Sunnyvale	1,562	1,773	14
Union	198	247	25
Whisman	607	682	13
Santa Cruz County			
Aptos	273	298	09
Freedom Union	855	947	11
Live Oak	402	471	17
Salsipuedes Union	247	311	26
Scotts Valley Union	192	228	19
Soquel Union	509	612	20
Shasta County			
Albian	529	561	06
Cottonwood Union	198	252	27
Enterprise	251	280	12
Junction	19	37	95
Pacheco	99	109	10
Redding	1,707	1,880	10
Union	632	659	05
Sierra County			
Sierraville	33	43	31
Siskiyou County			
Greenview Union	14	28	100
Grenada	65	76	17
Montague	104	114	10
Solano County			
Green Valley Union	160	171	07
Vaca Valley Union	688	790	15
Sonoma County			
Cinnabar	79	94	19
Cloverdale Union	284	332	17
Cotati	150	164	10
Dunbar Union	196	240	23
El Verano Union	168	192	15
Guerneville	191	234	23
Mark West Union	107	130	22
Mount Vernon	74	90	22
Oak Grove	167	206	24
Olivet	40	62	55
Petaluma City	1,345	1,411	05
Rincon Valley Union	178	233	31

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Sonoma County—Continued			
Roseland	207	260	26
Santa Rosa City	2,674	2,895	08
Sebastopol Union	641	672	05
Spring Hill	64	82	28
Stueben	372	415	12
Wright	213	249	17
Stanislaus County			
Bonita	205	227	11
Central	52	74	43
Ceres	1,500	1,636	09
Denair Unified	260	295	14
Empire Union	559	594	06
Grayson	233	251	08
Hart	46	74	61
Hughson	658	694	05
Keyes Union	372	443	19
Modesto City	6,598	6,915	05
Newman	460	481	05
Prescott	64	77	21
Rising Sun	82	92	12
Riverbank	862	949	10
Salida	430	486	13
Sylvan Union	246	275	12
Turlock	1,618	1,714	06
Wosport Union	209	229	10
Sutter County			
Franklin	117	137	17
Live Oak	413	500	16
Meridian	95	108	14
Pleasant Grove Union	80	96	20
Wilson	66	77	17
Yuba	1,391	1,490	07
Tehama County			
Antelope	90	120	34
Bend	13	23	77
Gerber Union	291	316	09
Lassen View Union	154	194	26
Tehama	77	96	25
Trinity County			
Hayfork Valley Union	208	219	06
Weaverville	156	182	17
Tulare County			
Alta Vista	168	194	16
Aurora	78	90	16
Buena Vista	204	218	07
Burton	158	179	14
Chatham	24	39	63
Columbine	89	113	27
Deep Creek	124	158	27
Earlimart	880	955	09
East Lynne	172	214	25
Elbow Creek	160	178	11
Goshen	289	326	13
Grand View	150	163	09
Hot Springs	83	102	23
King River Union	251	277	10
Palo Verda Union	384	455	19
Pixley Union	720	788	09
Pleasant View	295	322	09
Porterville City	2,646	2,838	07
Richgrove	385	434	13
Rockford	157	173	10
Sultana	180	198	10
Sunnyside Union	347	410	18
Surprise	115	132	15

	Enrollment Oct. 31, 1948	Enrollment Oct. 31, 1949	Percent increase
Tulare County—Continued			
Three Rivers Union	111	125	13
Tulare City	2,816	2,948	05
Union	480	504	05
Visalia City	2,959	3,162	07
Westside Union	88	124	41
Woodlake	801	845	06
Woodville	233	279	20
Tuolumne County			
Columbia	115	125	09
Curtis Creek	152	166	10
Groveland	44	66	50
Jamestown	126	140	11
Rawhide	30	41	37
Shaws Flat	35	45	29
Summerville	230	244	06
Ventura County			
Conejo	209	223	07
Hueneme	617	697	13
Mesa Union	138	179	30
Mill	157	202	29
Montalvo	114	140	23
Nordhoff Union	1,094	1,282	17
Oceanview	134	181	35
Oxnard	2,714	2,960	09
Pleasant Valley	429	527	23
Rio	372	423	14
Santa Paula	1,761	1,932	09
Saticoy	412	464	13
Simi Valley Unified	419	470	13
Summit	27	50	85
Yolo County			
Bryte	316	338	07
Cacheville	90	132	47
Clarksburg Union	251	269	07
Esparto	143	187	31
Freemont	42	64	53
Washington	957	1,039	09
West Sacramento	114	158	39
Willow Oak	44	56	28
Woodland City	1,412	1,634	16
Yuba County			
Cordua	97	107	10
Linda	817	933	14

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today at 3 p.m.—

Social Welfare, in Room 426.
Judiciary Subcommittee, 4th floor.
Governmental Efficiency and Economy.

Today upon adjournment—

Elections and Reapportionment. Subject: Assembly Bill No. 12, at desk of Mr. Waters.

At 8 p.m. Tonight—

Education, in Room 432.

Tomorrow, Wednesday, December 15th—
At 10 a.m.—

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Maloney and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Charles R. Wood of San Francisco.

On request of Mr. Luckel, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Lillaie Johnson of San Diego.

On request of Speaker Collins, the usual courtesies of the Assembly for this day were unanimously extended to Ralph Culp of Fullerton.

On request of Mr. Rumford, the usual courtesies of the Assembly for this day were unanimously extended to Dr. Walker S. Poston of Berkeley, Joseph W. Hickerson and Vaughn D. Seidel of Oakland.

On request of Mr. McMillan, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. Jerry Weber of Los Angeles.

ADJOURNMENT

At 12.27 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 11 a.m., Wednesday, December 14, 1949.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, December 14, 1949

The Assembly met at 11 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Names Placed Upon Morning Roll Call

By unanimous consent, Speaker Sam L. Collins ordered the names of the members now attending the meeting of the Committee on Rules placed upon the morning roll call.

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Intelligence: May we have a vision this day of the necessity of education to the progress and security of this Republic, that only an enlightened citizenship is capable of self-government.

May we proclaim that ignorant and backward races quickly become the servile subjects of dictators, ruled by magic and superstition.

To govern themselves a people must be educated to think for themselves, to study the issues, and choose the wisest policies.

In this critical day, when the world is flooded with isms and panaceas, how urgent is the need to train citizens to see the fallacies of propaganda and the hypocrisy of demagogues.

May we glorify the schools as the training ground for democracy, the citadels of liberty, and the defense of the American system.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Silliman, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

CALIFORNIA FARM BUREAU FEDERATION
BERKELEY, CALIFORNIA, December 9, 1949

Hon. Speaker of the Assembly
State Capitol, Sacramento, California

DEAR SIR: It is my privilege to convey to you and your Honorable Body a recommendation of the California Farm Bureau Federation regarding some of the basic problems now before the Legislature relating to aged and needy blind aid. This recommendation, quoted below, was unanimously adopted in resolution form at our annual meeting on November 16, 1949, by our house of delegates consisting of 53 members elected one from each of our 53 county farm bureaus having a total membership of more than 60,000 farm families.

> "We recommend that no substantial changes be made in the administration or financial provisions for the aged and needy blind aid, except that the State finance the counties' share thereof until the beginning of the next fiscal year, July 1, 1950, and that, if necessary, a special session of the Legislature be called to provide therefor."

The policy expressed in the foregoing resolution is based upon the following facts and premises:

1. Re administration: That the administration of the aged aid and needy blind programs should be conducted in conjunction with administration of aid for needy children and aid for indigent persons now handled by the counties. Furthermore, that governmental activities such as welfare can be most economically and satisfactorily administered by the counties under a minimum of State supervision.

2. Re finances: That the governmental units administering a program should be expected to provide part of the revenue required to finance it. Under normal circumstances, the present law is reasonable in this respect in requiring the counties to bear one-half of the administrative costs and $6.43 of the $75 monthly allowance for aged aid cases and $13.75 of the $85 monthly allowance for needy blind cases. Our resolution requests, however, that the State bear the counties' share for the remainder of the current fiscal year so that the counties will have opportunity to raise the required revenue for this purpose.

Favorable consideration of our recommendation will be greatly appreciated.

Respectfully,

CALIFORNIA FARM BUREAU FEDERATION
By VON T. ELLSWORTH, Director
Research Department and Legislative Representative

RESOLUTIONS

The following resolution was offered:

By Mr. Crowley:

House Resolution No. 19

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants on the proper fund in

favor of the following Members of the Assembly for the amount set opposite their respective names, and the Treasurer is hereby directed and ordered to pay the same:

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
73	L Stewart Hinckley	Redlands, San Bernardino County	508	9	--	517	1,034	$51 70
59	Willard M Huyck	Beverly Hills, Los Angeles County	447	8	--	455	910	45 50
33	James W Silliman	Salinas, Monterey County	208	--	--	208	416	20 80

Request for Unanimous Consent

Mr. Butters asked for, and was granted, unanimous consent to take up House Resolution No. 19, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dills, Dolwig, Elliott, Erwin, Evans, Fleury, Gaffney, Grant, Grunsky, Hagen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, Weber, and Mr. Speaker—62.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of December, 1949, at 9 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined.

Assembly Concurrent Resolution No. 1—Relative to Assemblyman Samuel L. Heisinger;

Assembly Concurrent Resolution No. 2—Relative to respect to the memory of Helen Regina Gaffney;

Assembly Concurrent Resolution No. 3—Relative to Richard J. Welch;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fourteenth day of December, 1949, at 10 a.m.

GRUNSKY, Vice Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 14, 1949

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

Assembly Concurrent Resolution No. 7

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 14, 1949

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

Senate Bill No 1

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 1—An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and of the Veterans Bond Act of 1949, and to amend Sections 2, 3, 4, 5, and 6 of Chapter 1267 of the Statutes of 1949, relating to the time of taking effect of said chapter and the submission of the Veterans Bond Act of 1949, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Concurrent Resolution No 5

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

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

Assembly Concurrent Resolution No. 6

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 5
Assembly Concurrent Resolution No. 6

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolutions ordered on file for adoption.

REQUEST FOR UNANIMOUS CONSENT

Mr. Grant asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Approving certain amendments to the charter of the City of Long Beach, State of California, rati-

fied by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Weber, and Mr. Speaker—61.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Levering asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Weber, and Mr. Speaker—66.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 40: By Mr. Hollibaugh—An act to amend Section 647a of the Penal Code, relating to vagrancy.

Referred to Committee on Judiciary.

UNANIMOUS CONSENT GRANTED TO RECALL ASSEMBLY BILL NO. 1 FROM THE GOVERNOR, ENROLLMENT, AND THE SENATE

Mr. Dickey asked for, and was granted, unanimous consent that, for purpose of amendment, the Chief Clerk be instructed to request the Governor to return Assembly Bill No 1 to the Assembly; that the bill be recalled from enrollment; and that the Senate be requested to rescind the action whereby it passed Assembly Bill No. 1.

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

The following resolution was offered:

Assembly Joint Resolution No. 3: By Messrs. Fletcher, Thomas, Grant, and Porter—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the Long Beach Naval Shipyard.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 11.20 a m., Mrs Niehouse asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Social Welfare in the Post Office, at this time.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF LEGISLATIVE COUNSEL BE PRINTED IN THE JOURNAL

Mr. Beck asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel, relating to the enactment of bills to take effect immediately, be ordered printed in the Journal in 10-point type:

Opinion of Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 13, 1949

Hon. Julian Beck
Assembly Chamber

Enactment of Bills to Take Effect Immediately—No. 341

DEAR MR. BECK: You have asked us to advise you regarding the possibility of the enactment of bills at this special session of the Legislature to take effect immediately with particular reference to the subjects of legislation set forth in the proclamation convening the session.

The constitutional limitations upon the enactment of bills containing a provision that they shall take effect immediately is the same at a special session as at a regular session. These limitations are contained in Section 1 of Article IV of the Constitution. In substance they are as follows:

No act passed by the Legislature shall go into effect until 90 days after the final adjournment of the session of the Legislature which passed such act, except

(a) Acts calling elections,

(b) Acts providing for tax legislation, or

(c) Appropriations for the usual current expenses of the State, and

(d) Urgency measures necessary for the immediate preservation of the public peace, health, and safety, passed by a two-thirds vote of all the members elected to each house

As to urgency measures, a statement of the facts constituting the necessity for the immediate effect of the law shall be set forth in one section, which section shall be passed only upon a yea and nay vote, upon a separate roll call. There is a further limitation that no measure

(a) Creating or abolishing any office, or
(b) Changing the salary, term or duties of any officer, or
(c) Granting any franchise or special privilege, or
(d) Creating any vested right or interest,

shall be construed to be an urgency measure.

In determining whether legislation at this special session can be made to take effect immediately, the test is not the subject submitted to the Legislature by the Proclamation. Rather, each separate measure must be analyzed to determine whether it falls within one of the classes which may be made to take effect immediately under the foregoing constitutional provisions, with particular reference to the limitations upon types of measures that may not be construed to be urgency measures.

Looking to the proclamation, legislation to "increase" the salary of the Director of Social Welfare (Item 3) could not be enacted as an urgency measure. There may, of course, also be legislative measures proposed pertaining to the subjects submitted for consideration by some of the other items which could not be made to take effect immediately. However, it appears to us that, generally speaking, legislation can be enacted upon all such subjects that may be made to take effect immediately.

We would call your attention to the fact that insofar as the legislation involves urgency measures a two-thirds vote is required. The same legislation without an urgency clause and without such a vote would not take effect until 90 days after final adjournment of this session.

Very truly yours,

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

REQUEST FOR UNANIMOUS CONSENT THAT NAMES BE REMOVED FROM ASSEMBLY BILL NO. 28 AS CO-AUTHORS

Mr. Caldecott asked for, and was granted, unanimous consent that the names of Messrs. Porter and Yorty be stricken from Assembly Bill No. 28 as co-authors; the names of Messrs. Cloyed, Porter, and Yorty from Assembly Bill No. 32; and the names of Messrs. Cloyed and Porter from Assembly Bill No. 35 as co-authors

REQUEST FOR UNANIMOUS CONSENT THAT PARTIAL REPORT OF ASSEMBLY INTERIM COMMITTEE ON CRIME AND CORRECTIONS BE PRINTED IN THE JOURNAL

Mr. Kilpatrick asked for, and was granted, unanimous consent that a Partial Report of the Assembly Interim Committee on Crime and Corrections be ordered printed in the Journal in 10-point type.

(Above mentioned report will appear prior to the motion to adjourn.)

ANNOUNCEMENTS

Mr. Dickey announced that on Friday and Saturday, December 16th and 17th, meetings of the Air and Water Pollution Committee will be held; that experts on water problems will appear as witnesses; and

invited not only members of the committee but all Members of the Assembly to attend.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 14, 1949

Mr. Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento, California

DEAR MR. OHNIMUS: In accordance with the request contained in your letter of December 14th, I am returning to you herewith Assembly Bill No 1.

Sincerely,

BEACH VASEY, Legislative Secretary

Assembly Bill No. 1 recalled from enrollment.

REPORTS OF STANDING COMMITTEES

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Assembly Bill No. 12

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

WATERS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 12—An act to call a special election to be consolidated with the direct primary election of 1950, and to provide for the submission to the electors of the State at such consolidated election of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and of the Veterans Bond Act of 1949, and to amend Sections 2, 3, 4, 5, and 6 of Chapter 1267 of the Statutes of 1949, relating to the time of taking effect of said chapter and the submission of the Veterans Bond Act of 1949, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

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

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

Assembly Concurrent Resolution No. 9: By Mr. Cloyed, Mrs. Niehouse, and Mr. Luckel—Approving the charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

Assembly Bill No. 41: By Messrs. Kilpatrick, Hagen, Burke, Mrs. Niehouse, Messrs. Meyers, and Bennett—An act to add Chapter 3.1 to Division 8 of the Education Code, relating to the establishment and maintenance by school districts of clinics for the diagnosis and treatment of pupils who show tendencies to commit sex offenses, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 42: By Mr Yorty—An act to amend the heading of Chapter 4 of Part 1 of Division 6 of, and to amend Sections 5500, 5501, 5502, 5503, 5504, 5508, 5509, 5511, 5512, 5514, 5517, and 5518, of, the Welfare and Institutions Code, relating to psychiatrically deviated sex offenders.

Referred to Committee on Judiciary.

Assembly Bill No. 43: By Messrs. Fleury and Moss—An act to add Section 5060 to the Penal Code, relating to the powers of the Director of Corrections, providing for a scientific study and research of the problems of sex offenders, and making an appropriation therefor.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 2
Assembly Bill No. 4
Assembly Bill No 5

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

STEWART, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 2—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 3, line 44, of the printed bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 2

On page 3, line 47, of said bill, after "-fornia", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 3

On page 4, line 1, of said bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 4

On page 5 of said bill, strike out lines 4 to 9, inclusive.

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

Assembly Bill No. 4—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 3, line 31, of the printed bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 2

On page 3, line 34, of said bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 3

On page 3, line 38, of said bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

Assembly Bill No. 5—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 3, line 39, of the printed bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 2

On page 3, line 42, of said bill, after "-fornia", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendment No. 3

On page 3, line 46, of said bill, after "California", insert "or the approval or veto of any legislation by the Governor of the State of California".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

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

Assembly Joint Resolution No. 2

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ANNOUNCEMENTS

Mr. Beck announced a Democratic breakfast meeting and caucus, to be held at 8.15 a.m., tomorrow morning, Thursday, December 15th, at the Hotel Sacramento.

Mr. Beck announced a Democratic dinner, to be held at 6.30 p.m., tomorrow evening, Thursday, December 15th, at the Hotel Sacramento.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 11.40 a.m., Mr. Waters asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Elections and Reapportionment at his desk, upon adjournment. Subject: Senate Bill No. 1.

MEMBERS EXCUSED

At 11.41 a.m., Mr. Dickey asked for, and was granted, unanimous consent that Messrs. Brady and Lincoln be excused, for the balance of the legislative day, because of legislative business elsewhere.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

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

House Resolution No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended

DICKEY, Chairman

Above reported resolution ordered on file.

REQUEST FOR UNANIMOUS CONSENT THAT PROPOSED AMENDMENTS BE PRINTED IN JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that proposed amendments to House Resolution No. 12, which was printed in the Assembly Journal for December 12, 1949, at page 43, be ordered printed in the Journal.

Reprint of House Resolution No. 12

By Messrs. Kilpatrick, Beck, Bennett, Anderson, Rosenthal, Cooke, Burkhalter, Davis, Crowley, Coats, Yorty, George D. Collins, Dills, Brown, Elliott, McMillan, Hawkins, Fletcher, Lewis, Porter, Thomas, Geddes, Doyle, Lowrey, Rumford, Meyers, and Condon:

House Resolution No. 12

Relating to requesting the Governor to extend the Proclamation for the present extraordinary session to include the subject of consideration and action on legislation involving all features of the aid to needy aged persons and aid to needy blind persons programs of the State as set forth in Article XXVII of the Constitution passed by the people at the last special election

WHEREAS, The passage of Proposition No. 2, now known as Article XXVII of the State Constitution necessitates a consideration by the Legislature of all phases of the aid to needy aged persons and aid to needy blind persons programs of the State, including methods of administering these programs; and

WHEREAS, The adoption of this new article through the passage of Proposition No. 2 will, unless the Legislature takes some remedial action before the new article becomes operative, result in many thousands of needy aged persons being deprived of assistance and thus being placed in very dire straits; and

WHEREAS, There is a need for an over-all study of these programs so that the most efficient and practicable methods of administration may be developed; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor to extend the Proclamation for the present extraordinary session to include the subject of consideration and action on legislation on all matters pertaining to aid to the needy aged and aid to the needy blind, including the administration on these programs; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Honorable Earl Warren, Governor of California.

Proposed Amendments to House Resolution No. 12

Amendment No. 1

In the measure as printed in the Assembly Journal for December 12, 1949, at page 43, in paragraph 1, line 4, after "programs", insert "to July 30, 1950".

Amendment No. 2

In the measure as printed, in paragraph 4, line 5, after "programs", insert "to July 30, 1950".

Amendments read, and ordered printed in the Journal.

RESOLUTIONS

The following resolution was offered:

By Messrs. Lewis and Hawkins:

House Resolution No. 20

Relating to requesting the Governor to supplement the Proclamation for the present extraordinary session to permit the Legislature to act pursuant to the Relief Act of 1945

WHEREAS, There now exists in this State a growing number of relief cases and unemployed persons; and

WHEREAS, There has occurred an emergency resulting from widespread hardship and destitution which necessitates immediate action for relief of such hardship and destitution; and

WHEREAS, The additional burden of relief costs thrown on the counties, together with rising costs of governmental operations has resulted in an increased tax rate of the counties; and

WHEREAS, The Relief Act of 1945 cannot become operative to meet this emergency until passage of a concurrent resolution by the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor to supplement the Proclamation for the present extraordinary session to permit the Legislature to act pursuant to Section 28 of the Relief Act of 1945; and be it further

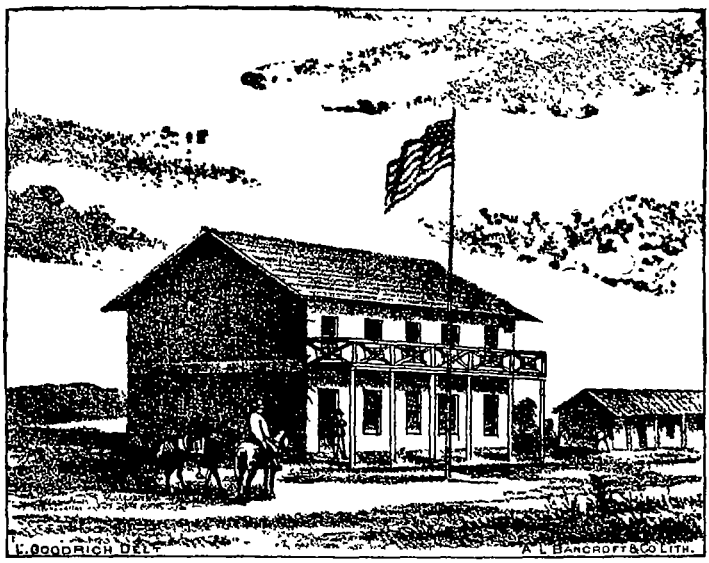
Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Honorable Earl Warren, Governor of California.

Resolution read, and ordered referred to the Committee on Rules.

THE FIRST LEGISLATURE OF CALIFORNIA

Address by Senator Herbert C. Jones Before California Historical Society San Jose, December 10, 1949

A deep sense of reverence, a sense of solemnity, a feeling akin to awe, comes over one as he stands almost on the very spot where the First Legislature of California met, and realizes that here a hundred years ago to the week the foundations were laid for California's State Government. Within a stone's throw there has been erected during the past few days a replica of the Capitol Building which housed our First Legislature. It is indeed fitting that this organization commemorates in this city and at this time, this historic event marking the commencement of our life as a State.



STATE HOUSE 1849, SAN JOSE

The story is fraught with drama unique in the history of our Nation. We elected a Governor, a Legislature and state officials; the Legislature met, passed laws and adjourned—California functioned as a state almost a whole year before it was a state. Not until September 9, 1850, were we admitted into the Union.

It is to review these events of a hundred years ago that we are assembled today. We draw aside the curtain of the past and before us pass in review the men and the events of that earlier day.

ADMIRATION FOR MEN OF THE FIRST ERA

It is said that no true history can ever be written; that the sympathies or the prejudices of the historian unconsciously affect his attitude. It is difficult for one with an absorbing love of California and an abiding admiration for those who laid the foundations of our State Government,

to be entirely objective. On the other hand, there were contemporaries—Members of the First Legislature itself—who disparaged its efforts and its personnel. Too often and too lightly this First Legislature is referred to as "The Legislature of a Thousand Drinks." One of the members of this First Senate, Thomas Jefferson Green, is responsible for this title. History records that he was fond of drinking and that after each session he invited his colleagues to "have a drink—a thousand drinks." Some five months before the convening of the Legislature he was in trouble with the miners of the Mother Lode due to filing mining claims in the names of 15 slaves along the Yuba River. However, he and his slaves departed after being visited by a deputation of miners. Bancroft says of him: "Green, the irrespressible Senator to whom everything was a huge joke, who had been elected in a frolic, had very inappropriately been placed at the head of the Finance Committee."

HISTORICAL BACKGROUND

In order to fully understand the problems of the First Legislature, and the atmosphere in which it met, it is necessary to keep in mind the historical background.

This background is admirably portrayed in Cleland's *History of California.*

In the 1840's came a series of fast-moving events. They ended a century of quiet, pastoral life devoted to cattle raising and the hide and tallow trade. They moved with the strength and swiftness of destiny. They shaped the future history of California—history in which California played not only a local part but also a part in the great national and international drama.

On February 2, 1848, the far-flung province of California, long the outpost of Spanish advance on the Pacific, passed into the hands of the United States. The story is known to all. It is not necessary to recount the forces which brought this about.

The American acquisition of the Pacific Coast was hastened by two events. First was the Mexican War, and second was the gold rush. Gold had been discovered on January 24, 1848. Pressing and vexatious problems were presented by the new population rushing in from all parts of the globe to the gold fields, and by the failure of Congress to give California even a territorial civil government.

The land acquired from Mexico had a series of rapidly changing military governors. On July 7, 1846, when the American Flag was raised at Monterey, Commodore Sloat became the first Military Governor. Before a month was out he was succeeded by Commodore Stockton, who remained Military Governor until January, 1847. He in turn was followed by General Fremont who served until March of that year. He was succeeded by General Kearny who in turn was succeeded by General Mason. Then on April 12, 1849, when Mason resigned, General Riley became the Military Governor.

More serious, however, than this rapidly changing personnel was the fact that there was no established or recognized universal law for California. In some sections the Pike County Code of Missouri was followed; in other sections the New York Code. In the southern part of

the State the old Mexican law was observed, and in the northern part the English common law was used, with the exception of the vicinity of Monterey. In some parts of the State the miner's code prevailed as the law; and in the cattle country the law of the plains governed. It was part military government, part civil government, and part no government at all. Some of the courts were Mexican, others were military seeking to enforce civil law. In some communities the alcalde assumed wide authority, and in other sections squatter sovereignty or vigilante law prevailed.

Amidst such confusion, the business man had no assurance. The banker and the merchant knew not when debts would outlaw or what was the law of commercial paper. There was no standard by which to determine the requirements for deeds and land titles. There was no competent court to enforce the law or preserve the peace. Twenty-nine thirtieths of the population were American, and contemptuous of Mexican laws and tribunals.

DEMAND FOR ESTABLISHED GOVERNMENT

Under these conditions there prevailed a widespread and increasing restlessness—a demand for established government. Some even talked of following the example of Texas and setting up an independent nation on the Pacific Coast.

General Riley, aware of this restlessness and sympathetic with the grievances of the people, moved swiftly. He had the backing, at least secret and possibly open, of President Zachary Taylor. On June 3, 1849, he issued a call for the election of delegates to draft a Constitution for the State. August 1st was fixed as the date of election. September 1st the Constitutional Convention met in Monterey, October 13th it completed its labors. On November 14th an election was held to ratify the Constitution and to elect a Governor, Legislature and state officers. The Constitution was ratified by a vote of 12,061 to 811. Peter H. Burnett was elected Governor, receiving more votes than all three of his opponents put together—6,783 as against 6,040 for his combined opponents. His opponents were John A. Sutter, W. Scott Sherwood, and William Stewart. Contemporaries record that one thing which contributed to the size of Governor Burnett's vote was the fact that he had two beautiful daughters!

FIRST LEGISLATURE CONVENES

Thus was brought into being the First California Legislature. The day appointed for convening was Saturday, December 15, 1849, and the place chosen was San Jose. That winter was an unusually wet one, with a rainfall upward of 36 inches for the season. Compare this with our present average of 14 inches. The rains began on the night of October 28th, and by the 15th of December, the roads were so muddy that not enough Legislators were able to reach San Jose by that first day. The following Monday, however, December 17th, a quorum had arrived and the Legislature officially convened.

THE SAN JOSE OF 1849

The San Jose of those days was just emerging from the quiet, drowsy pueblo of Spanish and Mexican rule. Its population was beginning to grow, there being then some 3,000 people in the town. The gold rush was turning it into a trading center. Tents and wooden shacks were springing up around the existing adobe dwellings. However, much of the pueblo flavor still prevailed. The Plaza of those days was of a general rectangular shape, extending from the present San Carlos Street north to St. John Street—from the location of this hotel (Sainte Claire) on the south to the Peralta adobe on San Augustine Street on the north. This Plaza had none of the romance with which we sometimes picture it. It was dry, sun-baked adobe in the summer, and bottomless mud in the winter. The native Californian, when he came to build his adobe house, dug the adobe from the Plaza, leaving great depressions. A resident of the time saw cattle and horses roaming the streets of the town at will.

To the east of First Street the land was then covered with the bleaching bones of cattle which had been slaughtered for their hides. The slaughtering of cattle occurred even in the Plaza. The first City Council of San Jose, in 1850 had to pass ordinances against the digging of adobe, or the skinning of cattle, in the Plaza.

Judge E. W. McKinstry, a Member of the First Assembly, who was the orator of the day at the semi-centennial celebration of the First Legislature, held in this city in December, 1899, thus describes the San Jose of 100 years ago:

> "The first State House of California, a two story adobe building with a wooden piazza running along its front, stood on the side of the Plaza. On one end (to the north) was the church (St. Joseph's).
>
> "When the Legislature met in 1849, the Mexican town extended for a little space beyond the church. Nearly all the houses were made of adobe, with tiled roofs, and of but one story in elevation. There were *tiendas* offering for sale their variety of dry goods and groceries consumed by the natives; and *fondas,* which the ambitious American "hotels" had not yet driven out of business. At a prominent corner was the *panaderia,* exhibiting the tempting loaves of the country; and a very important industry to people who spent much of their time on horseback was that of the *sillero,* or saddler. I am sorry to add the *carcel* occupied a convenient place. I do not apologize for using Spanish words of the Mexican-Californian dialect, because before the winter was over these and many other terms had become thoroughly Americanized."

THE CAPITOL BUILDING

During the convention in Monterey a committee of San Jose citizens headed by Charles White and James F. Reed had persuaded the convention to name San Jose as the state capital. This committee had promised a suitable building by the fifteenth of December. This was indeed a rash promise, when it is considered that San Jose at that time had no building adequate for the purpose. However, there stood on the

east side of the market square a large adobe structure erected in 1849 by Sainsevain and Rochon, intended by them for a hotel. If it were standing today it would be just across Market Street to the east from the site of the replica recently constructed. Since this edifice was the most suitable one the town could use for a state house, the town council proposed to rent it for the Legislature. However, the rental price asked, namely $4,000 per month, was so exorbitant that it was deemed best to purchase the building outright.

Here the owners declared themselves unwilling to take the town authorities as security. Happily, some of the leading citizens of San Jose, rather than see the "pristine glories attendant on the presence of the Legislature in San Jose glide from them" with public-spirited generosity, came forward to save the honor of the town, and 19 of them executed a note for the price asked, namely, $34,000, with interest at the rate of 8 percent per month!

The building was a two-story structure of adobe, 60 feet in length by 40 feet in width, with a piazza in front. The upper floor was not partitioned but consisted of one room with a high ceiling. This was occupied by the Assembly.

The lower portion, intended for the Senate, was divided into four rooms. The largest one, 40 feet by 20 feet, was fitted up for the Senate Chamber. The other rooms were used by the Secretary of State and various committees. As this lower portion of the building was not ready when the Legislature met, the Senate held its sessions for a short period in the home of Isaac Branham, located at the southwest corner of the market square, where the municipal auditorium now stands.

A visitor of that day who looked in upon the sessions of the Senate and the Assembly, thus further described the building and furnishings:

> "The Senate room is ill-lighted, badly ventilated with a low ceiling; and rough railing a little inside the door, beyond which none but members and officials could pass. Every member has a rush-bottomed armchair and a small desk with stationery. At the farther end the Speaker is perched in a species of pulpit. The floor is covered with a number of little carpets of various shapes and patterns, looking as if every member has contributed a piece to make up the robe which had quite a mosaic appearance. An impression of antiquity is produced by the threadbare state of the floor covering. The upper floor occupied by the Assembly has the advantage of greater loftiness and exhibits at once the difference of grade between the two bodies in the style of furniture. Here plain common chairs, flat deal tables, and a strip of matting are the extent of the accommodation.
>
> "The legislature meets about 10:00 in the morning and is let out for dinner at 1:00, when the members come out with a rush.
>
> "It is unnecessary to add that smoking, chewing and whittling do not constitute an infraction of the rules of either house."

The building was destroyed by fire on April 29, 1853. The loss was stated to be $5,000—contrasted with the $34,000 which the committee of San Jose citizens paid for it!

HOTEL ACCOMMODATIONS

The problem of providing suitable living accommodations for the members proved as difficult as providing an adequate meeting place. Most of the lawmakers crowded into the City Hotel. This was a frame building which stood on the west side of First Street about where the Victory Theatre now stands. With the shortage of accommodations, beds were laid down at night in the dining room. A few weeks later, however, another hotel was completed, known as the Mansion House. This stood on the opposite side of First Street, just north of the present Commercial Building.

Members also obtained board and room in private homes. One of these homes was that of "Grandma" Bascom. She arrived in San Jose on December 10, 1849, by boat from San Francisco to Alviso and thence by the Pioneer Stage "through fearful mud and pouring rain." The home of Dr. and "Grandma" Bascom was at the corner of Second and San Fernando Streets. In an account of her life published in the *Overland Monthly* of May, 1887, she describes the opening of private homes to accommodate legislators:

> "Everybody had to be hospitable. The Legislature was in session and the town was more than full The first thing I knew I had thirteen boarders—senators, assemblymen, ministers and teachers. No one who came would go away. * * * They all said they would help in all sorts of ways. Mr. Leake (Charles A. Leake, enrolling clerk in the Legislature) was a wonderful hand to make battercakes. We got up a reputation for battercakes, and our house was dubbed "Slapjack Hall". Mr. Bradford (J. S. Bradford, assemblyman from Sonoma) could brew coffee to perfection * * *.
>
> She speaks of two senators who always brought the water from a well. "I used to think they liked the job because there was a pretty girl in the house where they got the water."
>
> She said several families got their water from the same well which was a hole in the ground about 10 feet deep, with no curb around it."

Each lawmaker received $16 a day during the session together with $16 for every 20 miles in travelling to and from the capital. This mileage of 80 cents per mile contrasts with the present rate of 5 cents per mile, and illustrates the expense of travelling by stage in those early days.

The cost of food was high in 1849, so it can well be realized that the legislators were not able to save anything out of their per diem. Meat was 75 cents a pound, butter $1 a pound, eggs $3 a dozen, milk $1 a quart. Meals at hotels cost $2 each, while boiled eggs for breakfast cost 50 cents apiece.

The crowded and uncomfortable conditions early gave rise among the legislative members to a demand to move the capital, an agitation which the citizens of San Jose temporarily allayed by giving a grand ball in honor of the Legislature!

A LEGISLATURE OF YOUNG MEN

Now that we have a picture of the pueblo of those days, the Capitol Building, and the hotel accommodations, let us consider the members. When we recall that the lure of gold which brought the rush of immigrants from the east had begun only the year before, we can understand that the men of the First Legislature were recent comers to the State. In this respect they resembled the members of the Constitutional Convention which had met three months before in Monterey, a majority of whom had resided in the State less than two years. Their outlook was optimistic. They had little training in law-making, but were imbued with courage and confidence. They afford a magnificent illustration of the capacity of the American people for self-government.

The Senate consisted of 16 members, and the Assembly of 36. The representation of the various portions of the State in the Senate (there were as yet no counties) was as follows:

Sacramento	4
San Joaquin	4
San Francisco	2
Monterey	1
San Jose	1
Sonoma	1
San Diego and Los Angeles	2
Santa Barbara and San Luis Obispo	1

The Assembly representation was as follows:

Sacramento	9
San Joaquin	9
San Francisco	5
San Jose	3
Monterey	2
Santa Barbara	2
Los Angeles	2
Sonoma	2
Others	2

ANTISLAVERY BACKGROUNDS

The question of slavery in California had been settled a few months earlier by the Constitutional Convention which had forever barred it in this State. However, the issue of slavery was already beginning to divide the Nation and there were repercussions of this in the First Legislature of California. It came up in the question of whether free Negroes should be admitted to California and also in the election of United States Senators In order to throw light on this issue, the segregation of those who came from northern states and from southern states is revealing After certain early changes in the personnel of the Legislature due chiefly to the appointment of some of the members as state officials, the final list of the members, as set forth by Goodwin in his "*Establishment of State Government in California*," and the states from which they came was as follows:

Senate

San Diego	E. Kirby Chamberlain	Conn.
Los Angeles	Alexander W. Hoppe	Va.
Santa Barbara and San Luis Obispo	Pablo de la Guerra	Cal.
Monterey	S. E. Woodworth (son of author of "Old Oaken Bucket")	N. Y.
San Jose	W. R. Bassham	Tenn.
San Francisco	David C. Broderick	N. Y.
	E. Heydenfeldt	S. C.
Sonoma	Mariano G. Vallejo	Cal.
Sacramento	John Bidwell	N. Y.
	E. O. Crosby	N. Y.
	Henry E. Robinson	Conn.
	Thomas J. Green	N. C.
San Joaquin	David F. Douglass	Tenn.
	Benjamin S. Lippincott	N. Y.
	W. D. Fair	Va.
	Thomas A. Vermeule	N. J.

As finally organized there were nine northerners, five southerners and two native Californians.

Assembly

San Diego	Oliver S. Witherby	Ohio
San Luis Obispo	Henry A. Tefft	Wis.
Los Angeles	Alexander P. Crittenden	Ky.
	Montgomery Martin	Unknown
Santa Barbara	John Scott	Scotland
	J. M. Covarrubias	France
Monterey	T. R. Per Lee	N. Y.
	J. S. Gray	Pa.
Sonoma	J. E. Brackett	N. Y
	John S. Bradford	Ill.
San Jose	Joseph Aram	N. Y.
	Benjamin Cory	Ohio
	Elam Brown	N. Y.
San Francisco	Edmund Randolph	Va.
	Alexander Patterson	N. Y.
	Levi Stowell	probably Washington, D. C.
	Samuel J. Clarke	probably N. Y.
	Alfred Wheeler	probably N. Y.
Sacramento	H. C Cardwell	Vt.
	John T. Hughes	Ky.
	E. W. McKinstry	Mich.
	John Bigler	Pa.
	George B. Tingley	Ohio
	Madison Walthall	Va.
	John F. Williams	N. Y.
	William G. Deal	Pa.
	Thomas J. Henley	Ind.

San Joaquin	John Cave	Ky.
	Richard W. Heath	Md.
	Drury P. Baldwin	Ala.
	C. M. Creamer	Pa (long a resident of La.)
	Benjamin F. Moore	Fla.
	Isaac S. K. Ogier	S. C.
	James C. Morehead	Ky.
	W. M. Shepherd	Unknown
	E. B. Bateman	Mo.

Of the First Assembly, 19 were northerners, 10 were southerners, four were not positively known, and two were of foreign birth. Of the group, one-half the members came from the mining districts of Sacramento and San Joaquin.

ORGANIZATION

Such were the men of the First Legislature. Let us now see what were their tasks and how they met them.

Although December 15th was the date designated for the convening of the Legislature, a quorum was not then present, and it was not until two days later, Monday, December 17th, that the Legislature organized and elected its officers. Two days later it passed a resolution asking the General Postmaster Agent for California to establish a daily mail from San Francisco to San Jose. On the following day, the twentieth, the Governor was sworn in before Judge Kimball H. Dimmick of the local district court. After Governor Burnett had delivered his inaugural address, the Legislature proceeded with the election of two United States Senators. The two chosen were John C. Fremont and William Gwin. On December 22d the Legislature in Joint Session elected the following state officers:

Treasurer	Richard Roman
Controller	John A. Houston
Attorney General	E. J. C. Kewen
Surveyor General	Charles J. Whitney
Chief Justice	S. C. Hastings
Associate Justice	Henry A. Lyons
Associate Justice	Nathaniel Bennett

That same day it appointed the following committees:

Finance	Engrossed Bills
Judiciary	State Library
Militia	Printing
Counties	Public Buildings
Privileges	Commerce

At the very beginning of the session the Legislature was confronted with the legal question of whether it had a right to proceed until the State was admitted into the Union. With the self-reliance that characterized the pioneers, both Governor Burnett and the Legislature made short shrift of this question. They decided that they had the right to proceed, and so they did proceed!

SETTING UP STATE GOVERNMENT

They had to "start from scratch." They had to set up an entirely new State Government. They had to specify the duties of the various state officers. They had to set up a system of courts. They had to enact codes and statutes defining the rights of persons and of property, and defining crimes. They had to enact codes establishing the procedure in civil and criminal courts. They had to deal with the conflict between the mining interest on the one hand, and the agricultural and commercial interests on the other. They had to provide aid for immigrant roads. They had to defend the State's borders from Indian attacks.

How did the new Legislature meet the problems which confronted it?

To finance the State Government was a rather embarrassing problem. The State Government went into operation in December of 1849 without funds to pay even its ordinary expenses or to buy so much as a package of paper or a bottle of ink. It had no credit, and calls for bids for its bonds at first received no response.

TAXATION

The issue of taxation was troublesome, involving numerous conflicts between the mining and nonmining sections of the State. The miners objected to any severance tax on gold. In passing, it may be said that their political influence was such that the State has never collected any revenue by way of a severance tax on this great natural asset. About the only direct revenue ever obtained from gold was through the collection, in later years, of a license on miners, aimed primarily at the Chinese. The Legislature, during this first session, enacted a system of taxation on real and personal property, but exempted churches, libraries, benevolent and charitable institutions, colleges and manual labor schools. This however, failed to please the southern part of the State as that section soon complained that with a population of 6,000 people its property tax amounted to $42,000 a year, while the mining districts with 20 times as much population paid only one-half as much in property taxes.

The Legislature also authorized the sale of a $1,000,000 20-year bond issue.

These appropriations of the First Legislature reflect an unexampled optimism of its members and the fact that they were, for the most part, young men with courage and high vision.

THE ENGLISH COMMON LAW

The First Legislature adopted as the basic law of the State the common law of England, instead of the civil law derived from Roman-French-Mexican background. They appreciated the essence of the common law of England with its emphasis on the rights of the individual, as contrasted with the Roman law which emphasizes the right of the State, and its doctrine that "the will of the Prince is the highest law."

The Legislature provided for the admission of free negroes into California. This was over the strong opposition of the miners, who feared that slaves would be brought into California, freed by their masters but in reality used as peons who, at beggarly wages, would be used to work the mining claims of their former masters

Although the Constitution of the State provided that slavery was prohibited, California (after Fremont's brief term expired) sent back to Washington Senators of proslavery sympathies—Gwin and Weller—feeling that to send strong antislavery Senators would so arouse southern hostility in Congress as to prevent California's admission into the Union. Thus we have an early example of compromise in an effort to achieve a desired end.

THE PERMANENT CAPITAL

The subject of the permanent location of the State Government early occupied the attention of the First Legislature. The inferior accommodations which had been provided by the people of San Jose, as well as its then unsatisfactory geographical position, created a strong desire on the part of the members and a great number of the people of the State for a change. Various proposals were made by a number of cities, some of them nonexistent. The proposition of General Vallejo, however, was the most munificent. He proposed to lay out a city upon the Straits of Carquinez, to grant the State 156 acres of land, and to donate $370,000 for the erection of public buildings. On April 22, 1850, the Legislature passed, and the Governor approved, an act to submit to the people at the following general election the various proposals which had been made for the location of the capital. At the general state election held on October 7, 1850, the people voted for the propositions with the following results:

Vallejo	7,477	Gilroy	71
San Jose	1,292	Benicia	70
James F. Reed proposition	651	San Francisco	25
Monterey	399	San Diego	14
Eureka	301	Yuba City	14
Sacramento	160	Hamilton	10
Downieville	150	Stockton	6
Nevada City	82	Santa Cruz	2

The capital was moved from place to place for the next few years —Vallejo, San Jose, Sacramento, Benicia—until it was finally and definitely located in Sacramento in 1854.

Another of the troublesome problems of the First Legislature was the division of the State into counties. The bill for this purpose first provided for 18 counties. Many local areas objected to being included in other counties and wished to be set up as counties of their own. For example, Santa Cruz protested against being incorporated into Monterey County. Finally, the Legislature increased the number to 25 counties, changing certain names at the same time. Oro was changed to Tuolumne, Benicia to Solano, Fremont to Yolo, and Reading to Shasta. The name of Santa Cruz County was permanently fixed as Santa Cruz instead of Branciforte.

One of the outstanding works of the First Legislature was the report of a Special Committee of which General Vallejo was the chairman, giving the derivation of the names of the counties of California, and in many instances the history of their occupation and development. This report is looked upon by historians as a source of invaluable information.

VERDICT OF HISTORY

The First Legislature adjourned on April 22, 1850, having been in session a little more than four months. It had passed 146 acts, which were signed by the Governor, and 19 joint resolutions. Much of its work has endured to this day. The basic structure of county governments and for incorporation of cities has continued to the present.

Many of its members for the next half century exerted a potent influence upon the history of the State. While David C. Broderick met an early and tragic death in his historic duel with Terry, other Members of the Legislature were active in public life for 50 years. They include General Vallejo, Judge McKinstry, Dr. Benjamin Cory of this city, and General Bidwell who was a candidate for the Presidency of the United States upon the Prohibition ticket.

After 100 years we may now call upon history to render its verdict upon the first session.

Governor Burnett, in his "*Memoirs*," states:

> "The first session of our legislature was one of the best we have ever had. The members were honest, indefatigable workers. The long-continued rainy season and the want of facilities for dispatching business were great obstacles in their way. Besides they had to begin at the beginning and create an entirely new code of statute law, with but few authorities to consult. Under the circumstances, their labors were most creditable."

Judge E. W. McKinstry, a Member of the First Legislature, in his address in this city in 1899 before mentioned, stated:

> "The pioneer legislature passed four-fifths of all the general laws now on the statute books * * * I have yet to learn that it was ever charged that any measure was carried by corrupt or sinister influences."

Professor Rockwell D. Hunt, formerly head of the Department of History at the University of Southern California and now head of the Historical Foundation at the College of the Pacific, is an admirer of some of the men of this first session, and has written of their character and achievements, including particularly Vallejo and Bidwell.

Goodwin, in his volume "*The Establishment of State Government in California*," summarizes the work of the Legislature in these words.

> "The number and character of these (laws enacted) in themselves afford adequate testimony to the high ability, sincere earnestness and faithful industry of the members of California's first legislature."

Hittell, in his "*History of California*," says:

> "In the slang phrase of the day the legislature of 1850 was called "The Legislature of a Thousand Drinks". Whatever truth there may have been in the designation, it is certain that no legislature has ever sat in the State that did more work, more important work, or better work. If anything is to be said about the drinking of such a body it ought to be something similar to

the answer attributed to Lincoln about Grant. When complaint was made that Grant drank too much whiskey Lincoln replied that he would like to get the brand of that whiskey to give to his other generals."

Scherer, author of the "*Thirty-First Star*," aptly summarizes the whole picture of drinking in the first Legislature:

"Even with the inducement of free liquor always on tap, the drinking was not general. The little coterie that Green gathered about him had no influence upon the working members. Well would it have been for California had every succeeding legislature been as honest and as efficient as this pioneer body."

THE INTERVENING CENTURY

That was a hundred years ago. In the intervening century there have been 57 sessions. The historian records that some of these sessions reached a low ebb, that others reached high marks of accomplishment. During this period there have been two great popular upheavals. One led to the new Constitution of 1879; the other to the inauguration of a period of reform under Governor Hiram Johnson. But whatever the record of the intervening Legislatures, they have been but a true cross-section of public opinion. When public opinion was indifferent, lax and callous, it was reflected in the Legislature. When public opinion became aroused and demanded reform, it likewise was reflected in the Legislature.

Today burdens undreamed of 100 years ago have been placed upon our State Government. We have advanced in population to the second place in the Union. We have taken on nearly 4,000,000 new population in the last 10 years. Reliable forecasts indicate that we will probably take on another 4,000,000 in the next 10 years. We have in California today 4,540,000 registered motor vehicles. Vast new industries have been established in the State.

This growth has placed great burdens upon the State. We have today over 60,000 students in junior colleges; 41,000 on the campuses of the University of California; 24,000 in state colleges—a total of 125,000. We have over 1,600,000 pupils in our public schools. These place a vast responsibility and cost upon the State for education.

We have over 50,000 wards in our mental hospitals and correctional institutions—in quarters which were designed for less than half that number.

To meet these responsibilities, and under the pressure of public opinion, let us see how the State's expenditures have increased, for easy comparison taking only every tenth year:

1850	$348,165	1910	$18,753,720
1860	1,165,718	1920	36,125,456
1870	3,814,037	1930	114,168,650
1880	4,019,657	1940	282,749,168
1890	7,946,616	1950	1,079,028,788
1900	9,229,322		

The Legislature has been responsive to public opinion. Nevertheless there is a popular tendency to disparage the Legislature. We make a

fetish of our courts, yet we ridicule our legislators. When people belittle the Legislature they reflect upon themselves, since the Legislature is simply the voice of the public.

THE PRICE OF GOOD GOVERNMENT

Often is heard the advice "keep out of politics." There is no more insidious or dangerous advice. If the good citizens keep out of politics, who gets in? Public affairs have to be run by someone. If it is not done by civic-minded citizens, then it will be by selfish interests. If the citizens do not run our government, political bosses or dictators will do it for us. May the day again come when the term "politician" shall regain its original meaning of one versed in the science of government. Well will it be for the State when "politician" is again a term of respect, a symbol of an ordinary citizen's interest in his government, a life-long opportunity of important service—in short a title to which a young man may aspire.

Too often the citizen says he is "too busy for politics." No man is too busy for politics! It simply means that he cares more for something else—golf, travel, business or profit.

There is a great deal of talk today about lobbyists and pressure groups. There is talk about danger to our country from dictators abroad. It is true that pressure groups are potent in gaining their ends. It is true that lobbyists gain special privileges for their clients. It is true that authoritarianism in government prevails in large areas of the world.

These, however, are not the real threat to our State. The real danger lies in the failure of otherwise good citizens to appreciate what they enjoy under representative government. The real danger is not ideologies or attack from without—it is the surrender of our institutions by the indifference and inaction of Americans themselves.

There is no royal road to good government. There is no panacea that will of itself cure the ills of democracy. Almost any form of government will work well if there is a high degree of alertness on the part of the citizen, and no form will work if the citizen is apathetic. Two things are necessary on the part of the voter, if representative government is to function—an educated intelligence and an unceasing interest. We have to look to our schools to provide the first. We can only look to the individual himself to provide the second.

The price of good government, like the price of liberty, is eternal vigilance.

THE LEGISLATURE, THE PEOPLE'S SAFEGUARD

This year we celebrate the completion of a century of constitutional government in California. It is an opportunity to observe the strengths and weaknesses of popular government. The world has tried many forms of government—monarchy (government by one man); aristocracy (government by the few); plutocracy (government by the wealthy). They all are subject to the same human weakness—they who have authority use it. Representative government is the only form which safeguards the liberties of the people. The key to representative government—the key by which it works—is the legislative assembly. So today, if we would honor the First Legislature, the best way is to safeguard and strengthen this institution of representative government.

The liberties which we enjoy today, this government by our own chosen representatives, have been won at a great price. They were wrested by free men from King John at Runnymede; they were won at Lexington and Concord; they were preserved at Shiloh and Gettysburg, at the Argonne and Chateau-Thierry, at Iwo Jima and Tarawa.

Today we Californians glory in our past and look with pride toward the future. We today pause to revere the memory of the men who 100 years ago laid the foundations of our State Government. We can do them no better reverence than to dedicate ourselves to the preservation of our liberties with the same patriotism as the signers of the Declaration of Independence who, to achieve these liberties, resolved that

> "We mutually pledge to each
> other our lives, our fortunes
> and our sacred honor."

PARTIAL REPORT OF ASSEMBLY INTERIM COMMITTEE ON CRIME AND CORRECTIONS

LETTER OF TRANSMITTAL

December 12, 1949

To the Speaker and Members of the Assembly

GENTLEMEN: On behalf of this committee, recreated by House Resolution No. 243 of the 1949 Regular Session, we have the pleasure of submitting the following information and suggestions concerning the problem of sex psychopaths. This program has been a principal subject of study by this committee during the past year. Hearings concerning the question of legislation dealing with sex psychopaths were held by this committee approximately a year ago, and, as a result, legislation was enacted (Assembly Bill No. 2219, Chapter 1457, Statutes of 1949) encouraging individuals who have a sexual pathology to seek voluntary commitment and treatment.

Your committee calls attention to this measure merely as a step in the right direction. It was framed and enacted despite considerable opposition from many quarters. The uninformed reaction engendered by a particularly vicious sex crime in Los Angeles is to be deplored. At the same time it may be bent to the public good, for it has focused attention on a problem in which this committee heretofore has found difficulty in enlisting public interest.

Your committee's view is that its fundamental purpose is to offer studies, suggestions, and recommendations for this Body's information. All of the committee's past studies and reports reaffirm the views herewith submitted.

It is the committee's firm contention that legislation dealing with sex crimes deserves immediate attention. At the same time, the committee warns that all of the best authorities in the field agree the problem is involved and confused, and that much serious thought by this Body must be given to the subject if sound legislation is to be enacted. Such legislation as we are proposing is expansion of civil procedure, and in the realm of prevention, leaving the criminal phase to others.

The following report offers concrete suggestions for dealing with the problem. It also offers, in highly condensed form, the general information on this subject which has come from the committee's intensive investigation of this problem.

Respectfully submitted,

VERNON KILPATRICK
MONTIVEL A BURKE
KATHRYN T. NIEHOUSE
HARLAN HAGEN
CHARLES W. MEYERS

Partial Report of Assembly Interim Committee on Crime and Corrections

THE PROBLEM OF THE SEXUAL PSYCHOPATH

From the Psychiatrist's Viewpoint

A Los Angeles newspaper on December 7th offered two stories, side by side, which graphically illustrate the problem at hand. One of the stories dealt with the testimony of psychiatrists testifying before this Body's Judiciary Committee. The substance was that the recognition and treatment of "problem children" is the ultimate solution. This would require a program of research work and training of needed personnel—psychiatrists, psychologists, criminologists, and social workers. The psychiatrists suggested $500,000 as a starter for the program.

They also recommended that every convicted sex offender be examined by a psychiatrist, psychologist, or criminologist so that the person might be classified for treatment and correction.

From the Law Enforcement Officer's Viewpoint

The other story, which bore a Sacramento dateline and dealt with a conference of law enforcement officers called by the Governor, recommended stiffer penalties for sex offenders. They recommended the death penalty for child sex killings, urged tightening and enforcement of the law requiring persons convicted of sex crimes to register with police and sheriffs, suggested increase of maximum penalty for conviction, asked for fingerprinting of all school teachers, and otherwise stiffer legislation and more punishment.

The Committee's Recommendations

Your committee recommends the general viewpoint of the medical authorities as opposed to that of the prosecutors and law enforcement officers The psychiatrists, criminologists, and other students of sexual pathology appear correct in their view that most sex crimes spring from mental disease, and that mental disease is no more corrected by punishment than is smallpox.

THE QUESTION OF INSANITY

This causes the committee to suggest serious study be made of the basic conflict between law and medicine over the question of insanity.

What, for instance, is a sexual psychopath? Is he sane or is he insane?

The Legal Concept

Present laws dealing with insanity are based, in California and most other states, on the capacity to distinguish between right and wrong.

This concept of insanity is more than one hundred years old. It was formulated in the courts of England long before the present schools of psychiatry and psychology were born In the view of medical experts, the ability to distinguish between right and wrong is a meaningless concept

The Medical Concept

The medical authorities have won over the old legal concept of insanity in a number of states—of which California is not one—in that the general principle of "irresistible impulse" has replaced the concept of "insanity." This replacement, of course, inevitably leads to the principle of commitment and treatment replacing punishment. The medical authorities point out that revenge against the sex offender has never corrected a sex problem, whereas medical treatment frequently has.

At this point the committee chairman asks indulgence to quote a statement recently given to *Fortnight,* a local magazine. (Headings ours)

EXCERPT FROM "FORTNIGHT"

"We put laws on the books at the last session of the Legislature, which should help materially. But the problem of the sex psychopath isn't going to be solved by anyone's running around with a copy of the Penal Code in his hand."

Suggested Legislation

"Prior to the last session at Sacramento, our committee studied the need for such legislation exhaustively. We held hearings and sought advice from the best authorities in the field—judges, prosecutors, psychiatrists, criminologists, and probation officers

"After so doing, we drafted tentative legislation—which we submitted to all the district attorneys in the State, to numerous judges and to welfare organizations."

Reaction to the Program

"We wanted advice and constructive criticism. What we got was apathy for the most part, and active opposition from some quarters to our efforts to bring handling of this problem in line with modern scientific knowledge.

"Few district attorneys offered any constructive suggestions, and most of them seemed to deplore the idea that treatment might be more advisable than punishment."

Treatment vs. Punishment

"Of course the first duty is the protection of society from persons with abnormal sexual tendencies. After that comes treatment. Psychiatrists and medical men generally believe in treatment, whereas most of our judges and prosecutors believe in punishment —and until the two groups have a meeting of minds the problem of the sex psychopath will remain socially acute."

Public Reaction to Recent Sex Crimes

"We are now in the midst of * * * excitement over the Glucoft case, which is bound to retard rather than promote a solution to the problem. It seems to me that the newspapers of the community and many of our public officials are at this moment riding the * * *

bandwagon for all it is worth. It is a dismaying spectacle to see all this uniformed clamor to "crack down" on sex psychopaths today —whereas a very few months ago almost nobody seemed interested, although the problem was essentially just as serious."

The Question of Parole

"The Los Angeles City Council has passed an angry resolution demanding state laws to make convicted sex criminals ineligible for parole.

"The granting of parole in such cases obviously is a problem for skilled medical men to decide—not city councilmen. We have fine medical schools where we train doctors to handle such problems. But at the moment there seems to be a desire to discard the doctors in favor of the soap box."

The Adult Authority

"We note, too, that the Adult Authority of the State has seemingly fallen in line * * * announcing it wants higher penalties for sex offenders. This is a direct refutation of its claim that its philosophy is up to date and in line with the rehabilitative techniques advocated by all accepted authorities in the field of penology and criminology.

"We have yet to find any eminent authorities that don't believe in commitment and treatment of sexual psychopaths in place of punishment. In line with the views of so many of our prosecutors and even of our judges, we have been punishing such cases for centuries. These views have held sway for centuries, but the problem of the sexual psychopath is still with us. Such views can only lead to bigger prisons and more taxes."

"SEXUAL PSYCHOPATH" DEFINED

Before proceeding further perhaps we should define what we mean by the term sexual psychopath. A legislative committee of the State of New Hampshire has given as enlightened a definition of this much-abused term as this committee has heard. It reads:

"Any person suffering from such conditions of emotional instability or impulsiveness of behavior, or lack of customary standards of good judgement, or failure to appreciate the consequence of his acts, or a combination of any such conditions, as to render such person irresponsible with respect to sexual matters, and thereby dangerous to himself or to other persons."

INADEQUATE FACILITIES FOR REHABILITATION OF SEX OFFENDERS

Your committee wishes to point out once again that the State's mental institutions and prisons are so hopelessly overcrowded that even such elementary regulations as segregation of sex offenders are impossible. The Legislature in 1946 appropriated more than $9,000,000 for a new institution for the criminally insane at Atascadero. No building has yet been erected and it appears unlikely that the institution will be in operation in less than two or three years Because the State lacks institutions, sex offenders by the hundreds are merely sentenced to prison—for a term of years, without treatment—and then turned back into

society. Those who do find their way into institutions frequently get little or no treatment, because facilities and staff are inadequate—and likewise are released back to society. With these views in mind your committee makes the following suggestions:

OBSERVATION AND TREATMENT OF THE POTENTIAL OFFENDER

It is obvious to all competent authorities that much more should be done to spot potential sex offenders and treat them before they are dangerous. This means observation and treatment of "problem children." We need far more psychiatric observation in our schools, the authorities agree. Probation departments, the judges, youth clubs, and the courts all need more services of trained medical men so that science will replace fear and revenge as a means of dealing with this problem.

THE NEED FOR PSYCHIATRIC SERVICES IN OUR SCHOOLS

In Los Angeles the school system is considered an excellent one, yet it has almost no services of this sort. The total school board outlay for psychiatric service is one full-time psychiatrist and some part-time services, totaling only 220 hours a month. The board has only two full-time psychologists, and some other psychological service which is not regular. This is all that is provided for an elementary school population that amounted to 260,000 last year. It is generally agreed by competent authorities that psychiatric and psychological clinic service for school children should be an established part of the school system.

COMMITTEE RECOMMENDATIONS RELATIVE TO LEGISLATION

A measure was passed at the last session of the Legislature redefining the Penal Code definition of insanity. The Governor failed to sign it. Such a change is badly needed. But the committee questions the wording of the legislation.

Redefinition of the Term "Insanity"

As passed by the Legislature it, in essence, defines insanity as lack of mental responsibility at the time an offense is committed. Lack of mental responsibility, it reads, involves not only inability to distinguish right from wrong but also inability to adhere to the right. It states that such a condition may result from "mental defect, disease, or derangement * * * those irrational states of mind which are the result of deterioration, destruction, or malfunction of the mental, as distinguished from moral, faculties.

The measure concluded, however, by saying that "a mere defect of character, will power, or behavior, as manifested by one or more offenses or otherwise, does not necessarily indicate insanity, even though it may demonstrate a diminution or impairment in ability to adhere to the right in respect to the act charged."

Your committee wonders if the latter and final wording of the measure does not negate the effectiveness of the main body of the measure. In other words, the committee wonders if a "defect of character, will power, or behavior," is not identical with "lack of mental responsibility" and inability "to adhere to the right."

Prevention—A New Approach to the Problem

As a result of its extended study of this problem, the committee suggests that the following points should be kept in mind in the framing of the legislation.

Voluntary Treatment

1. The Legislature in its last session approved Assembly Bill No. 2219 (Chapter 1457, Statutes of 1949), which permits voluntary commitment and treatment of sex psychopaths. The law states that a petition for commitment can be filed only by the person himself or by his parents, spouse, or children. This procedure might be broadened by including the district attorneys and citizens who have reason to believe that an individual requires hospitalization. There is some danger in the broadening of this law because it might involve attacks upon the character of individuals, but we believe that as long as the written consent of the person is preserved the objection is unimportant.

Facilities for Segregation

2. More institutions are badly needed so that sex psychopaths may be committed and treated. Such institutions ordinarily are in the province of the State Department of Mental Hygiene. This department has impressive long-range plans for facilities, but it would seem that more immediate action could be taken Almost all authorities, including officials of the Mental Hygiene Department, agree that existing institutions inadequately segregate sex offenders It would seem that a temporary facility might be created which would help the segregation not only in mental hospitals, but also in state prisons. Our prison authorities agree that they, too, are unable to handle the problem of segregation.

Program of Research and Personnel Training in Sex Pathology

3. The State might well subsidize a program of training to encourage more persons to enter the state institutional fields of psychiatry, psychology, criminology, and social work. One eminent psychiatrist testified in Los Angeles that he would much prefer to see $500,000 spent on a program of research and personnel training in the field of sex pathology than on a new $10,000,000 state institution for incarcerating sex offenders.

Punishment for Offenders

4 Your committee has been unable to find any competent authorities who believe that either castration or the death penalty for sex offenders against small girls is any solution to the problem. They view such penalties as social vengeance against a specific individual, but totally without deterrent effect upon others. They are in agreement that the majority of such offenders are deteriorated old men, many of whom cannot be cured or even improved and consequently should be locked up.

Registration of Offenders

5 Your committee has been unable to locate any scientific opinion that registration of sex offenders, no matter how diligently it is enforced, is of primary importance. It calls attention to the fact, furthermore, that some persons with a sexual pathology are treated and cured. It seems

proper that where such treatment can be scientifically attested as effective, the person involved should not have such a registration against his name in public records.

Means of Discovering Sex Psychopaths

6. In framing legislation it should be borne in mind that there is substantial psychiatric opinion to the effect that harmful and dangerous sex psychopaths can be discovered through batteries of psychiatric tests and psychological probing. This opinion seems important in view of the suggestion frequently made that all cases involving a sex pathology should be "locked up."

COMMUNICATIONS RELATING TO THE PROBLEM

Your committee calls your special attention to the following communications. They were solicited by the committee from persons prominent in the field and, as far as your committee knows, embody the very best thought on the complicated subject with which we have to deal. (Headings and italics ours.)

COMMUNICATION FROM JUSTIN K. FULLER, M.D., MEDICAL CONSULTANT TO DEPARTMENT OF CORRECTIONS

Mentally Abnormal Sex Offenders

* * * * * * *

One of the most significant conclusions of the recent Governor's Conference on Mental Health is the agreement by the experts in attendance that most recidivistic offenders are mentally abnormal. A mentally abnormal person cannot be entirely responsible for his actions. Instead of relieving a community of its responsibility for the offenders in its midst, this fact adds to the responsibilities of the community—indeed, it adds new meaning to the philosophy expressed in the words, "I am my brother's keeper," which here would make the strong, normal person responsible for the interests, welfare, and actions of his weaker and more irresponsible brother.

Causes of Abnormality

Sexual offenders are mentally abnormal either because they inherited certain abnormal characteristics, or because their environments imposed upon them certain abnormal habits, or because of a combination of both of these factors. In other words, they were either born abnormal or became abnormal because of the stresses to which they were subjected by their environments Obviously, a person who is born with abnormal mental tendencies or weaknesses will be more easily influenced into unacceptable behavior by bad training, bad companions, bad literature, bad movies, bad radio programs, and countless other environmental factors, than a person who is born with a more emotionally stable and upright temperament.

It is quite apparent that an infant, a child, a youth, an adult, are subjected to innumerable and widely divergent impacts, a great number of which may be harmful to his personality and influence him into unacceptable action. As noted above, the person with the most stable temperament and the best environmental exposure, will be least likely to indulge in unacceptable conduct.

Theoretical Answers to Reduction of Offenses

It is not difficult to find many theoretical answers to the problem of reducing the incidence of sexual offenses Practically, however, no universally satisfactory answer has been discovered, and the rate of sexual offenses remains essentially unchanged, and the degree of sexual misbehavior—indulgence in abnormal or unacceptable sexual behavior not necessarily with apprehension and criminal prosecution—seems, if anything, to be on the increase It must be remembered that the modern way of life seems to place a premium on the survival of the unfit and therefore encourages both hereditary and environmental factors of an undesirable nature.

The Lack of Scientific Knowledge of Methods of Treatment

Since the majority of sexual offenders are mentally abnormal, the approach to reducing their undesirable activities should be through medical and psychiatric treatment rather than by other methods. Indeed, mere deprivation of liberty, mere incarceration in jail or prison, without the benefit of other types of rehabilitation and therapy, is not of itself a reformative force. Of course, the offender does not commit public offenses while he is incarcerated, but without adequate treatment during incaceration, he is very likely to recommit offenses as soon as released. The immediate and pressing problem, then, is to discover successful methods of treatment and sure criteria of "cure" and fitness to be released back into the general population at large Presently we have neither successful methods of treatment nor sure criteria of "cure". We do not know either how to treat such persons nor do we know when they are no longer likely to recommit offensive acts This lack of scientific knowledge, together with the three facts that (1) an unknown number of sexual crimes are committed but never reported, (2) many sexual crimes are handled in minor courts as misdemeanors, and (3) a considerable backlog of felony commitments have accumulated on indeterminant sentences in our prisons and many convicted persons upon release commit heinous crimes, makes a very unpleasant picture indeed

Deterrent and Therapeutic Resources

Deterrent and therapeutic resources now available may be described as follows:

Deterrent Resources

(a) The guardians of children should observe at least the following precautions:

(1) *They should never leave children under 15 years of age at home alone* when they are themselves absent for any length of time.

(2) *Children should be cautioned not to make friends with any strangers or semi-strangers* such as delivery men, peddlers, solicitors, mendicants, etc. In cautioning children against the dangers of such acquaintances, care should be taken not to frighten them. It is better to explain the danger frankly and warn them that it is unsafe to take chances. It should not be forgotten that although girls are more frequently attacked than boys, boys are sometimes victims and should be properly instructed.

(3) Children should be forbidden to go into small shops run by one middle- or old-aged man. Children have a tendency to like to make such visits, or to tease the junk man or to hang around a barber shop or candy shop or whatnot. Such situations have in the past been responsible for sex offenses, especially in poorer sections of the cities.

(4) When children must play in public parks or on the streets of cities, they should be warned that the advances of some friendly old fellow who is interested in the game and who may invite children to go for a ride or to make some other journey, may be very dangerous.

(5) Children should be warned never to accept a ride from a stranger, no matter how friendly or how fatherly he may appear to be.

(6) Every means should be taken to avoid having roomers or other adult males sleep in rooms with children.

(7) Children should be taught to avoid teasing or otherwise contacting adult males who appear to be under the influence of alcohol or other drugs which, tending to remove inhibitions that otherwise would prevent the commission of sex crimes may result in the adult impulsively attacking the child.

(8) Public officials such as the police, school teachers, and others charged with responsibility for children outside of the home, should be constantly instructed to be alert to any situation involving adult men and children which appears to be at all suspicious.

Therapeutic Resources

(a) *Individual psychotherapy, psychoanalysis, individual counseling, and other forms of therapy* that depend upon the individual relationship of the therapist and patient, are impossible of realization (no matter how effective they may be) because there are not enough psychiatrists to reach anything but an extremely small portion of the potential and actual sex offenders needing treatment. This type of therapy, reaching only a relatively few individuals, is totally inadequate to make much impression on the problem

(b) *Because of the numerical inadequacy of individual psychotherapeutic treatment programs, the science of psychiatry has for some time been endeavoring to develop successful methods of group treatment.* This type of therapy promises much. However, practically, at the present time, the technique is comparatively new and untried, there are but comparatively few psychiatrists with sufficient training in the technique to be successful with it, and there are but comparatively few institutions with the administrative organization and willingness to embark on such a program, which is extremely upsetting to ordinary institutional routines. This type of therapy is not applicable under present conditions to the treatment of potential or actual offenders outside of institutions, because of a number of reasons such as that the psychopathic potential offender usually will not voluntarily appear for treatment, a course of treatment requires a great deal of time (at least three hours each week for several months), the same members of a group should participate

throughout the entire course of treatment, and so on *Group psychotherapy cannot be effective outside of an institution until attendance can be enforced upon potential or actual offenders by some such provision as would be found if a court imposed such attendance as part of a sentence or as part of probation.*

(c) *Another therapeutic resource is the psychotherapy of successful counseling in the home.* Many officials and semi-officials may participate in such a program; for instance, social workers, ministers, priests, doctors, visiting nurses, teachers, recreation supervisors, and so on.

There are many avenues of approach by which the knowledge of such persons may have weight in the home without the appearance of snooping and otherwise seeming to be obnoxious Emotionally normal children will profit by such contacts as a part of their normal education. Emotionally abnormal or psychopathically inclined children need such contacts as part of the effort to train them. The average family knows far too little of the proper methods of guiding emotionally unstable children, children during periods of temper tantrum, and other childishly wayward reactions Most mothers, for instance, have great difficulty in understanding the benefit of "guided isolation" in which a troublesome child is taken to a quiet room, allowed to remain by himself until the emotional panic quiets down, and is then instructed with minute explanatory devices regarding the mechanisms of his misconduct. He is then given a chance to mull over them by himself in the hope that he will arrive at a better understanding of his problem. Properly administered, this form of treatment is an essential element in the proper bringing up of any child, but especially of the potentially or actually mentally abnormal child.

(d) *Good public relations is an invaluable psychotherapeutic implement.* If the public press, clubs and other organizations interested in youth, and the law enforcement agencies unite in a common program which among other things results in the prompt, efficient, and logical handling of normal sex problems, many potential offenders—even though mentally abnormal—will be so impressed that they will be able to better govern their abnormal impulses.

(e) *This reaction has been variously labeled but is perhaps best called "conditioned fear"* Without fear, community living would be impossible Fear acts as a restraining influence, and, properly applied, is an invaluable therapeutic implement; improperly applied, it is worse than useless in a constructive sense It is a good thing to regard drunkenness in public places as objectionable to the point of being obnoxious. This is because alcohol removes inhibitions and permits the commission of offensive actions that would not otherwise be indulged in It is a good thing that the public has become so conscious of sex crimes that an adult male in his right senses is no longer apt to accost unaccompanied children in public places; while the vast majority of adult males who feel the urge to be friendly with unaccompanied children are motivated by perfectly normal, friendly, honest and above-board feelings, there are enough of the other kind to make this practice objectionable and to indicate that such advances are improper *until* all potential and actual sex offenders are under perfect control, a utopian state that is not likely to be attained in our lives

(f) *Surgical intervention* has been used in certain sections of the world from time immemorial as a reducer of sexual impulses. Castration does not provide a practical answer to the problem of sexual crimes. The medical profession is by no means agreed that it is obliged to undertake such mutilating operations either at the request of the patient or in obedience to a court order Nor is there any assurance that in man the sexual urge may not persist for years after castration.

(g) *Sterilization of parents* unfitted to bear or rear children and the foster home care of children already born into such families, offer theoretical hope, but there is very little chance that such a program could be practically implemented sufficiently to have much bearing on the problem of sexual delinquency. The program is, of course, a long-range one which theoretically would reduce unfortunate factors both in heredity and environment.

(h) From the above it is obvious that research into better methods of control, treatment, and criteria of cure, are very badly needed. It will be part of the function of the proposed Medical Facility to carry on programs of intensive research into this and allied psychiatric problems.

Summary

In summarizing, I should like to point out that all of the good advice given above is oftentimes of greater theoretical significance than practical. For instance, it is extremely difficult to keep children under continuous observation while they are at play or otherwise away from the home. Facts have proven that many adults who apparently are working legitimately with children are in fact definitely and sometimes deeply interested in and influenced by ulterior motivations It is impossible, without exercising ridiculous restraints, to practically implement and enforce the deterrent suggestions made above It is equally impossible to carry to their logical conclusions many of the therapeutic resources listed.

The key to the problem is, therefore, further research in the hope that better methods of control will be discovered.

COMMUNICATION FROM FRANK M. TALLMAN, DIRECTOR, DEPARTMENT OF MENTAL HYGIENE

* * * * * * *

This is, as you well know, a very complicated subject because crimes of this type may be committed by sick and maladjusted individuals representing different diagnostic groupings This means that there is no single treatment which is applicable to the whole group and that the first step in handling such an individual is to arrive at an accurate diagnosis.

Three Steps Suggested

In brief, there are three steps that should be taken in an effort to deal with this serious problem:

Utilization of Legal Facilities Already Provided

1. Law enforcement bodies should be encouraged to utilize the legal facilities that are already provided by the California Statutes Assembly Bill 2219, Chapter 1457, Statutes of 1949 (Vernon Kilpatrick) is an effective instrument for encouraging individuals who have personality problems of this particular type to seek voluntary commitment and treatment. As now written, this bill states

that a petition can be filed only by the person himself or by his parents, spouse or child. This procedure might be broadened by including district attorneys and citizens who have reason to believe that an individual requires hospitalization. There is some danger in the broadening of this bill because it might involved unwarranted attacks upon the character of individuals, but I believe as long as the written consent of the person voluntarily requesting examination and hearing is preserved the objection is considerably lessened.

Treatment Program

2. Educators at all levels should be encouraged to take notice of children who seem maladjusted. Since the greater part of sexual psychopathy has its inception in early childhood, it is evident that schools are in a strategic position to observe unsocial and difficult behavior and to set in motion a treatment program.

Establishment of Mental Hygiene Clinics

3. Punishment of this group of individuals at any age has never been effective. There is no quick and easy method of dealing with the problem and any solution must be thought of as on a long term basis. The key to a satisfactory result is the provision of adequate treatment facilities either on a state or community basis. It is obvious that detection of a maladjusted child and his diagnosis is useless unless treatment facilities are provided to properly deal with the situation. It is recommended that large school systems be encouraged to provide mental hygiene clinics within their jurisdiction and that the State be encouraged to provide an expansion of their present facilities as rapidly as trained personnel and the state economy will permit.

Further Recommendations

In going into the history of individuals it is very frequently found that they have been guilty of so-called minor sex offenses prior to committing a serious crime. This means that not sufficient attention was given to their first arrest or that their behavior was not drawn to the attention of law enforcement officers.

It is suggested that the whole process of dealing with this type of behavior should be tightened up; and it is also recommended that release on parole should be granted only on the advice of two or more specialists competent in this field. It is further recommended that when individuals who are guilty of abnormal behavior of this type are paroled, that they be given very careful supervision.

* * * * * * *

COMMUNICATION FROM SAMUEL C. MAY, DIRECTOR, BUREAU OF PUBLIC ADMINISTRATION OF THE UNIVERSITY OF CALIFORNIA

We are in receipt of your letter of the fifth, and are happy to enclose a report prepared by one of our research staff on "Psychiatric Treatment of the Adult Offender in Courts and Correctional Institutions: Abstracts of Selected Materials."

In reviewing the literature on the subject, we found that most of the material that is available is technical and in large part consists of

case histories and some analysis of the cases. Since this material is no doubt available to your committee from other sources, and is not what you have requested, we have tried to abstract here materials concerned with the use of psychiatric treatment in general terms, rather than in detail of how it is applied.

* * * * * * * *

Very truly yours,

SAMUEL C. MAY, Director

BUREAU OF PUBLIC ADMINISTRATION
UNIVERSITY OF CALIFORNIA, Berkeley, April 8, 1949

PSYCHIATRIC TREATMENT OF THE ADULT OFFENDER IN COURTS AND CORRECTIONAL INSTITUTIONS: ABSTRACTS OF SELECTED MATERIALS

By Dorothy C. Tompkins

Psychiatric work with adult criminals has developed along two lines: The examination of the offender to determine whether or not he should be sentenced, or what type of sentence he should have; and clinical work in prisons to try to detect when the optimum time for release might be at hand.

Psychiatric Treatment in Courts

BARNES, HARRY ELMER and TEETERS, NEGLEY K., *New Horizons in Criminology*. New York, Prentice Hall, 1946

To the unparalleled recent progress of psychiatry and psychology belongs the credit for ushering in a more scientific knowledge of the relationship between crime and mental disease. Psychiatry has shown that each individual delinquent, biological and sociological classification, differentiation and treatment in a specialized set of institutions equally well diversified (p. 318).

The partial disrepute into which psychiatry has fallen in connection with criminology has been due to the handicaps imposed upon it by courtroom procedure and rules of evidence. *There is a quarrel to the death between psychiatry and the conventional criminal law, based as it is upon the theory that the criminal is a free moral agent and upon an attempt awkwardly to allot a certain measure of punishment to a definite crime* (p. 319). (Italics ours)

There is little possibility that psychiatry can be adapted to the conventional jury trial. The legal definition of insanity, by which the court is guided, is an intellectual and moral conception with no medical significance today. There are a large number of insanities with different systematology. Many of these are wholly emotional disorders with little or no impairment of intellectual faculties (p. 320).

The Briggs Law of Massachusetts, passed in 1921, marked an enormous step in advance by taking the psychiatrist out of the courtroom and ordering him to make an examination of the defendant and to submit his report in a complete form prior to the trial. This law provides that when a person is indicted by a grand jury of that state for a capital offense, or is indicted and is known to have been indicted for any other offense more than once in the past or to have been previously convicted of a felony, notice shall be given to the department of mental diseases

which will then be called upon to examine the person to determine his mental condition and the existence of any mental disorder which would affect his criminal responsibility. The department then files a report to the clerk of court in which the trial is to be held. The examination must be made by two psychiatrists appointed for this purpose by the department of mental diseases. One of the experts must be a member of the department. California and Indiana make it mandatory for the court to appoint experts in all cases where the issue of insanity is pleaded. Similar laws in Michigan and Illinois were found unconstitutional (pp. 320-321).

Important as the Briggs law is, it represents only the first step in putting psychiatry at the service of the courts in any effective manner. The next steps are: Getting a legal conception of insanity that squares with the medical attitude; and substituting a permanent body of criminologists for the archaic jury system. Until criminal procedure in courts dealing with adult criminals is based upon science rather than upon tradition and superstition, all that can be done is to introduce as much psychiatry as possible in those processes most accessible to scientific procedure. (Italics ours)

The most accessible spot is in the juvenile court. The child-guidance clinics of the juvenile courts have no counterpart in most courts for adults (p. 322).

SELLING, LOWELL S. "The Psychopathic Clinic in a Criminal Court, Its Uses and Possibilties." American Judicature Society, *Journal* 28: 169-173, April 1945.

The Detroit Recorder's Court Clinic has two chief spheres of usefulness—as adviser to the court on matters of mental health and disease of the accused, and as a record bureau of personality studies

Act 259 of the 1939 Michigan Laws provides that anyone charged with murder must have been examined by three psychiatrists and a report submitted to the trial judge relative to the presence or absence of mental disease, with particular reference to the patient's criminal responsibility. Clinic psychiatrists are frequently appointed to the commissions advisory to the trial judges.

The chief value of the psychiatric clinic to the court lies in the service which it can render after a verdict or plea of guilty has been accepted. The judge in the criminal court must decide when sentence will tend to make the man himself more law-abiding in the future and what effect the sentence will have in keeping others in the community from committing similar offenses. The clinic makes a personality evaluation of the offender for the judge.

CHICAGO MUNICIPAL COURT. PSYCHIATRIC INSTITUTE, *A Dynamic Era of Court Psychiatry, 1914-1944*; edited by Agnes A. Sharp. [1945.]

The Psychopathic Laboratory of the Municipal Court of Chicago was established May 1, 1914. In 1925, a ruling of the corporation counsel of the city made the Laboratory a branch of the Health Department;

on July 1, 1932, the Laboratory became an integral part of the court system, and was renamed the Psychiatric Institute of the Municipal Court.

The primary function of the Laboratory or the Institute was to act in an advisory capacity to the judges of the municipal court in the cases of offenders in whom there was a suggestion of the existence of some personality or mental disorder or mental retardation. Its object was to examine as many as possible of the problem cases which came before the court.

PHILADELPHIA. MUNICIPAL COURT, *Thirty-fourth Annual Report for the Year 1947.*

The neuropsychiatric division of the Municipal Court of Philadelphia has emphasized during the course of the years the part that personality defects play in the field of human behavior. The clinic has as its basic working principle that there are various factors underlying conduct disorders. This necessitates a study of the whole personality, both physical and mental, as well as a study of the environment in which the offender lives.

The clinic serves the court in several ways. First: Diagnostic and therapeutic—a summary of the study is sent to the judge and probation officer. This summary contains recommendations as to treatment, as well as a description of the personality factors and diagnostic features of the ward Second: By acting in an advisory capacity it holds consultations with the supervisors of divisions, probation officers and social workers of the private agencies regarding their wards. These consultations are valuable to all concerned, giving a better understanding of the ward, as well as a better conception of the underlying causes of the behavior. Third · While this clinic is essentially a diagnostic and advisory clinic, the staff is treating some of the wards whose problems are of a psychiatric nature. Many are referred to the psychiatric clinics staffed by several of our psychiatrists.

The clinic is dependent on the court worker or probation officer for the social history, the importance of which cannot be over-emphasized, as their report is vital to the work. The psychiatrist's responsibility is to analyze and evaluate these studies and to present them in a final summary with recommendations. The policy of the Municipal Court is individualization of study and treatment, which emphasizes not punishment but treatment and social rehabilitation (p. 361).

Psychiatric Treatment in Correctional Institutions

BARNES, HARRY ELMER AND TEETERS, NEGLEY K., *New Horizons in Criminology.* New York, Prentice Hall, 1946

Today classification, or differentiation, is a continuous process of individualizing penal treatment. All penal administrators classify in some manner, however crude. The function of classification is to differentiate the various inmates in a state's penal system in terms of their potentialities for rehabilitation, regardless of the offense or the sentence (p. 761).

Each institution with a progressive classification program has what is generally called a classification clinic. In some states, this clinic is presided over by a special director; in others, the warden is in charge. These clinics are generally composed of the warden or deputy, the medical doctor, the psychologist, the chaplain, the psychiatrist (if there is one), the social worker (if there is one), the director of industries, the educational director, the parole officer, and any other individual whose duties bring him in direct contact with the prisoner's routine life (p. 763).

New Jersey pioneered in the field of classification. Classification is conceived of as a "combination of the examinations of the medical, psychiatric and psychological phases and also examinations in the industrial, sociological, religious and disciplinary phases of the prisoner's life, together with assignment for placement in housing, for treatment, for work, for training, and the system whereby the prisoner may be guided toward an objective which will assist him better to fit himself for his restoration to society" (p. 765).

The trained personnel that makes up the modern classification clinics did not all arrive in the prison system at the same time. The psychologist has been accepted in the prison longer than any of the specialists in human behavior. The psychiatrist also entered the prison early, although his services have not been universally accepted. New York state pioneered the way for the psychiatrist in penal institutions (pp. 772-773).

In 1928, Dr. Winfred Overholser conducted a survey to find how many psychiatric services were offered in penal institutions and in connection with courts. Of 259 public institutions, 93 or 35.9 percent employed psychiatrists on either a full- or part-time basis. In general, psychiatry and psychology appeared to be used less in penal and correctional institutions in the south and far west than elsewhere in the country (p. 774).

In 1929, the American Bar Association passed a resolution calling for psychiatric service in all juvenile courts, criminal courts, and every penal and correctional institution. This resolution was approved by the American Medical Association and the American Psychiatric Association. Little has been done, however, to carry out the recommendation (p. 775).

Psychiatry can take a significant place in the prison only if there is a great change in attitudes regarding the function of the prison. So far it has made little progress in the bulk of our prison systems. Whether the psychiatrist should dominate the prison clinic is a moot question. Dr. Gregory Zilboorge feels that the psychiatrist should come into the prison from outside rather than be in the employ of the system (p 776).

HAGERMAN, R P, "The Role, Organization, and Function of Psychiatric Service in a Correctional Institution," *Public Health Reports*, Reprint No. 1668, 1935.

The role of the psychiatric service at the U. S. Industrial Reformatory (Chillicothe, Ohio) is one of advisory service to the institution as a corrective agency and of personal service to the individual inmates representing problems of maladjustment While services rendered to the institution as a correctional agency take precedence over those rendered the individual offender, both are directed toward the single objective of the readjustment of the individual offender in society.

The organization of the psychiatric service as a component part of the U. S. Public Health Service frequently serves the purpose of emphasizing to the individual inmate that this unit is an agency of treatment to which he can bring his individual difficulties.

Methods employed by the psychiatric service include both psychological and psychiatric techniques utilized for diagnostic, therapeutic, and prognostic purposes. The results of such techniques are made available to every department dealing with the custody, discipline, and corrective treatment of individual inmates and become an integrated part of the institutional program through consolidated reports and consultations with various members of the institution personnel. Representation of the psychologist and psychiatrist upon the classification and disciplinary boards serves to facilitate the use of services supplied and frequently allows the psychologist and psychiatrist to clarify, augment, and point out practical applications of indicated custody, discipline, and corrective treatment.

LINDNER, ROBERT M., and SELIGER, ROBERT V., editors, *Handbook of Correctional Psychology*. New York, Philosophical Library, 1947.

The psychiatrist has two functions in a prison: (1) to maintain the mental health of the prison population, and (2) to enlarge the social scope of the inmates and strengthen their identification with society (p. 558).

The psychiatrist's role is to maintain the prisoner's will and ability to carry on in confinement and to bolster and develop his social motivation. Individual psychotherapy eases the inmate through periods of emotional stress, without letting him escape entirely into a state of dependency. Group psychotherapy helps to develop adult social patterns (p. 571).

COMMUNICATION FROM BYRON J. WALTERS, JUDGE OF THE MUNICIPAL COURT OF THE CITY OF LOS ANGELES RELATING TO THE CURRENT PROBLEM AS TO THE HANDLING OF SEX CRIMINALS

Much of the trouble lies in the inadequacy of our judicial system in Los Angeles and other large centers of population in California.

The Problem as It Affects the Municipal Court

The municipal courts handle the bulk of the cases involving the sex criminal. We are expected to cope with the problem in a city of two million with the same "tools" provided when the city was a pueblo of 4,500. Our system in this regard is today at least 75 years behind the times.

We do not have a doctor or a psychiatrist on our staff, nor are we empowered to employ one or pay him. The Los Angeles County Probation Department state they cannot obtain funds from the board of supervisors to employ any alienist or medical aid. We cannot issue any directive to the city receiving hospital or the county hospital. They have no obligation to us even if they were equipped to handle the business, which

they are not. We are limited to jail penalties for six months or a $500 fine, or both, after which the sex pervert may again roam the streets in search of his prey.

The Answer

The answer is simple. The pervert must be discovered—then incarcerated—then medically treated.

The Need

The need is:

Medical Clinic

(1) A complete medical clinic operated by the municipal court, with no intervening agency, with a full-time medical director and a competent staff.

Adequate Jurisdiction by Municipal Court

(2) Laws granting adequate jurisdiction to the municipal court to handle this, and the entire crime problem, as it daily confronts this court.

Adequate Institutions

(3) Adequate institutions, or sections of existing institutions, to be placed at the disposal of the municipal court, wherein the incurable may be forever confined and where the curable may be rehabilitated.

Weakness in the Present System

There is nothing in our daily work which transcends in importance the problem of the sexually unbalanced person or the pervert. We meet him when he is charged with a misdemeanor. We should be able to have him examined by our own medical staff and know their diagnosis and prognosis. We should have a place to put him in accordance with their findings. We should be able to protect the public against his insane urgings. In my opinion, just here lies the weakness in our system which may result in so many crimes of a sexual nature being perpetrated against women and children, murders by sexual psychopaths and by the criminally insane. It is an appalling and terrifying situation.

All we can do in the municipal court, as we daily come in contact with these people, is to put them in jail for a period of six months and no longer. Perhaps their stay in jail should be forever, but at the end of six months they walk forth free again.

Electric Shock Treatment

Then there are others, sometimes ex-soldiers, who may be helped in their comparatively recent advent into the realm of sexual perversions. That these cases exist and are curable is an established scientific fact. The effective use of electric shock treatment, to name but one, by qualified medical experts is an established procedure of great value in many cases.

Potential Assistance Through Medical Science

Aside from being interested in the problems of the feeble-minded and the so-called insane, medical science can help our court in all sorts of other behavior problems, to wit: The hobo, the dependent, the alcoholic, the drug addict, the pauper, the so-called nervous breakdown, the maladjusted and eccentric personality, the psychoneurotic, behavior disorders in children from infancy to college, emotional disorders and disorders of speech, and the problems of the aged and infirm.

Importance of the Misdemeanant in Treatment of Crime

In my opinion, we overlook the importance of the misdemeanant in our treatment of crime—giving attention to the murderer and felon, and not enough attention to the meager offender or the criminal delinquent as he is found daily as a juvenile, adolescent or adult offender in the misdemeanant's court. We lock the barn after the horse is stolen—and the system is not working. We are being overrun with crime.

Jurisdiction

As to jurisdiction, we have none over a juvenile who commits a misdemeanor—and when he does come before us we must transfer him to the superior court which is so overcrowded with work that many thousands of juveniles who commit lesser offenses are not filed on, but dismissed. As to sex offenders, if we are convinced that he is a sexual psychopath, we have no jurisdiction over him, but we must suspend all proceedings before us and transfer him to the superior court, which court in turn only has the matter of his psychopathic condition before it, but does not have jurisdiction over the act he has committed.

Suggested Changes in Jurisdiction

In 1948 the 40 judges of the municipal court asked the Judicial Council of the State to study and correct these deficiencies in jurisdiction in connection with the Judicial Council's Proposed Court Reorganization Program, suggesting that at least in Los Angeles and San Francisco Counties there be but one trial court, the superior court, and that the two courts be merged so that the superior court jurisdiction could be applied to the needs of the larger city, as heretofore suggested. The Judicial Council did not agree, and we presented it to the Legislature (Senate Constitutional Amendment No. 3, introduced by Senator Tenney). The Legislature failed to act. As an alternative we then presented Assembly Bill No. 2168 (introduced by Assemblymen Kilpatrick, Rosenthal, and Bennett), which provided that municipal courts should have concurrent jurisdiction with the Superior (Juvenile) Court in cases amounting to a misdemeanor, and exclusive jurisdiction in juvenile misdemeanor cases where the crime was committed in the city. It also gave the municipal court the right to determine the sanity of a person charged with crime within the criminal jurisdiction of the court, and made proceedings in such cases in the superior court applicable to trials in the municipal court. This bill failed of passage.

And we are right back where we started from. When will the people wake up and give us a court system that is workable and modern? I believe it is the responsibility of the Judicial Council and the Legislature and that they should assume this responsibility forthwith.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today, at 8 p.m.—

Judiciary, fourth floor.

Today upon adjournment—

Elections and Reapportionment, at desk of Mr. Waters.

Tomorrow, Thursday, December 15th, at 10 a.m.—

Rules, in Room 320.

It was announced that no meeting of the Committee on Finance and Insurance will be held today.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Miss Mary M. Flinn, Jack Wilde, teachers, and the following pupils of the El Cerrito High School: Violet Alvarez, Loretta Banducci, Bill Barnett, Bob Bilbrey, Leona Buehler, Myra Clark, Bill Cotter, Barbara Decker, Alfred DeSimoni, Don Doolittle, Phyllis Douglass, Dennis Firchow, Mildred Flury, Blair Grinols, George Griset, Gene Houghton, Bob Johnson, Cleo Stafford, Teresa Gutieriez, Richard Davis, Gertrude Little, Leanne McGilliard, Bernice Lauters, Dan Miller, Harry Ming, Lawrence Muth, John Naumann, Delores Parsons, Tony Salvi, Gladys Tolhurst, Douglas Van Dorn, Bob Volpi, Charles Wheeler, Dale Windrem, Jim Winne, and Pat Wood.

On request of Mr. Crowley, the usual courtesies of the Assembly for this day were unanimously extended to Fred Abruzzini of St. Helena.

On request of Mr. Maloney, the usual courtesies of the Assembly for this day were unanimously extended to Beulah Hiler of San Francisco.

ADJOURNMENT

At 11.44 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 11 a.m., Thursday, December 15, 1949.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, December 15, 1949

The Assembly met at 11 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: We offer a prayer this morning for the families of this Assembly upon whom the shadow of sorrow has fallen in recent months.

We would express our tribute of respect to the former fellow member who served for many years with distinction and honor him for his lofty principles of character, his patriotism, and his fidelity to public duties.

We pray also for one of our fellow members from whose household a beloved daughter has ascended into the Heavenly realm.

May he and his family find consolation in the beautiful memories she has left as an exemplar of American maidenhood—memories of her scholarships and of leadership, of her eloquence and of her art, of her shining fortitude in illness and hope in the Everlasting.

May we now behold her dwelling among the Saints in glory, and may the rising generation carry on the torch and continue the shining influences of the immortals.—AMEN.

This prayer was offered in memory of Mr. Sam L. Heisinger and Miss Helen Regina Gaffney.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Connolly, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. Morris.

COMMUNICATIONS

By Speaker Sam L. Collins:

A communication from Mrs. Edwin W. Wildman, Youth Conservation Chairman, Junior Membership, Southern District California Federation of Women's Clubs, relative to a resolution adopted by the organization, was received, and ordered filed with the Secretary of State.

Above mentioned resolution ordered printed in the Journal as follows:

Resolution by Junior Membership, Southern District California Federation of Women's Clubs

Resolved: That we, the Junior Membership of California Federation of Women's Clubs, Southern District, in convention assembled at Palm Springs on this nineteenth day of November, 1949, go on record as heartily endorsing the five point program of action and education to eliminate the menace of sex fiends as outlined by J. Edgar Hoover, Director of the Federal Bureau of Investigation:

1. Parents and school teachers should urge boys and girls to accept no favors, money or candy from strangers, and, above all, never get in a car with a stranger or accompany him any place.
2. If existing state statutes do not provide for medical and psychiatric treatment and incarceration for the hopelessly incurable, then it is time to pass such a law.
3. Law enforcement agencies should be provided the facilities and manpower to adequately patrol and cover a community.
4. Victims of such crimes and their families should report each offense. For every criminal assault reported there are many others that are concealed by victims and their loved ones to escape embarrassing publicity.
5. Instead of playing down such offenses, I would like to see every newspaper and radio station in the land headline these crimes, pitilessly pointing the spotlight on the offenders and their background while withholding the names of victims even when the case is tried in court.

This resolution duly adopted by general assembly November 19, 1949.

M. BERGMAN, Recording Secretary

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 44: By Mr. Weber—An act to provide for the registration of persons making representations to the Governor concerning legislation.

Referred to Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 12

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 2

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 37

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

BROWN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 37—An act to amend Section 186 of the Penal Code, relating to the crime against nature.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 7
Assembly Bill No. 31

Has had the same under consideration, and respectfully reports the same back without recommendation.

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 7—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Bill read second time, and ordered engrossed.

Assembly Bill No. 31—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Bill read second time, and ordered engrossed.

ANNOUNCEMENTS

Mr. Kirkwood announced that a bill relative to improvement of the school system is being held at the desk, and that all members who wish to be co-authors of this bill are requested to sign it, at this time, as the bill will be placed across the desk in a few minutes.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 2
Assembly Bill No. 5

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, SACRAMENTO, December 13, 1949

MR. SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Senate Bill No. 1

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

WATERS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 1—An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and of the Veterans Bond Act of 1949 and to amend Sections 2, 3, 4, 5, and 6 of Chapter 1267 of the Statutes of 1949, relating to the time of taking effect of said chapter and the submission of the Veterans Bond Act of 1949, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

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

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

Assembly Joint Resolution No. 4: By Messrs. Reagan, Levering, Morris, Hahn, Burke, Butters, Clarke, Collier, Geddes, Grant, Hoffman, Hollibaugh, Huyck, Price, Smith, and Stewart—Relative to withdrawing the application to Congress made by Assembly Joint Resolution No. 26 of the 1949 Regular Session to propose a constitutional amendment for American participation in a World Federal Government.

Referred to Committee on Rules.

Assembly Bill No. 45: By Mr. Crichton—An act to add Section 288.2 to the Penal Code, relating to the admission of evidence.

Referred to Committee on Judiciary.

Assembly Bill No. 46: By Mr. Crichton—An act to add Section 1127a to the Penal Code, relating to instructions to the jury.

Referred to Committee on Judiciary.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 14, 1949

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

Senate Concurrent Resolution No. 3

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 3—Relative to hours which the State Library remains open.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 13, 1949

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

Senate Concurrent Resolution No. 4

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 4—Relative to approving an amendment to the charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at a special election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

ANNOUNCEMENTS

Mr. Thompson announced that copies of the Address by Senator Herbert C. Jones Before the California Historical Society at San Jose, December 10, 1949, Relating to the First Legislature of California, have been placed upon the desks of members and urged that everyone read this document.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

SACRAMENTO RETAIL MERCHANTS ASSOCIATION
SACRAMENTO, CALIFORNIA

Hon. Randal Dickey
Assembly Chamber, State Capitol

DEAR SIR: The Sacramento Retail Merchants Association is in complete agreement with your statement as published in the press concerning the Sacramento parking problem, except for one detail which we sincerely hope to correct in this letter.

The Merchants Association wants you and the other Members of the Legislature to know that:

1. The people of Sacramento in general and the merchants in particular are grateful for the many acts of the Legislature which have been of great benefit to the Capital City.
2. That, as the host city, Sacramento should extend every possible courtesy, comfort and convenience due the members of that body.
3. That the city government should provide all possible automobile parking privileges for the Members of the Legislature.

We regret that you have been misinformed concerning the so-called "pressure" on the city council or any city officials by the merchants, seeking to limit the number of curb parking spaces granted Members of the Legislature. No effort or intent to exert such "pressure" came from the merchants, so far as this organization knows.

On the contrary, the only pressure we know of from merchants has been exerted to solve the very problem of which you speak.

Realizing the gravity of the parking problem, the Sacramento Retail Merchants Association sponsored a program which, more than a year ago, resulted in the voters approving a plan to provide off-street parking facilities. You will recall that one of the first acts of the 1949 Session of the Legislature was approval of the Sacramento City charter amendment legalizing the issue of the revenue bonds for off-street parking areas.

Apologies are due the Legislators for the delays which have prevented off-street parking from becoming a reality.

Without burdening you with details, the merchants believe they know where the responsibility for these delays rest and we will continue to press for action. If the off-street parking plan had been expedited as it should have been this whole situation on which you felt called upon to express yourself could have been avoided.

We sincerely hope that the fine relationship of cooperation between the Members of Legislature and the merchants of Sacramento will continue and that you will call on us at any time to help solve any problem in which we may be of help.

May we ask that you make the contents of this letter known to the other Members of the Legislature so that they may understand our position in the matter?

Yours respectfully,

ARTHUR McKAY, President
Retail Merchants Association

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

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

Assembly Bill No. 47: By Messrs Kirkwood, Dunn, Babbage, Erwin, Anderson, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hoffman, Huyck, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McMillan, Morris, Moss, Mrs. Niehouse, Messrs. Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Porter—An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Motion to Place Rush Order on Printing of Assembly Bill No. 47

Mr. Kirkwood moved that a rush order be placed upon the printing of Assembly Bill No. 47.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 13
Assembly Bill No. 17
Assembly Bill No. 18
Assembly Bill No. 22
Assembly Bill No. 38

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

BROWN, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 13—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 6, of the printed bill, after "Section 261," insert "subdivision 5 of Section 647,".

Amendment No. 2

On page 1, line 9, of said bill, after "Code", strike out ", or", and insert "; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 1 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who".

Amendment No. 3

On page 2, line 18, of said bill, strike out "felony", and insert "misdemeanor".

Amendment No. 4

On page 1, line 16, of said bill, after "county", insert ", except that in a consolidated city and county such registration shall be with the chief of police".

Amendment No. 5

In the title of said bill, strike out the period and insert "and declaring the urgency thereof, to take effect immediately."

Amendment No. 6

On page 2 of said bill, after line 22, insert

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

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 17—An act to amend Section 209 of the Penal Code, relating to kidnaping.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 18, insert

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

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry

of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 18—An act to amend Section 264 of the Penal Code, relating to the punishment for rape.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 20, insert:

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

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 22—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In line 3 of the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to become effective immediately".

Amendment No. 2

On page 1 of the printed bill, after line 15, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. A statement of facts constituting such necessity is as follows:

The recent large increase in the number of crimes involving sex offenses has posed an immediate danger to the health, safety and welfare of the citizens of this State. This situation has become so serious that the Governor has called a special session to consider and act upon legislation relating to sex offenses To safeguard the health and morals of our citizens and of the younger generation of this State it is necessary that this act take effect immediately".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 38—An act to amend Section 189 of the Penal Code, relating to degrees of murder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 9, insert

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

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this state. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Concurrent Resolution No. 4

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

Request for Unanimous Consent

Mr. Fleury asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Relative to approving an amendment to the charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at a special election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—72.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION THAT 1,000 ADDITIONAL COPIES OF ASSEMBLY JOINT RESOLUTION NO. 4 BE PRINTED

Mr. Reagan moved that 1,000 additional copies of Assembly Joint Resolution No. 4 be ordered printed.

Mr. Levering seconded the motion.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

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

Assembly Concurrent Resolution No. 4

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

DICKEY, Chairman

Request for Unanimous Consent

Mr. Beck asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relating to providing instruction for school children to meet the dangers resulting from sex offenses.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed measure, strike out lines 4 to 15, inclusive, and insert

"WHEREAS, Every precaution should be taken to safeguard children from potential or actual sex criminals. It is recommended that instructions similar to those hereinafter outlined be issued for the information of principals, teachers, custodians, and others who are charged with the care of children:

A. Instructions to School Personnel

1. Be constantly on the lookout for suspicious strangers loitering in or near school buildings, or parked in automobiles nearby.

2. In such cases, tactfully talk to them to determine why the individuals are in the vicinity of the school. If conditions warrant, warn the person that there is a law against loitering in the vicinity of a school.

3. If the actions of the loiterer are definitely suspicious, notify the local police at once, and as soon as possible inform the child welfare and attendance branch of the incident.

4. Establish and maintain cordial relations with your local law-enforcement officials.

5. Work with local civic organizations, Parent-Teacher Associations, and others in formulating plans for insuring the safety of the children in your community.

B. Instructions to Children

1. DO NOT take anything such as candy, toys, or money from strangers.

2. DO NOT talk to strangers on the way to and from school.

3. DO NOT accept a ride in a stranger's automobile.

4. DO NOT "thumb" rides at any time

5. DO NOT loiter on the way to or from school.

6. If possible, walk to and from school with other children.

7. If a person makes insulting remarks on the way to school, or acts in a bad way, tell your teacher or the crossing guard or policeman if you see one. If some person does this when you are going home, tell your parents at once what has happened. If the person is in an automobile, remember what the car looked like, and try to memorize

the license number of the car. Remember what the person looked like and what kind of clothes were worn; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Superintendent of Public Instruction take all necessary measures to disseminate such instructions to all school personnel, pupils, Parent-Teachers Associations, and other cooperating groups, in order to comply with this resolution; and be it further".

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

MEMBER EXCUSED

At 11.32 a.m., Mr. Dills asked for, and was granted, unanimous consent that Mr. Lowrey be excused, for the balance of the legislative day, because of legislative business elsewhere.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

Assembly Concurrent Resolution No. 9

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 9

And reports the same correctly engrossed.

HUYCK, Chairman

Request for Unanimous Consent

Mr. Cloyed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Approving the charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Reagan, Rumford, Sherwin, Smith, Thomas, Thompson, Tomlinson, and Mr. Speaker—66.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

Assembly Joint Resolution No. 3

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 3

And reports the same correctly engrossed.

HUYCK, Chairman

Request for Unanimous Consent

Mr. Fletcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 3, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 3

Assembly Joint Resolution No. 3—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the Long Beach Naval Shipyard.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—66.

NOES—Hoffman and Reagan—2.

(Later this day a notice of motion to reconsider the vote whereby Assembly Joint Resolution No. 3 was adopted, was given.)

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Erwin asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Joint Resolution No. 3, and that he be recorded as voting "Aye."

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 2—Relative to the designation of the year 1950 as the year for the observance of an American Free Enterprise Centennial.

Resolution read, and ordered held at the desk.

RESOLUTIONS

The following resolution was offered:

By Mr. Waters:

House Resolution No. 21

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase eighty-one (81) copies of the 1949 edition of the Larmac Index at $17.50 per copy, plus sales tax; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one (1) copy of the Larmac Index to each Member of the Assembly and one (1) copy to the Chief Clerk; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of The Recorder Printing and Publishing Company in a sum not to exceed fifteen hundred dollars ($1,500) in payment for eighty-one (81) copies of the 1949 edition of the Larmac Index, and the State Treasurer is hereby directed to pay the same.

Resolution read, and ordered referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

House Resolution No. 21

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF HOUSE RESOLUTION NO. 21

By Mr. Waters:

House Resolution No. 21

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase eighty-one (81) copies of the 1949 edition of the Larmac Index at $17.50 per copy, plus sales tax; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one (1) copy of the Larmac Index to each Member of the Assembly and one (1) copy to the Chief Clerk; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of The Recorder Printing and Publishing Company in a sum not to exceed fifteen hundred dollars ($1,500) in payment for eighty-one (81) copies of the 1949 edition of the Larmac Index, and the State Treasurer is hereby directed to pay the same.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

MEMBER EXCUSED

At 11.47 a.m., Mr. Weber asked for, and was granted, unanimous consent that Mr. McCollister be excused for the balance of the legislative day, because of legislative business elsewhere.

REQUESTS FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETINGS OF COMMITTEES

At 11.48 a.m., Mr. Stewart asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Governmental Efficiency and Economy at 2 p.m.

At 11.49 a.m., Mr. Geddes asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Finance and Insurance at 3 p.m.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILLS NOS. 10 AND 6 BE WITHDRAWN FROM COMMITTEE, AND BE RE-REFERRED

Mrs. Niehouse asked for, and was granted, unanimous consent that Assembly Bills Nos. 10 and 6 be withdrawn from the Committee on Ways and Means, and be re-referred to the Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 4

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered re-referred to the Committee on Governmental Efficiency and Economy.

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

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

Assembly Joint Resolution No. 5: By Mrs. Niehouse, Messrs. Cloyed, and Luckel—Relative to memorializing Congress to enact legislation providing for the distribution of funds belonging to California Indians.

Referred to Committee on Rules.

Assembly Joint Resolution No. 6: By Mr. Dickey—Relative to the continuance of payment of nonresident fees by the Veterans Administration to the Hastings College of Law, San Francisco, California.

Referred to Committee on Rules.

Assembly Bill No. 48: By Messrs. Evans, Dills, Porter, Thomas, Anderson, Elliott, Fletcher, Hahn, and Hawkins—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181.01 and 2224 of the Welfare and Institutions Code, relating to aged aid, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 49: By Messrs. Meyers, Burke, Mrs. Niehouse, Messrs, Hagen, and Kilpatrick—An act to amend Sections 5601 and 5602 of the Welfare and Institutions Code, relating to the commitment, care and treatment of mentally abnormal sex offenders.

Referred to Committee on Judiciary.

Assembly Bill No. 50: By Messrs. Kilpatrick, Hagen, Mrs. Niehouse, Messrs Burke, and Meyers—An act to amend Sections 5601, 5602, and 5605 of the Welfare and Institutions Code, relating to the commitment, care and treatment of mentally abnormal sex offenders.

Referred to Committee on Judiciary.

Assembly Bill No. 51: By Mr. Collier—An act to amend Section 2181 of the Welfare and Institutions Code, relating to relatives' responsibility to contribute to the support of applicants for or recipients of aid to the aged.

Referred to Committee on Social Welfare.

Assembly Joint Resolution No. 7: By Messrs. Lewis, Kilpatrick, Anderson, George D. Collins, Burkhalter, Condon, Cooke, Crichton, Dills, Elliott, Fletcher, Hawkins, Thomas, and Porter—Relative to the Federal Farm Program.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 7—Approving amendments 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 a general municipal election held therein on the eighth day of November, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fifteenth day of December, 1949, at 11 a.m.

HUYCK, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Concurrent Resolution No. 5

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 5—Approving amendments 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 11, 1949.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 7
Assembly Bill No. 31
Assembly Bill No. 37

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

House Resolution No. 11

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

DICKEY, Chairman

Above reported resolution ordered on file.

CONSIDERATION OF HOUSE RESOLUTION NO. 11

By Messrs. Elliott, Hawkins, Morris, Fletcher, Kilpatrick, Dills, Anderson, George D. Collins, Thomas, Cooke, Burkhalter, Lewis, Rosenthal, Coats, Meyers, Porter, Condon, McMillan, and Crowley:

House Resolution No. 11

Relative to requesting the Governor to extend the subjects for consideration by the extraordinary session of the State Legislature to include the subject of consideration and action upon legislation designed to alleviate unemployment in the State

WHEREAS, According to reliable sources there is a large number of unemployed normally employed persons in the State and there exists a serious possibility that this situation might become more acute; and

WHEREAS, It would be for the benefit of the people of the State for the Legislature to consider and act on legislation that would help to alleviate this condition and hardships to persons resulting therefrom at the present extraordinary session; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor of the State to extend the subjects for consideration by the extraordinary session of the Legislature presently meeting to include consideration and action upon legislation designed to alleviate unemployment in the State; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Earl Warren, Governor of California.

Resolution read.

Motion to Amend

Mr. Elliott moved the adoption of the following amendments:

Amendment No. 1

In the measure as printed in the Assembly Journal for December 12, 1949, at page 42, in the title, line 2, after "session", insert "or at a subsequent session to be called not later than March, 1950".

Amendment No. 2

In the measure as printed, in the second paragraph, line 3, after "session", insert "or at a subsequent session to be called not later than March, 1950".

Amendment No. 3

In the measure as printed, in the third paragraph, line 3, after "meeting", insert "or at a subsequent session to be called not later than March, 1950".

Amendment No. 4

In the measure as printed, in the third paragraph, line 4, after "State", insert "and transmit to the Legislature prior to such action any study on this subject that he has made".

Amendments read, and adopted.

Consideration of House Resolution No. 11, as Amended

By Messrs. Elliott, Hawkins, Morris, Fletcher, Kilpatrick, Dills, Anderson, George D. Collins, Thomas, Cooke, Burkhalter, Lewis, Rosenthal, Coats, Meyers, Porter, Condon, McMillan, and Crowley:

House Resolution No. 11

Relative to requesting the Governor to extend the subjects for consideration by the extraordinary session or at a subsequent session to be called not later than

March, 1950, of the State Legislature to include the subject of consideration and action upon legislation designed to alleviate unemployment in the State

WHEREAS, According to reliable sources there is a large number of unemployed normally employed persons in the State and there exists a serious possibility that this situation might become more acute; and

WHEREAS, It would be for the benefit of the people of the State for the Legislature to consider and act on legislation that would help to alleviate this condition and hardships to persons resulting therefrom at the present extraordinary session, or at a subsequent session to be called not later than March, 1950; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor of the State to extend the subjects for consideration by the extraordinary session of the Legislature presently meeting, or at a subsequent session to be called not later than March, 1950, to include consideration and action upon legislation designed to alleviate unemployment in the State, and transmit to the Legislature prior to such action any study on this subject that he has made; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Earl Warren, Governor of California.

Resolution read, as amended.

Point of Order

Mr. Hawkins arose to the following point of order: That Mr. Conrad is not speaking to the subject.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Further Ruling by Speaker

Speaker Sam L. Collins ruled the remarks by Mr. Hawkins not in order.

The question being on the adoption of House Resolution No. 11, as amended.

Demand for Previous Question

Messrs. Kirkwood, Grunsky, Hoffman, Lincoln, and Reagan demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 11, as amended.

Roll Call Demanded

Messrs. Rosenthal, Silliman, and Beck demanded a roll call.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Beck moved a call of the Assembly.

Motion lost.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Beck moved a call of the Assembly.

Point of Order

Mr. Caldecott arose to the following point of order: That no new business has intervened, and hence the motion by Mr. Beck is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Motion That His Motion for a Call of the Assembly on House Resolution No. 11 Be Reconsidered

Mr. Beck moved that his motion for a call of the Assembly on House Resolution No. 11 be reconsidered.

Motion lost for lack of a second.

Motion to Recess

Mr. Condon moved that the Assembly do now recess until 11 a.m. tomorrow, Friday, December 16th.

Motion Ruled Not in Order

Speaker Sam L. Collins ruled the motion not in order.

The vote was announced, and House Resolution No. 11 refused adoption by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crowley, Davis, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Thomas, and Yorty—35.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Dickey, Dolwig, Erwin, Fleury, Geddes, Grant, Grunsky, Hinckley, Hoffman, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, Reagan, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—38.

Notice of Motion to Reconsider House Resolution No. 11

Mr. Beck gave notice that on the next legislative day he would move to reconsider the vote whereby House Resolution No. 11 was this day refused adoption.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY JOINT RESOLUTION NO. 3

Mr. Dunn gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Joint Resolution No. 3 was this day adopted.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

By unanimous consent, Speaker Sam L. Collins announced the appointment of Messrs. Price, Fleury, and Waters to membership on the Committee on Ways and Means.

REQUEST FOR UNANIMOUS CONSENT THAT LEGISLATIVE COUNSEL BE AUTHORIZED TO CHANGE LINE NUMBERS ON ASSEMBLY BILL NO. 4

Mr. Dickey asked for, and was granted, unanimous consent that the Legislative Counsel be authorized to change line numbers on Assembly Bill No. 4 so that line numbers will be in conformity with the content of the bill.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Concurrent Resolution No 5

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

DICKEY, Chairman

Request for Unanimous Consent

Mr. Weber asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Approving amendments 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 11, 1949.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 2

Assembly Joint Resolution No. 2—Relative to the designation of the year 1950 as the year for the observance of an American Free Enterprise Centennial.

Resolution read

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None.

Resolution ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY JOINT RESOLUTION NO. 3 WAIVED

Mr. Dunn waived his notice of motion to reconsider the vote whereby Assembly Joint Resolution No. 3 was adopted.

Assembly Joint Resolution No. 3 ordered transmitted to the Senate.

MOTION THAT ASSEMBLY TAKE COGNIZANCE OF ONE HUNDRED FIFTY-EIGHTH ANNIVERSARY OF THE ADOPTION OF THE BILL OF RIGHTS

Mr. Gaffney moved that the Assembly, this day, take cognizance of the one hundred fifty-eighth anniversary of the adoption of the Bill of Rights to the Constitution of the United States.

Messrs. Maloney and Lewis seconded the motion.

Motion carried unanimously.

ANNOUNCEMENTS

Mr. Silliman announced a luncheon meeting, upon adjournment, of the Interim Committee on Governmental Reorganization to be held at the Sutter Club.

Mr. Beck announced a Democratic dinner meeting to be held tonight. at 6.30 p.m., at the Hotel Sacramento.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Governmental Efficiency and Economy.

At 2.15 p.m.—

Ways and Means.

At 3 p.m.—

Finance and Insurance.
Social Welfare.

Tomorrow, Friday, December 16th, at 10 a.m.—

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Don Marvin, Elizabeth True, teachers, and the following pupils of the El Cerrito High School: Harold King, Henry Lewis, Fred Lucero, Ed Lucas, Anbrose Mainim, Jerry Mitchell, Richard Nichols, Charles O'Neal, Valeria Parker, Evalina Powell, Bob Siemmons, June Satmary, Clarence Van Hook, Eloise Woolery, Jane Watkins, Lyle Rowley, Dick Andrews, Sigrid Alba, Lowell Banks, M. C. Batten, Beverly Black, Betty Boreen, Don Campbell, Juana Colston, Otis Felder, Phil Gianfortone, Norris Harris, Allan Hjellum, Elwood Jordan, and Bruce Keim.

On request of Mr. Cooke and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Major Frank E. Sessions, U. S. M. C. of San Francisco.

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Frank B. Collier, A. M. Frad, Rex Gailfus, and Francis Halley, all of Modesto.

On request of Mr. George D. Collins, the usual courtesies of the Assembly for this day were unanimously extended to Patrick J. McMurray of San Francisco.

ADJOURNMENT

At 12.44 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 11 a.m., Friday, December 16, 1949.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY

FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, December 16, 1949

The Assembly met at 11 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowry, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—77.

Names Placed Upon Morning Roll Call

By unanimous consent, Speaker Sam L. Collins ordered the names of the members now attending the meeting of the Committee on Rules placed upon the morning roll call; and the name of Mr. Stewart, now attending a meeting in the Office of the State Director of Finance, placed upon the morning roll call.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite God: We offer a prayer this day for the Members of this Legislature, for the Chief Magistrate and for all who labor here.

For the Governor of this State—let us honor him for his integrity and courageous moral leadership, his humanitarian spirit and his concern for the welfare of all classes, his intellectual clarity and comprehension of world affairs.

May we recognize his rank in America as an experienced statesman and as one of the great living Americans.

We pray for the Speaker of this Assembly—let us honor him for his executive and parliamentary ability, his warm sympathies and his keen mental acumen, his sane grasp of public affairs, his ringing censure of the lawless and libelist, his preeminence in public service and statesmanlike stature.

We pray for this Assembly. When the people are sceptical of Legislators, may they realize the complex and multitudinous responsibilities of their lawmakers, their versatile abilities, their knowledge of a multitude of issues.

Honor them as outstanding respected representatives of their communities, their sincere efforts to act in accord with their light, and their indefatigable efforts for a better California.

May the people of California offer their tribute to the living.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Lowrey, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. Gaffney.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 16, 1949

To the Honorable Members of the Assembly
State of California

GENTLEMEN: Pursuant to the provisions of Section 1774 of the Government Code, which provides that within 10 days after the meeting of the Legislature the Governor must transmit to it a list of all appointments made by him in accordance with that section, I have the honor to transmit to you herewith a list of all appointments so made since the last session of Legislature.

Respectfully,

EARL WARREN, Governor

Appointments by Governor

C. A. HERBAGE, a resident of Sacramento, former Deputy Director of the Department of Social Welfare, was appointed August 15, 1949, as Chief of the Division of Accounts and Tax Collections, Department of Employment, and member, California Employment Stabilization Commission, vice T. H. Mugford, resigned.

MICHAEL B KUNZ, a resident of Sacramento, former Sacramento City Councilman, former representative of the Sacramento-Yolo Building Trades Council, a member of the California Unemployment Insurance Appeals Board, and member of the California Employment Stabilization Commission since August 27, 1943, was reappointed September 14, 1949, vice self, term expired.

CHARLES MAYNARD COOKE, JR., a resident of Sonoma, retired admiral with distinguished career of naval service as Chief of Staff to the Commander in Chief of the United States Fleet and as Deputy Chief of Naval Operations, was appointed September 13, 1949, as member of the State Board of Education, vice Fred W. Smith, resigned.

ROY MARKS, a resident of Placerville, Director of the El Dorado County Irrigation District, President of the Farm Bureau of El Dorado County and also President of the Central El Dorado Soil Conservation District, was appointed October 1, 1949, as member of the State Soil Conservation Commission.

COMMUNICATIONS

By the Chief Clerk:

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

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
STATE CAPITOL, SACRAMENTO, CALIFORNIA, December 15, 1949

Hon. Arthur A. Ohnimus, Chief Clerk
The Assembly, Sacramento, California

DEAR MR. OHNIMUS: The Standing Committee of the Capitol Correspondents Association has examined application for authentication as accredited press representative and recommends the following action:

Approved for Press Card:

Wall Street Journal—Al Calais.

Mr. Calais replaces Chapin A. Day as *Wall Street Journal* reporter.

Sincerely,

EARL C. BEHRENS, President

RATIFICATION BY ASSEMBLY

By unanimous consent, the above action, as taken by the Capitol Correspondents Association of California, was ratified by the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 6

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 4

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 13
Assembly Bill No. 17
Assembly Bill No. 18

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 22
Assembly Bill No. 38

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 19

Has had the same under consideration, and respectfully reports the same back without recommendation, and be re-referred to Committee on Judiciary.

SHERWIN, Chairman

Above reported bill ordered re-referred to Committee on Judiciary.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Assembly Joint Resolution No. 6

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 6
Assembly Bill No. 10

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

NIEHOUSE, Chairman

Above reported bills ordered re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 25

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

NIEHOUSE, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 25—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for layoff of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3, line 20, of the printed bill, after "SEC. 7", insert "Nothing in this act shall be deemed to constitute a declaration of policy for or against state or county

administration of aid to the aged and aid to the needy blind, and this act shall be inoperative if the State administers such aid programs for the period from March 1, 1950, to June 30, 1950, inclusive.

SEC. 8."

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 11.13 a.m., Mr. Dunn asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Education in the Post Office, at this time.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Assembly Bill No. 27

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

GEDDES, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 14, 1949

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 39

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

BROWN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 39—An act to add Section 209.1 to the Penal Code, relating to punishment for sex crimes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1 of the printed bill, after line 12, insert

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

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety to the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately."

Amendsments read, and adopted.

Bill ordered reprinted, and engrossed.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 17

Mr. Brown moved that Assembly Bill No. 17 be withdrawn from the file, and re-referred to the Committee on Judiciary.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 47

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

DUNN, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 15, 1949

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

Assembly Concurrent Resolution No. 5
Assembly Concurrent Resolution No. 6
Assembly Concurrent Resolution No. 9

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day, pursuant to your request, rescinded its action whereby it passed Assembly Bill No. 1 on December 13, 1949.

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Assembly Bill No. 1 ordered held at desk.

SENATE CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Bill No 12

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 12—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1949 First Extraordinary Session of the Legislature, to take effect immediately.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Joint Resolution No. 1
Senate Concurrent Resolution No. 8

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read:

Senate Joint Resolution No. 1—Relative to memorializing the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy, and the Maritime Commission of the United States, to reduce the tolls of the Panama Canal.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 8—Relative to Rolland A Vandegrift, Legislative Auditor.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Concurrent Resolution No. 6
Senate Concurrent Resolution No. 7

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read the first time:

Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 7—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the eighth day of November, 1949.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 15, 1949

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

Senate Bill No. 2

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was read the first time:

Senate Bill No. 2—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Referred to Committee on Rules.

APPOINTMENT OF SELECT COMMITTEE

Speaker Sam L. Collins announced the appointment of Messrs. Dunn, Beck, and Lincoln as a Select Committee to escort the Honorable George P. Miller, Member of Congress from the Sixth Congressional District of California, to the rostrum.

RECESS

At 11.20 a.m., on motion of Mr. Dunn, the Assembly recessed until 11.25 a.m., to hear remarks from the Honorable George P. Miller, Member of Congress representing the Sixth Congressional District of California.

REASSEMBLED

At 11.26 a.m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

RESOLUTIONS

The following resolution was offered:

By Mr. Luckel, Mrs. Niehouse, and Mr. Cloyed:

House Resolution No. 22

Relating to an endorsement of the theme and purpose of the California World Progress Exposition to be held in San Diego in 1953

WHEREAS, The City and County of San Diego have declared their intention to present the California World Progress Exposition in the year 1953; and

WHEREAS, The sponsors of said exposition intend that its theme and purpose shall emphasize the progress and development of the 11 far Western states; and

WHEREAS, Every effort should be made by the Exposition Corporation to stimulate a record Western travel movement during the period of the exposition; and

WHEREAS, The sponsors of the California World Progress Exposition are cognizant of the necessity of demonstrating the growth and development of free enterprise in the United States of America as it is related to better designs for living; now, therefore, be it

Resolved by the Assembly of the State of California, That the theme and purpose of the California World Progress Exposition is hereby endorsed and approved; and be it further

Resolved, That the Assembly of the State of California pledges all possible assistance in support of this theme and purpose, and agrees that it will not, during the period of the California World Progress Exposition, endorse or approve any like fair, festival or celebration that will be competitive or disadvantageous to the California World Progress Exposition; and be it further

Resolved, That the Assembly of the State of California will give all possible assistance in securing recognition from other states, the Federal Government and foreign governments for the California World Progress Exposition and aid the sponsors of said Exposition in securing financial and other assistance necessary to the presentation of a successful world's fair.

Resolution read, and ordered referred to the Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 8: By Messrs. Coats, Hagen, and Lewis—Relative to the erection of a dam on the Feather River near Oroville, California.

Referred to Committee on Rules.

NOTICE OF MOTION TO RECONSIDER HOUSE RESOLUTION NO. 11 WAIVED

Mr. Beck waived his notice of motion to reconsider the vote whereby House Resolution No. 11 was refused adoption.

REQUEST FOR UNANIMOUS CONSENT TO RESCIND ACTION ON ASSEMBLY BILL NO. 1

Mr. Dickey asked for, and was granted, unanimous consent to rescind the action whereby the Assembly, on Monday, December 12, 1949, passed Assembly Bill No. 1.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Dickey moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "created at that session".

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 1

Mr. Dickey moved that a rush order be placed upon the printing of Assembly Bill No. 1.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF LEGISLATIVE COUNSEL BE PRINTED IN THE JOURNAL

Mr. Beck asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel, pertaining to aid to aged and needy blind, be ordered printed in the Journal in 10-point type:

Letter of Transmittal

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 16, 1949

Hon. Julian Beck
Assembly Chamber

Aid to Aged and Needy Blind—No. 343

DEAR MR. BECK: We are enclosing herewith an opinion in which we conclude:

1. That legislation to continue the state administration of aid to the aged and to the needy blind is within the scope of the Proclamation convening this, the 1949 (First Extraordinary), Session.

2. That such legislation could probably not be enacted as an urgency measure and consequently could not take effect until after the operative date of Article XXVII of the Constitution—March 1, 1950.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 15, 1949

Scope of the Proclamation Convening the 1949 (First Extraordinary) Session Relating to Aid to the Aged and to the Needy Blind

Certain questions have been asked concerning this subject which can best be answered in a single comprehensive discussion of the entire subject.

The questions involve Propositions 1 and 2 (principally Proposition 1) of the Proclamation convening the current extraordinary session which relate to the payment and administration of aid to the aged and aid to the needy blind. We will use the term "aid" to apply to both types of aid.

The items involve the situation resulting from the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949. This provision became effective on December 11, 1949, and will become operative on March 1, 1950. As of March 1, 1950, certain provisions of the Welfare and Institutions Code which were superseded by Article XXV of the Constitution (repealed by Article XXVII) will be revived.

The principal effects of the coming into operation of Article XXVII with which we are concerned will be that the administration of aid (which is a state function under Article XXV) will revert to the counties. The counties will also assume financial responsibility for the payment of a certain portion of the aid (all of which is a state obligation under Article XXV).

Another effect of Article XXVII is that the control of aid and its administration will be re-vested in the Legislature because the article provides that the Legislature may amend or repeal any of the provisions of the code revived by the article and also those specifically amended by the article.

The relevant items of the proclamation read:

> "1. To consider and act upon legislation to appropriate money to the counties and cities and counties for expenditure during the 1949-1950 Fiscal Year to meet the financial emergency in payment of aid to the aged and to the needy blind and the administration of such aid confronting the counties and cities and counties by reason of the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949.
>
> "2. To consider and act upon legislation to provide for the transfer to the counties and cities and counties of personnel for the administration of aid to the aged and aid to the needy blind."

In the message of the Governor to the Legislature (Assembly Journal, December 12, 1949, pp. 24-25, Senate Journal, same date, pp. 31-32) the subject of aid is treated as follow:

"Aid to the Aged and Needy Blind

"The first problem is one of transition from state to county administration of old age assistance as provided by the initiative measure known as Proposition No. 2, adopted by the people on November 8, 1949, and to assist the counties financially in assuming their obligations under that initiative measure until the end of the fiscal year, June 30, 1950.

"After consultation with the Controller, the Director of Finance, and other interested state officers, I am of the opinion that it will be necessary to provide immediately for the transfer to the counties and cities and counties the personnel for the administration of aid to the aged and aid to the needy blind, in order to have an orderly transfer of this important function by March 1, 1950, as provided in the amendment. I also believe it would be equitable at this time to assume the financial obligations of the counties and cities and counties for financing and administering the programs until June 30th of next year.

"At the time the counties made their budgets for the current year, they had been relieved of all responsibility for old age assistance. It was then entirely a state responsibility. The State therefore was obliged to assume and did assume in its budget the entire financial and administrative responsibility for the program. The counties have no funds set up to meet the exigencies of Proposition No. 2. Because of this fact, and because the State is prepared to carry on for the remainder of the fiscal year, it is my recommendation that it be done. I am advised that the cost to the State will be approximately eight million dollars, but county taxpayers will be relieved of a like amount."

The answer to the questions turns on the application of the provisions of Section 9 of Article V of the State Constitution to the situation. That section reads:

"He (the Governor) may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto."

The problem, therefore, is to ascertain the "subjects" specified in the Proclamation. As to Item 1, it is clear that a bill to make an appropriation to the counties and cities and counties of the State for payment of aid and administration thereof during the current fiscal year would satisfy every essential element in the item and would be clearly within the scope of the subject specified and there would be no problem.

The first question is whether or not, instead of permitting the administration of aid to revert to the counties, the Legislature could pass a

bill to provide for the continuance of administration by the State Department of Social Welfare until the end of the current fiscal year.

Such a bill would not be in literal compliance with Item 1 of the Proclamation. The question then becomes one of the extent to which the Legislature may go in legislating without going beyond the "subject" specified. The fact that the Constitution provides that the Legislature may not "legislate" upon a subject not specified, clearly implies that it must be left room to "legislate" upon a subject which is specified.

The Legislature may refuse or fail to legislate at all upon a subject specified. The Legislature need not legislate on all of the subject specified but may legislate on any part or phase of the subject which of itself comprises a subject of legislation. Similarly, there is some boundary beyond the exact subject specified within which legislative action is permissible.

The general principles were discussed in the case of *Martin* vs. *Riley* (1942), 20 Cal. 2d 28 at pp. 38 and 39 as follows:

> "It is contended by the petitioner that the Legislature had no power to reorganize the State Guard because such reorganization was not within the subjects of the proclamation; that all the Legislature could do at said session was to increase the appropriation for the operation, maintenance and organization of the State Guard and amend the Military and Veterans Code in the respects noted in the call and in the Governor's message to the special session.
>
> "These contentions cannot be sustained. The duty of the Legislature in special session to confine itself to the subject matter of the call is of course mandatory. It has no power to legislate on any subject not specified in the proclamation. (*People* vs. *Curry*, 130 Cal. 82 [62 Pac. 516]; *Swing* vs. *Riley*, 13 Cal. 2d) 513, 518 [90 P. (2d) 313].) But when the governor has submitted a subject to the Legislature, the designation of that subject opens for legislative consideration matters relating to, germane to and having a natural connection with the subject proper. (*Blackford* vs. *Judith Basin County*, 109 Mont. 578 [98 P. (2d) 872, 877, 126 A. L. R. 639], and cases cited.) Any matter of restriction or limitation becomes advisory or recommendatory only and not binding on the Legislature. (*People* vs. *District Court*, 23 Colo 150 [46 Pac. 681]; *Long* vs. *State*, 58 Tex. Cr. R. 209 [127 S. W. 208, 21 Ann. Cas. 405].)
>
> *In Baldwin* v. *State*, 21 Tex. App. 591 [3 S.W. 109], it was held that the call 'to reduce the taxes both ad valorem and occupation so far as it may be found consistent with the support of an efficient state government,' embraced the entire subject of taxation, and a bill authorizing the levy of taxes on occupations not theretofore taxed was upheld. The court said: 'To so legislate as to *reduce the taxes*, and at the same time *provide for the support of an efficient state government*, in our opinion, includes the power to levy taxes upon property and occupations not taxed before. It might be wholly impracticable to accomplish a *reduction* of taxes and at the same time to maintain the state government, without the exercise of such power * * *. Legislative power, except where the constitution has imposed limits upon it, is practically absolute; and where limitations upon it are imposed they are to be strictly construed, and are not to be given effect as against the general power of the legislature, unless such limitations clearly inhibit the act in question.' "

In *Bradford* vs. *Judith Basin County* (Mont. 1940) 98 Pac. 872, cited by the court, under a constitutional provision similar to Section 9 of Article V of the California Constitution, the item of the Proclamation was:

To amend the law in relation to the time for releasing real estate from tax liens.

The pertinent provision of the statute enacted provided that a taxpayer whose property had been deeded to the State could purchase the property by payment to the county of the full amount of the taxes, penalties and interest for which it was sold.

The court held that the statute was within the Proclamation calling the session. In the course of the opinion the court said:

> "The word 'subject' is to be construed freely to include matters relating to, germane to, and having a natural connection with the subject proper.
>
> "The obvious purpose of the Governor was to afford certain taxpayer relief. That the legislature preferred to give it by a preferential right to repurchase, rather than by postponement of the time in which to redeem from tax sale should not be seized upon to defeat the executive and legislative purpose."

In *People* vs. *District Court* (Colo. 1896), 46 Pac. 681, also cited in *Martin* vs. *Riley* (above), the constitutional provision was that "at such special session no business shall be transacted except that specifically named in the proclamation."

The item of the Proclamation was:

To enact that the law in relation to elections, etc. * * * known as the Australian Ballot Law, be amended so as to provide:

(Here followed a number of paragraphs designating in detail the amendments the Executive desired the Legislature to make.)

The statute related to the jurisdiction of the district court to hear and determine which of two groups had the right to appear as a party ticket on the ballot with a certain emblem. This apparently was within the scope of the act mentioned in the item but not within the specific amendments proposed in it.

The court held that the act was within the Proclamation and said:

> "The governor by specially designating in the procalamation * * * as one of the subjects of legislation, the law relating to elections, etc., in this state, known as the 'Australian Ballot Law,' for amendment, must be held to have submitted the whole subject-matter of such act for legislative action thereon.
>
> "He had no more authority to go further than this, and specify the particular character of the amendments to be voted upon, than he would have had to have prepared the bills, and attached them to his call, and directed the legislature to have passed or rejected the same, without amendment.
>
> "Such specific instructions can, at best, be regarded as advisory only, and not as limiting the character of legislation that might be had upon the general subject of the Australian ballot law."

In *Long* vs. *State* (Texas, 1910), 127 S.W. 208 the pertinent constitutional provision was that "there shall be no legislation on subjects other than those designated in the proclamation."

The item of the Proclamation was:

> "To enact adequate laws simplifying the procedure in both civil and criminal courts of this state, and to enact laws amending and changing the existing laws governing court procedure as will reduce the present unusual and unnecessary expense of litigation and as will tend to the speedy administration of justice in civil and criminal cases."

The statute changed, extended, and rearranged the terms of court of the criminal district courts for certain counties.

In holding the act within the Proclamation, the court said:

> "The term 'court procedure' in the sense in which it was used by the Governor in his Proclamation, was doubtless intended to apply, and should be held to have the effect to apply generally to all laws governing the operation of courts, and we think necessarily included the terms and times during which such courts should hold their sessions. If the Legislature, by enacting a law amending and changing existing laws increased and extended the length of the terms of the criminal district court of Harris County, which would have the effect and which would tend to the speedy administration of justice in criminal cases, it would seem that such an act would be within the jurisdiction of the Legislature, and would be legislation upon the general subject presented for their consideration by the Governor in his proclamation." (p. 210)

In *Baldwin* vs. *State* (Texas, 1886) 3 S. W. 109, the item was:

> "To reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient state government."

The act levied an occupational tax upon persons selling the *Police Gazette*.

In holding the act within the Proclamation, the court said:

> "Proclamation 'embraces the whole subject of taxation, and authorizes any and all such legislation upon that subject as may be deemed necessary by the Legislature.'
>
> "To so legislate as *to reduce the taxes* and at the same time provide for the support *of an efficient state government*, in our opinion, include the power to levy taxes upon property and occupations not taxed before." (p. 110)

From a reading of the excerpt quoted from *Martin* vs. *Riley* (above cited) and the cases to which the court referred in the decision in that case, the rule appears to be that it is not necessary in ascertaining the "subject" specified in an item that every word of the particular item must be given full effect. Rather, it seems that an item must be read in its relation to the objective to be reached or the purpose to be accomplished.

We will not burden this discussion with an analysis of the rather complicated situation resulting in the case of *Martin* vs. *Riley*, above cited, as the quoted portion appears to indicate sufficiently the court's views on the matter herein discussed.

The quoted excerpts from *Martin* vs. *Riley* and the cases therein cited, however, do appear to reflect the general principles to be applied by the courts in situations such as the one under discussion.

Applying those principles to the instant case, it is clear that the *problem*, as stated by the Governor in his message, is one of the transition from state to county administration of aid and of assisting the counties financially in assuming their obligations under Article XXVII.

The *solution* proposed by the Governor is apparent from the items and the Governor's message. This solution is to permit the administration of aid to revert to the counties pursuant to Article XXVII and to appropriate money to the counties for administration of aid and for the counties' share of the payment of the aid during the remainder of the current fiscal year on and after March 1, 1950.

The basic question is whether or not under Section 9 of Article V this solution is the only one available to the Legislature. The cases above referred to seem to indicate rather clearly that it is not. Rather, the attitude of the courts appears to be that once the subject, or the problem, is submitted to the Legislature, it may solve the problem (or all or none of it) as it may determine.

This attitude has certain intrinsic merit. Regardless of where the exact boundaries of the subject of any particular item may be, within those boundaries the Legislature may "legislate." Within those boundaries the legislative power must necessarily be untrammeled. The Constitution does not limit the legislative power as to the mode of its exercise within the scope of a subject but simply prohibits its exercise beyond that scope. Within the area in which the Legislature may operate at all during an extraordinary session, there is apparently no difference in the legislative power at such a session and at a general session.

These considerations appear to us to lead to the conclusion that within the scope of Items 1 and 2 the Legislature may apply any solution to the problem it finds to be appropriate. It is true that the items contemplate a certain solution and the Legislature would be as safe as it could be in adopting that solution. If, however, the Legislature should determine that that particular solution is not the best one and adopt a different solution to the problem—that is, that the appropriate solution is to continue state administration and payment of aid we think the courts would hold that such action would be constitutional as being within the scope of the Proclamation.

The second question relates to the effective dates of statutes enacted under Item 1 of the proclamation if:

1. A statute is enacted to appropriate money to counties for administration and payment of aid to the aged and aid to the needy blind during the period from March 1, 1950 to the end of the current fiscal year?

2. A statute is enacted to continue the administration and payment of aid to the aged and aid to the needy blind in the State Department of Social Welfare?

The same rules apply at an extraordinary as at a regular session. Ordinary acts take effect on the ninety-first day after final adjournment. Certain types of acts, including urgency measures, may take effect immediately. No act changing the duties of any officer may be construed to be an urgency measure (Sec. 1, Art. IV, Const.).

Article XXVII of the Constitution, adopted at the special election on November 8, 1949 will become operative on March 1, 1950. As of that date the administration of aid (that is the determination of eligibility and the amount of aid) and the obligation of paying a certain portion of the aid granted will revert to the counties.

Inasmuch as March 1, 1950 is within 90 days of the present date, in order for any act passed at this session to take effect on or before March 1, 1950 it would have to be an urgency measure.

We think that an act of the type first mentioned—an appropriation to the counties—would not involve such a change in the powers and duties of any officer that it could not, under the Constitution, be construed as an urgency measure. Presumably some state officer or officers, could be charged with the duty of ascertaining the amounts to be allocated and making the allocations. If these duties are imposed upon officers who have other duties of the same general nature—so that the effect is more of an increase in powers or duties already conferred or imposed, rather than a substantial change in the nature of the duties—such an act would not be a "change" in the powers and duties within the meaning of the constitutional provision (*Davis* vs. *Los Angeles County* (1938) 12 Cal. 2d 412, *Martin* vs. *Riley* (1942) 20 Cal. 2d 28).

For example, the State Department of Social Welfare, both under Article XXV of the Constitution now in operation and under Article XXVII which will become operative on March 1, 1950, has certain duties in relation to the determining of the amounts payable for aid in the several counties. The Director of Finance has a great variety of functions relating to the handling and disbursement of state money. We do not think there would be a substantial change in the duties of the State Department of Social Welfare if it were required to determine the amounts to be allocated nor in the duties of the Director of Finance if he were required both to determine the amounts and make the allocation.

The second type of act presents a different problem. Would an act providing for the continuation of the administration and payment of aid in the State Department of Social Welfare effect a change in its powers and duties?

Under Article XXVII a considerable group of functions relating to aid—the determination of eligibility of applicants, the property qualifications, the amount of the "need" of the applicant, relatives' responsibility, and the functions of keeping the "case-loads" on a current basis—will revert to the counties. These functions, which prior to Article XXV, were performed by the counties and which during the effective and operative period of Article XXV were performed by the State, will again become county functions as of March 1, 1950.

The State Department of Social Welfare, before and after the operative period of Article XXV, had and will have a certain group of functions relating to aid—the matter of appeals and certain functions of a

general supervisory nature. These functions at the "state level" are different in a considerable degree from the functions at the "county level." It is quite likely that it could be held that they are so different that the imposition of the "local" functions on the state department would amount to a change in the duties of the department (and of the officers and employees therein).

Therefore any act retaining the administration of aid in the State could not take effect immediately as an urgency measure and its effective date would be the ninety-first day after final adjournment of this session.

This would result in a gap—a period between March 1, 1950 and the ninety-first day after final adjournment—during which the administrative functions would revert to the counties under Article XXVII.

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

RESOLUTIONS

The following resolution was offered:

By Mr. Coats:

House Resolution No. 23

Relating to adjournment in memory of Bert W. Loomis

WHEREAS, It is with profound regret and shock that the Members of the Assembly have learned of the passing of Bert W. Loomis, former member of this body; and

WHEREAS, Bert W. Loomis was elected to the Assembly and served during the 1947 and 1948 General Sessions, representing the Fourth Assembly District, comprising the Counties of Butte, Sutter, and Yuba; and

WHEREAS, As a Member of the Legislature he served his district honestly and faithfully according to his conscience, and during the 1947 General Session he sponsored a series of bills which resulted in the improvement of the government of irrigation districts, which are of particular importance to the district he represented; and

WHEREAS, Bert W. Loomis had for many years been widely known in the City of Chico and the Central Sacramento Valley as a successful realty and insurance broker, as a beloved member in Rotary Club and Shrine circles, and as a loyal adopted son of the State of California, having been born in Texas in 1889 and educated in Oklahoma prior to his removal here 35 years ago; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby express their deep sorrow at the passing of Bert W. Loomis and their most sincere sympathy for his bereaved widow and daughter; and be it further

Resolved, When the Assembly shall this day adjourn, it do so in respect to the memory of Bert W. Loomis; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to Mrs. Lillian B. Loomis of Chico, California, the widow of Bert W. Loomis and to his daughter, Mrs. Lloyd Copelin.

Request for Unanimous Consent

Mr. Coats asked for, and was granted, unanimous consent to take up House Resolution No. 23, at this time, without reference to committee or file.

Resolution read, and adopted unanimously by a rising vote.

REMARKS ON CONDITION OF THE FILE

Mr. McCollister spoke on the condition of the file.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 12 HOLD PLACE ON FILE

Mr. McCollister asked for, and was granted, unanimous consent that Assembly Bill No. 12 be passed on file, and hold its place on file on the next legislative day.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 37—An act to amend Section 186 of the Penal Code, relating to the crime against nature.

Bill read third time.

Motion That Assembly Bill No. 37 Be Re-referred to Committee

Mr. Bennett moved that Assembly Bill No. 37 be re-referred to the Committee on Judiciary.

Mr. Condon seconded the motion.

Motion to Table Motion

Mr. Lowrey moved that the motion by Mr. Bennett to re-refer Assembly Bill No. 37 to the Committee on Judiciary be laid on the table.

Mr. Brady seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Babbage, Brady, Burke, Burkhalter, Butters, Clarke, Cloyed, Collier, Connolly, Cooke, Crichton, Crowley, Dills, Dolwig, Doyle, Erwin, Fleury, Geddes, Grant, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCollister, Morris, Moss, Niehouse, Porter, Price, Reagan, Rumford, Smith, Thompson, Tomlinson, and Waters—44.

NOES—Anderson, Bennett, Brown, Caldecott, George D. Collins, Condon, Elliott, Evans, Gaffney, Grunsky, Hawkins, Kilpatrick, Lewis, McCarthy, McMillan, Sherwin, Thomas, Weber, and Yorty—19.

The question being on the passage of Assembly Bill No. 37.

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

AYES—Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—64.

NOES—Anderson, George D. Collins, Condon, Elliott, McMillan, and Sherwin—6.

Motion to Amend Title

Mr. Smith moved the adoption of the following amendment to the title:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "186", and insert "286".

Amendment read, and adopted.

Bill ordered transmitted to the Senate.

APPOINTMENT OF SELECT COMMITTEE

Speaker Sam L. Collins announced the appointment of Messrs. Erwin, Burke, Conrad, and Geddes as a Select Committee to escort the Honorable Richard Nixon, Member of Congress representing the Twelfth Congressional District of California, to the rostrum.

RECESS

At 12.06 p.m., on motion of Messrs. Erwin, Burke, Conrad, and Geddes, the Assembly recessed until 12.12 p.m. to hear remarks from the Honorable Richard Nixon, Member of Congress representing the Twelfth Congressional District of California.

REASSEMBLED

At 12 12 p.m., the Assembly reconvened.
Hon. Sam L. Collins, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 13—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses.

Bill read third time.

Urgency Clause

Urgency clause read.

Assembly Bill No. 13 ordered temporarily held at desk.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 47

Mr. Kirkwood asked for unanimous consent that he be permitted to take up Assembly Bill No. 47, out of order, at this time.

Mr. Lowrey withheld unanimous consent.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No 47

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

SHERWIN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Concurrent Resolution No. 1

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR SPEAKER: Your Committee on Rules, to which were referred:

Senate Bill No. 2
Senate Bill No. 12

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

DICKEY, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Concurrent Resolution No. 8

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Concurrent Resolution No. 7

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Concurrent Resolution No. 6

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Assembly Joint Resolution No. 5

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Senate Concurrent Resolution No. 3

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

House Resolution No. 17

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

DICKEY, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

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

Assembly Joint Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Agriculture.

DICKEY, Chairman

Above reported bill ordered re-referred to Committee on Agriculture.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 5

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 15, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 4
Assembly Bill No. 30

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

STEWART, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 4—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 3, line 23, of the printed bill, as amended in the Assembly on December 14, 1949, after "except", insert "a".

Amendment No. 2

On page 4, line 31, of said bill, strike out "of", and insert "for".

Amendment No. 3

On page 4, line 45, of said bill, strike out "Congress", and insert "Legislature".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 30—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 2, line 23, of the printed bill, strike out "and radio", and insert ", radio, and television".

Amendment No. 2

On page 3, line 18, of said bill, after "felony", insert "involving moral turpitude".

Amendment No. 3

On page 5 of said bill, strike out lines 5 and 6, and insert "nection with his activities as such. This statement shall specifically include the name and".

Amendment No. 4

On page 5, line 9, of said bill, strike out "(c)", and insert "(b)".

Amendment No. 5

On page 5 of said bill, strike out lines 11 and 12, and insert "nection with his activities as such. This statement shall specifically include the name and".

Amendment No. 6

On page 6, line 3, of said bill, after "because of", strike out "an", and insert "a wilful".

Amendment No. 7

On page 7 of said bill, between lines 42 and 43, insert

"(c) Receive any special retainer from any person. "Special retainer" as used in this section includes any compensation paid to any such officer or employee by any person having a special interest in any pending or proposed legislation for the purpose of influencing the recipient's exercise of discretion in the performance of his official duties. It does not include any compensation paid by way of a general retainer when it is intended by both parties that such retainer will be earned in connection with matters which have no relation to the recipient's official duties Any such general retainer shall be represented by an instrument in writing which has been signed by both parties and which sets forth in detail the services which are to be performed and the amount of compensation."

Amendment No. 8

On page 4 of said bill, between lines 5 and 6, insert

"9912.1. In case a person is employed as a legislative representative in such manner and under such circumstances that it is impossible or impracticable to register with the Secretary of State before he is obliged to enter upon performance of his duties as a legislative representative, he may nevertheless appear before a legislative committee and thereafter act as a legislative representative without first filing with the Secretary of State the registration statement required by this chapter, by filing with the Sergeant-at-Arms of the appropriate house of the Legislature a written statement which shall include his name and address, the subject or subjects on which he appears, and the name and address of his principal, together with a statement that within three business days thereafter, he will comply with the requirements of this chapter for filing with the Secretary of State. Such person shall pay the fee required by this chapter to the Sergeant-at-Arms The fee so paid, together with the statement so filed, shall be delivered to the Secretary of State by the Sergeant-at-Arms on the next business day. The statement herein required shall be sworn to before any Member of the Legislature. The person so registering with the Sergeant-at-Arms shall, without further fee, within three business days thereafter, register with the Secretary of State in compliance with this chapter. In such registration statement filed with the Secretary of State, such person shall, in addition to the other requirements of this chapter, set forth a statement of the facts that constituted the emergency that prevented him from registering with the Secretary of State before acting as a legislative representative"

Amendment No. 9

On page 4, line 45, of said bill, after "reported", insert ", and also all matters specified in subdivisions (e) and (f) of Section 9911"

Amendment No. 10

On page 7 of said bill, strike out lines 30-34, inclusive, and insert "the interests of any other person before any of the following public bodies or officers or any board, hearing officer, or other administrative officer thereof:

(1) The Legislature, either house of the Legislature, or any committee or subcommittee of the Legislature or either house, the Governor or Lieutenant Governor.

(2) Any state board, commission, officer, hearing officer, or other state agency in any proceeding involving the application, revocation, suspension, reinstatement or other disciplinary action with reference to professional or business licenses, permits or registration.

(3) The State Personnel Board

(4) The State Department of Public Works

(5) The State Department of Natural Resources.

(6) The State Board of Control.

(7) The State Department of Agriculture.

(8) The Division of Corporations, as to any matter concerning permits for the sale of securities to the public.

(9) The State Lands Commission

(10) The Franchise Tax Board, as to any agreement in writing between the Franchise Tax Commissioner and a corporation in respect to any tax levied under the Bank and Corporation Franchise Tax Act

(11) The State Water Pollution Control Board and regional water pollution control boards.

(12) The State Department of Public Health."

Amendment No. 11

On page 7 of said bill, strike out lines 39-49, inclusive, and on page 8, strike out lines 1 and 2, and insert "action is prosecuted before any board, hearing officer, or other administrative officer of the public bodies or officers enumerated in subsection (a) of this section as limited therein."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 18

Mr. Rosenthal moved that Assembly Bill No. 18 be withdrawn from file, and be re-referred to the Committee on Judiciary.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 22—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor and declaring the urgency thereof, to become effective immediately.

Bill read third time.

Motion to Amend

Mr Hollibaugh moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, following the comma after "attend", insert "or who loiters in or about public toilets in public parks,".

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 38—An act to amend Section 189 of the Penal Code, relating to degrees of murder and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—71.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—71.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 4—Relating to providing instruction for school children to meet the dangers resulting from sex offenses.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—65.

NOES—Hagen and Yorty—2.

Notice of Motion to Reconsider Assembly Concurrent Resolution No. 4

Mr. Yorty gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 4 was this day adopted.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 47—An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Kirkwood moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "7139.1", insert "(a) "Single elementary school district" means an elementary school district which is not included within

a union elementary school district, joint union elementary school district, or unified school district."

Amendment No. 2

On page 1, line 6, of said bill, strike out "(a)", and insert "(b)".

Amendment No. 3

On page 1, line 6, of said bill, strike out "an", and insert "a single".

Amendment No. 4

On page 1, line 8, of said bill, after "1948", insert "and a union elementary school district, joint union elementary school district, or unified school district which was in existence for all purposes on July 1, 1949".

Amendment No. 5

On page 1, line 10, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 6

On page 1, line 14, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 7

On page 2, line 2, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 8

On page 2, line 8, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 9

On page 2, line 14, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 10

On page 2, line 36, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 11

On page 3, line 19, of said bill, strike out "Article 6", and insert "Articles 6 and 10".

Amendment No. 12

On page 3, line 21, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 13

On page 3, line 33, of said bill, after "day", insert "elementary and kindergarten".

Amendment No. 14

On page 4, line 4, of said bill, strike out "State School Fund", and insert "funds appropriated by this act".

Amendment No. 15

On page 4 of said bill, between lines 30 and 31, insert

"7139.11. For the purposes of this article a union elementary school district, or joint union elementary school district, or unified school district which was not in existence prior to July 1, 1949, shall, as now constituted, be deemed to have been in existence on July 1, 1948."

Amendment No. 16

On page 4, line 31, of said bill, strike out "7139.11.", and insert "7139.12."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 47

Mr. Kirkwood moved that a rush order be placed upon the printing of Assembly Bill No. 47.

Motion carried.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 6—Relative to the problem of unemployed and starving persons in the valleys of the State of California.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Dickey:

Resolved, That Senate Bill No. 2 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—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

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

CONSIDERATION OF SENATE BILL NO. 2

Senate Bill No. 2—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read second time.

Senate Bill No. 2—An act making an appropriation for the contingent expenses of the Senate, without regard to fiscal years, including committee expenses, to take effect immediately.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

ANNOUNCEMENTS

Mr. Crowley announced that he is holding two bills at his desk, one pertaining to the relatives' responsibility clause in regard to aid to the needy aged, and one pertaining to keeping people 63 and 64 years of age on California's pension rolls, and urged all members wanting to be co-authors to sign these bills at once.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Dickey:

Resolved, That Senate Bill No. 12 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—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

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

CONSIDERATION OF SENATE BILL NO. 12

Senate Bill No. 12—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1949 First Extraordinary Session of the Legislature, to take effect immediately.

Bill read second time.

Senate Bill No. 12—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1949 First Extraordinary Session of the Legislature, to take effect immediately.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

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

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

Assembly Bill No. 52: By Mr. Coats—An act to amend Sections 4501, 4532, 4533, and 4534 of, and to add Sections 4501.5 and 4530.5 to, the Elections Code, relating to influencing, or attempting to influence, legislation by means of campaign expenditures.

Referred to Committee on Governmental Efficiency and Economy.

RESOLUTIONS

The following resolution was offered:

By Messrs. Smith, Lipscomb, Collier, Conrad, Fletcher, Grant, Hawkins, Anderson, Morris, Hollibaugh, Evans, McMillan, Rosenthal, Beck, Hahn, Geddes, Doyle, Bennett, Burkhalter, Huyck, Elliott, Porter, Levering, Reagan, Kilpatrick, Stewart, Thomas, Yorty, Burke, and Dills:

House Resolution No. 24

Relating to an investigation and report relative to the desirability and feasibility of a separation of grade between certain thoroughfares in Glendale and Los Angeles in Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Los Feliz Boulevard, Glendale Boulevard, and Fletcher Drive in Glendale and Los Angeles in Los Angeles County, cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over these thoroughfares across such tracks constitutes a great and increasing hazard to the motoring public using the above mentioned thoroughfares; now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officials of the City of Glendale, the City of Los Angeles, the County of Los Angeles, the Southern Pacific Company, and the Public Utilities Commission be requested to initiate proceedings for separation of grades at the above described locations and to report to the Assembly not later than March 15, 1950, and, be it further

Resolved, That the Chief Clerk of the Assembly be instructed to forward a copy of this resolution to the Public Utilities Commission, the City of Glendale, the City of Los Angeles, the County of Los Angeles and the Southern Pacific Company.

Resolution read, and ordered referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 16, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 1

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

APPOINTMENT OF SELECT COMMITTEE

Speaker Sam L. Collins announced the appointment of Messrs. Beck, Burkhalter, and Evans as a Select Committee to escort the Honorable Helen Gahagan Douglas, Member of Congress representing the Fourteenth Congressional District of California, to the rostrum.

RECESS

At 1.10 p.m., on motion of Mr. Beck, the Assembly recessed until 1.14 p.m. to hear remarks from the Honorable Helen Gahagan Douglas, Member of Congress representing the Fourteenth Congressional District of California.

REASSEMBLED

At 1.14 p.m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

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

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

Assembly Bill No. 53: By Messrs. Crowley, Burkhalter, Anderson, Evans, Beck, Bennett, Brady, George D. Collins, Condon, Cooke, Crichton, Dills, Porter, Doyle, Dunn, Elliott, Fletcher, Gaffney, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, McCollister, McMillan, Meyers, Morris, Mrs. Niehouse, Messrs. Rosenthal, Rumford, Thomas, and Yorty—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181.01, 2224, 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to public assistance, including aged aid, aid to the needy blind and aid to the partially self-supporting blind, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 54: By Messrs. Crowley, Lewis, Burkhalter, Rosenthal, Anderson, Brady, George D. Collins, Condon, Cooke, Crichton, Dills, Porter, Doyle, Dunn, Elliott, Evans, Fletcher, Hawkins, Hollibaugh, Kilpatrick, McCollister, McMillan, Rumford, Thomas, and Yorty—An act to add Section 2160.3 to the Welfare and Institutions Code, relating to aid to the aged in respect to the minimum age of eligibility therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Subcommittee on Rules, in Room 426. Subject: Assembly Joint Resolution No. 4, relative to World Federation.

At 2.15 p.m.—

Ways and Means.

At 2 30 p.m.—

Air and Water Pollution Committee, in Room 432.

Tomorrow, Saturday, December 17, 1949, at 9.30 a.m.—

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mrs. Niehouse and the San Diego Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Mr and Mrs. Jack Hanna of La Mesa.

On request of Mr. Beck, the usual courtesies of the Assembly for this day were unanimously extended to Congresswoman Helen Gahagan Douglas of Los Angeles.

On request of Mr. Davis, the usual courtesies of the Assembly for this day were unanimously extended to Major Sam Ackerman of Herlong, California.

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to Frank Loroi, Buck Parker, teachers, and the following pupils of the Esparto School: Robert Bair, Earl Bolton, Robert Bowen, James Campos, Emily Curtis, Joe Denson, Beverly Ender, Darrel Fiddler, Joyce Freeman, Curtis Gniceh, Barbara Hanna, Vernon Hazon, Carl Hartwig, Jerry James, Marlin Karlstad, Louis Lopez, Rose Lopez, Margaret Lucas, Rae Manas, James McGinnis, Janis McGinnis, Louis Pires, Daniel Parker, Robin Russell, Wesley Schaupp, Donna Stephens, Mike Stephens, Ellen Tandy, Doyal Tibbs, Kellie Parsons, and Jean Martin.

On request of Messrs. Dunn, Dickey, Lincoln, and Condon, the usual courtesies of the Assembly for this day were unanimously extended to Hon. George P. Miller, Carl Froerer, and Frank Chambers of Alameda.

On request of Mr. Crichton, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. M. S. Meeker of Fresno.

On request of Speaker Sam L. Collins and Mr. Erwin, the usual courtesies of the Assembly for this day were unanimously extended to Congressman Richard Nixon of Whittier.

On request of Mr. Hollibaugh, the usual courtesies of the Assembly for this day were unanimously extended to Robert New of Los Angeles.

On request of Messrs. Hawkins and Beck, the usual courtesies of the Assembly for this day were unanimously extended to Jack Massion of Los Angeles, former Assemblyman.

ADJOURNMENT

At 1.15 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Saturday, December 17, 1949, out of respect to the memory of the late Bert W. Loomis of Chico, former Assemblyman.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY

SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, December 17, 1949

The Assembly met at 10 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Almighty God: We stand in awe before the august mystery, the infinite greatness and majesty of Thy Divine Being.

We are finite and earthbound, and Thou are great beyond our power to comprehend; Infinite in Thy intelligence, eternal in Thy duration. Undergirding the laws of nature, the stars of the sky and the vastness beyond, is Thy everlasting Power.

Yet boundless as is Thy Being, by Faith we trust that Thou art present.

In perplexity Thou art our hope; in the stress and strain of life, Thou art our everlasting peace. In temptation Thou dost uphold the Good.

When sorrow or illness befalls us, and our hearts long for cosmic support, may we feel that underneath are Thy Everlasting Arms.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Morris, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr Gaffney.

The following member was granted leave of absence for the day, because of legislative business elsewhere:

Mr. Babbage, on motion of Mr. Stanley.

The following member was granted leave of absence for the day, and desired to waive his per diem:

Mr. Sherwin, on motion of Mr. Caldecott.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 10: By Mr. Brown—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Request for Unanimous Consent

Mr. Brown asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No 10, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dills, Dolwig, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lipscomb, Maloney, McCarthy, McMillan, Morris, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Thomas, Tomlinson, Waters, Weber, and Mr. Speaker—56.

NOES—None.

Resolution ordered printed, and transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER. Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 5—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949;

Assembly Concurrent Resolution No. 6—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949;

Assembly Concurrent Resolution No. 9—Approving the charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors

of said city at a special municipal election held therein on the eighth day of November, 1949;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the seventeenth day of December, 1949, at 10 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 22

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 27

Assembly Bill No. 28

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

SHERWIN, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 27—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 28—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

MOTION THAT HOUSE RESOLUTION NO. 12 BE STRICKEN FROM FILE

Mr. Kilpatrick moved that House Resolution No. 12 be ordered stricken from the file.

Motion carried.

STATEMENT BY MR. KILPATRICK RELATIVE TO HOUSE RESOLUTION NO. 12

On December 12th the California Legislature was called into extraordinary session by Governor Earl Warren. I remind Members of the Legislature we were given notice so short that many could not even put their business affairs in order before leaving to come here. But more important this call was so hasty that many of us did not even receive the Governor's Proclamation calling this session before we left home. Because of this many of us did not have an opportunity to familiarize ourselves with the scope of legislation we were called here to act upon.

Upon my arrival here I learned that the Governor's message was so narrow it did not permit full consideration of the State's future program of aid to the needy aged and blind. I immediately prepared and introduced a resolution, House Resolution No. 12 calling upon the Governor to so enlarge his call as to permit the Legislature to study all phases of this problem at this time. I was joined in this

request by 26 other members. This, I believed was the purpose of the Governor's urgent call for a special session. The Governor having publicly stated he will not broaden the call I now ask that this resolution be dropped.

VERNON KILPATRICK

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 32

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

SHERWIN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 32—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1

On page 2 of the printed bill, strike out line 21, and insert "of this act, not to exceed the sum of two million dollars ($2,000,000),".

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 22—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Fleury moved a call of the Assembly.

Motion carried. Time, 10.20 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Anderson, Babbage, Beck, Berry, Condon, Crichton, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Fletcher, Geddes, Hawkins, Hollibaugh, Lewis, Lincoln, Lindsay, Lowrey, McCollister, Meyers, Rosenthal, Sherwin, Silliman, Smith, Thompson, and Yorty—28.

Further Proceedings Under Call of the Assembly Dispensed With on Urgency Clause to Assembly Bill No. 22

At 10.25 a.m., on motion of Mr. Fleury, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 22 adopted by the following vote:

AYES—Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Price, Reagan, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—61.
NOES—None.

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

AYES—Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Price, Reagan, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—61.
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—69.
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5—Relative to memorializing Congress to enact legislation providing for the distribution of funds belonging to California Indians.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.
NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 25
Assembly Bill No. 39

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 47

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 17

House Resolution No. 17

Relative to adding Rule 13.5 to the Standing Rules of the Assembly, relating to officers and attaches

Resolved by the Assembly of the State of California, That Rule 13.5 is added to the Standing Rules of the Assembly, to read:

13.5 All officers of the Assembly, except those officers who are members, all attaches, and all employees of all Assembly standing and interim committees, who are employed for a period of 10 days or longer, shall file an affidavit with the Chief Clerk of the Assembly showing all persons by whom employed and all sources from which they have received any income during the past two years, all sources of income at the present time, and all income which they expect to receive for outside services during their tenure in their present legislative position. Such affidavits shall be filed by each officer, attache, or employee when he commences his employment and at the commencement of each annual session.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In line 2 of the first paragraph of the measure as printed in the Assembly Journal for December 13, 1949, at page 136, after "read:", strike out all of the following paragraph, and insert

"13.5. Each employee or attache of the Assembly at the time of his employment or election shall furnish the Process Committee, in such form as it shall provide, with a statement giving the record of his employment during the preceding two years, the name or names of his employers, if any, and the nature and conditions of his employment. The Process Committee shall make this information available to any Member of the Assembly at his request."

Amendment read.

Point of Order

Mr. Thomas arose to the following point of order: That Mr. Collier is not speaking to the amendment.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Motion That House Resolution No. 17 and Proposed Amendment Be Re-referred to the Committee on Rules

Mr. Dolwig moved that House Resolution No. 17 and the proposed amendment be re-referred to the Committee on Rules.

Mr. Crowley seconded the motion.

Substitute Motion

Mr. Doyle moved, as a substitute motion, that House Resolution No. 17 and the proposed amendment be re-referred to the Committee on Governmental Efficiency and Economy.

Substitute motion died for lack of a second.

The question being on the motion by Mr. Dolwig that House Resolution No. 17 and the proposed amendment be re-referred to the Committee on Rules.

Demand for Previous Question

Messrs. Kirkwood, Hinckley, Dills, Smith, and Reagan demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Dolwig that House Resolution No. 17 and the proposed amendment be re-referred to the Committee on Rules.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 25—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for layoff of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Point of Order

Mr. Dunn arose to the following point of order: That Mr. Conrad has exceeded his time.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Motion That Mr. Conrad Be Granted Additional Time for Debate

Mr. Brady moved that Mr. Conrad be granted an additional 10 minutes of time for debate.

Mr. Hagen seconded the motion.

Motion carried.

Demand for Previous Question

Messrs. Weber, Caldecott, Connolly, Coats, and Kirkwood demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 25.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey,

Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39—An act to add Section 209.1 to the Penal Code, relating to punishment for sex crimes and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Motion to Re-refer Assembly Bill No. 39 to the Committee on Judiciary

Mr. Smith moved that Assembly Bill No. 39 be withdrawn from the file, and be re-referred to the Committee on Judiciary.

Mr. Beck seconded the motion.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hawkins, Hinckley, Huyck, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—65.

NOES—None.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 7—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the eighth day of November, 1949.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hawkins, Hinckley, Huyck, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—65.

NOES—None.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Mr. Stewart announced that the Senate Committee on Rules will hear the lobby bills on Monday morning, December 19th, at 9.30 a.m., and urged all members of the Committee on Governmental Efficiency and Economy to be present at said meeting.

Mr. Beck announced a Democratic Caucus at 10.30 a.m., on Monday, December 19th, on the fourth floor.

MEMBER EXCUSED

At 11.55 a.m., Mr. Fleury asked for, and was granted, unanimous consent that Mr. Lindsay be excused, for the balance of the legislative day, because of legislative business elsewhere.

COMMITTEE REPORTS DEEMED READ

Mr. Dickey asked for, and was granted, unanimous consent that the following committee reports be deemed read:

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

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

Assembly Joint Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Conservation, Planning, and Public Works.

DICKEY, Chairman

Above reported resolution ordered re-referred to Committee on Conservation, Planning, and Public Works.

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

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

House Resolution No. 24

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 17, 1949

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

Senate Joint Resolution No. 1

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

MEMBER EXCUSED

At 11.56 a.m., Mr. Kirkwood asked for, and was granted, unanimous consent that Mr. Silliman be excused, for the balance of the legislative day, because of legislative business elsewhere.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 17, 1949

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

Senate Bill No. 3
Senate Bill No. 4
Senate Bill No. 8
Senate Bill No. 9
Senate Bill No. 11
Senate Bill No. 13
Senate Bill No. 14
Senate Bill No. 18
Senate Bill No. 19
Senate Bill No. 20
Senate Bill No. 21

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 3—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Senate Bill No. 4—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for lay off of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 8—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Ways and Means.

Senate Bill No. 11—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Referred to Committee on Ways and Means.

Senate Bill No. 13—An act to amend Section 189 of the Penal Code, relating to degrees of murder.

Referred to Committee on Judiciary.

Senate Bill No. 14—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor.

Referred to Committee on Judiciary.

Senate Bill No. 18—An act to amend Section 286 of the Penal Code, relating to the crime against nature.

Referred to Committee on Judiciary.

Senate Bill No. 19—An act to amend Sections 5512 and 5513 of the Welfare and Institutions Code, relating to sexual psychopaths.

Referred to Committee on Judiciary.

Senate Bill No. 20—An act to amend Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths.

Referred to Committee on Judiciary.

Senate Bill No. 21—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of certain offenses.

Referred to Committee on Judiciary.

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

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

Assembly Bill No. 55: By Mr. Condon—An act to add Section 2160.3 to the Welfare and Institutions Code, relating to aid to the aged in respect to the minimum age of eligibility therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Concurrent Resolution No. 11: By Messrs. Burkhalter and Kilpatrick—Relative to the delay in constructing a new maximum security institution for use of the Department of Mental Hygiene.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 17, 1949

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

Senate Concurrent Resolution No. 9

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 9—Relative to the passing of Rolland A Vandegrift.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 9, at this time, without reference to committee, print, or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 9

Senate Concurrent Resolution No. 9—Relative to the passing of Rolland A Vandegrift.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Hoffman and Weber:

House Resolution No. 25

Relating to congratulating the football team of the College of Pacific on its splendid record

WHEREAS, The football team of the College of Pacific has just completed its season; and

WHEREAS, It has been undefeated and untied in 11 games and has scored 575 points against its opponents while holding said opponents to a total of 66 points scored against it; and

WHEREAS, Its team includes many outstanding players including its quarterback Eddie LeBaron, who has been mentioned on almost every All-American football team both as a defensive and as an offensive player; and

WHEREAS, The football team of the College of Pacific has proved itself an able representative of the State of California in intersectional contests and has added to the fame of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby extend their congratulations to the College of Pacific and to the members of its football team and its head coach, Larry Siemering and Ernie Jorge, line coach; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the College of Pacific, to the coach of its football team and to the members of that team.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. Condon, Lewis, Coats, Elliott, and Porter:

House Resolution No. 26

Relating to the financing of unemployment relief

WHEREAS, There has been a startling increase in unemployment throughout the State during the past year; and

WHEREAS, The present economic conditions and forecasts indicate that the number of unemployed persons will continue to increase during the coming year; and

WHEREAS, There is an urgent need to consider the problems which will arise in financing unemployment and particularly the extent to which the State can or should assist the counties in such program, before the full impact of an economic crisis arises; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is hereby respectively urged to extend the subjects for consideration by the Legislature in the extraordinary session presently meeting to include consideration and action

upon legislation to provide an adequate program for the financing of unemployment relief or to include this subject within the subjects for consideration should he call the Legislature into extraordinary session at any time prior to the next general session.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. Lewis and Davis:

House Resolution No. 27

Congratulating Assemblyman and Mrs. Coats upon the birth of a daughter

WHEREAS, There has reached this Assembly the joyful news that on December 14, 1949, our esteemed colleague Arthur W. Coats, Jr., was presented with an advance Christmas present by his wife, the present being a pink and white bundle of baby daughter, Margaret Ellen, weighing seven pounds, eleven ounces; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly heartily congratulate Assemblyman and Mrs. Arthur W. Coats, Jr., upon the birth of their baby daughter, and extend to the little miss a warm welcome and the greetings of this happy season; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Assemblyman and Mrs. Coats.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. George D. Collins, Gaffney, Maloney, McCarthy, Meyers, Connolly, Beck, and Brady:

House Resolution No. 28

Relative to sending good wishes to Assemblyman William Clifton Berry

WHEREAS, An illness confining him to his home has prevented Assemblyman William Clifton Berry of the Twenty-third Assembly District from attending this First Extraordinary Session of 1949; now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is directed to cause a suitable Christmas wreath to be sent to Assemblyman Berry conveying the good wishes and respect of his friends and colleagues in this Assembly, and extending to him and his family their best wishes for a happy holiday season; and be it further

Resolved, That the Chief Clerk of the Assembly write to Assemblyman Berry, expressing to him their regret upon learning of his illness and wishing him a speedy recovery and return to his important duties in this Assembly.

Resolution read, and ordered referred to the Committee on Rules.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Monday, December 19th—

At 10 a.m.—

Agriculture.

At 10.30 a.m.—

Rules.

At 3 p.m.—

Conservation, Planning, and Public Works and Interim Committee on Conservation, Planning, and Public Works.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Meyers and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended

to Judge Edward F. O'Day, former Assemblyman, Mr. and Mrs. M. Graham, and Mr. and Mrs. Edward Kenny of San Francisco.

On request of Messrs. Lindsay and Davis, the usual courtesies of the Assembly for this day were unanimously extended to Dale Jordan, Gale Jordan, and Dennis Nixon, students of the Roseville High School.

ADJOURNMENT

At 12.12 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 11.30 a.m., Monday, December 19, 1949, out of respect to the memory of the late Rolland A Vandegrift, Legislative Auditor.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, December 19, 1949

The Assembly met at 11.30 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: Let us rejoice today that we live in a land where we enjoy every form of liberty that the mind and soul of man can desire.

Freedom of assembly together as people without the interference of arbitrary authority.

Freedom of speech and Freedom of the Press without the shadow of intimidation to subdue the voice of liberty.

Freedom of worship where every one can gather at the altar of his choice and proclaim his own Gospel.

Freedom from want, which is the crowning achievement of America and the evidence that Democracy can best produce abundance.

Let us honor all the heroic souls who have won these liberties and who challenge us to preserve them at the peril of our lives.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dunn, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Kilpatrick, on motion of Mr. Crowley.

Mr. Hagen, on motion of Mr. Yorty.

The following members were granted leaves of absence for the day, and desired to waive their per diems:

Mr. Reagan, on motion of Mr. Levering.

Mr. Huyck, on motion of Mr. Smith.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of the Speaker, the Assembly gave the pledge of allegiance to the Flag.

APPOINTMENT OF SELECT COMMITTEE

Speaker Sam L. Collins announced the appointment of Messrs. Sherwin, Beck, Clarke, Thompson, Fleury, Hawkins, Thomas, Cloyed, Maloney, Coats, and Lindsay, as a Select Committee to represent the Assembly at the funeral of Mr. Rolland A Vandegrift, late Legislative Auditor, and former State Director of Finance.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 2 FROM COMMITTEE

Mr. Elliott gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 2 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 12: By Messrs. Erwin, Clarke, Hoffman, and Hahn—Relative to the creation of a Joint Legislative Committee on Lobby Regulation and defining the powers and duties of the committee.

Referred to Committee on Rules.

Rush Order on Printing of Assembly Concurrent Resolution No. 12

Speaker Sam L. Collins ordered a rush order placed on the printing of Assembly Concurrent Resolution No. 12.

COMMITTEE REPORTS DEEMED READ

Mr. Dickey asked for, and was granted, unanimous consent that the following committee reports be deemed read:

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 4

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered re-referred to Committee on Governmental Efficiency and Economy.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 27
Assembly Bill No. 28
Assembly Bill No. 30
Assembly Bill No. 32

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bills ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1949

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

Assembly Concurrent Resolution No. 10

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 19, 1949

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

Assembly Bill No. 1

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bill ordered enrolled.

ANNOUNCEMENTS

Mr. Stanley announced a Republican breakfast meeting and caucus, to be held tomorrow morning, Tuesday, December 20th, at 8 a.m., at the Hotel Sacramento.

RECESS

At 11.40 a.m., on motion of Mr. Dickey, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.
Hon. Sam L. Collins, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus, at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1949

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

Senate Bill No. 15

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 15—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the submission of information to the bureau.

Referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 47—An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Caldecott, Connolly, Silliman, Price, and Luckel demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 47.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.

NOES—None

Bill ordered transmitted to the Senate.

Explanation of Vote

This is to advise that when Assembly Bill No 47 by Mr. Kirkwood was being voted upon, I was on a long distance phone call. Had I been present, I would have voted "aye".

A. I. STEWART

CONSIDERATION OF HOUSE RESOLUTION NO. 24

By Messrs. Smith, Lipscomb, Collier, Conrad, Fletcher, Grant, Hawkins, Anderson, Morris, Hollibaugh, Evans, McMillan, Rosenthal, Beck, Hahn, Geddes, Doyle, Bennett, Burkhalter, Huyck, Elliott, Porter, Levering, Reagan, Kilpatrick, Stewart, Thomas, Yorty, Burke, and Dills:

House Resolution No. 24

Relating to an investigation and report relative to the desirability and feasibility of a separation of grade between certain thoroughfares in Glendale and Los Angeles in Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Los Feliz Boulevard, Glendale Boulevard, and Fletcher Drive in Glendale and Los Angeles in Los Angeles County, cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over these thoroughfares across such tracks constitutes a great and increasing hazard to the motoring public using the above mentioned thoroughfares; now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officials of the City of Glendale, the City of Los Angeles, the County of Los Angeles, the Southern Pacific Company, and the Public Utilities Commission be requested to initiate proceedings for separation of grades at the above described locations and to report to the Assembly not later than March 15, 1950; and, be it further

Resolved, That the Chief Clerk of the Assembly be instructed to forward a copy of this resolution to the Public Utilities Commission, the City of Glendale, the City of Los Angeles, the County of Los Angeles and the Southern Pacific Company.

Resolution read, and adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 27—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln,

Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

MOTION THAT SENATE CONCURRENT RESOLUTION NO. 8 BE STRICKEN FROM FILE

Mr. McCollister moved that Senate Concurrent Resolution No. 8 be ordered stricken from the file.

Motion carried.

Senate Concurrent Resolution No. 8 ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 1—Relative to memorializing the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy, and the Maritime Commission of the United States, to reduce the tolls of the Panama Canal.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—71.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT COMMUNICATIONS BE PRINTED IN JOURNAL

Mr. Condon asked for, and was granted, unanimous consent that the following communications be ordered printed in the Journal in 10-point type:

December 1, 1949

Hon. Earl Warren
Governor of the State of California
Sacramento, California

DEAR GOVERNOR WARREN: I have read with interest in the press statements attributed to you that you are seriously considering a special session of the Legislature to enact whatever legislation that may be necessary as a result of the passage of Proposition No. 2 at the last election. I wish to join with others in urging that such a session be called as soon as possible, preferably early in January. In my opinion, the call should be broad enough so that the Legislature could consider the question of eliminating the existing statutes relating to relative's responsibility and also those relating to the age limitations.

There is another matter of great concern, particularly to the people of my county. My county has found it necessary because of lack of revenue to cut the amounts made available for indigent relief. This has caused

a terrific hardship upon that portion of the community that is least able to stand it. Although the situation in Contra Costa County is undoubtedly more acute than anywhere in the State, I think the problem of considering whether state funds should be made available for local relief possibly might also be the subject of a special session if called. It may be that you would be willing to broaden the call for a special session to include this question as well as the questions arising out of the pension repeal.

Very truly yours,

ROBERT L. CONDON

STATE OF CALIFORNIA
GOVERNOR'S OFFICE, SACRAMENTO, December 3, 1949

Hon. Robert L. Condon
Member of the Assembly
California Legislature
819 Escobar Street, Martinez, California

MY DEAR ASSEMBLYMAN: Many thanks for your letter of December 1st suggesting items for a special session of the Legislature.

Since your letter was written, I have announced my intention to call a special session for December 12th and, as you know, I am including those phases of the situation resulting from the approval of Proposition 2 requiring immediate attention.

The subject of a general revision of the provisions applicable to aged aid and the other aids I am deferring for consideration at a special session to be called at the time the budget session meets in March.

I would appreciate your suggestions and am looking forward to seeing you at the special session.

Sincerely,

EARL WARREN, Governor

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

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

Assembly Joint Resolution No. 9: By Messrs. Dolwig, Dunn, George D. Collins, Brady, Brown, Clarke, Condon, Connolly, Dickey, Gaffney, Geddes, Kirkwood, Lindsay, McCarthy, McCollister, Meyers, Thompson, and Weber—Relative to federal aid for the continuation of investigation of the Reber Plan by interim committees of the Legislature.

Referred to Committee on Rules.

Assembly Constitutional Amendment No. 1: By Mr. McCollister—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 6 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.

Referred to Committee on Constitutional Amendments.

Assembly Bill No. 56: By Mr. McCollister—An act to amend the title and Section 2 and repeal Sections 3, 4, and 5 of Chapter 1267 of the Statutes of 1949, relating to the creation of a debt or debts, liability or liabilities through the issuance and sale of state bonds to be used and disbursed to provide home and farm aid for veterans in accordance with

the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory of and supplemental to said act of 1943.

Referred to Committee on Constitutional Amendments.

Assembly Bill No. 57: By Mr. McCollister—An act calling a special election for the submission to the electors of California of an amendment to the Constitution of the State confirming and validating the Veterans Bond Act of 1949 and making said bond act fully effective; consolidating said election with the direct primary election which is to be held in 1950; this act to take effect immediately.

Referred to Committee on Constitutional Amendments.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION FROM LEGISLATIVE COUNSEL BE PRINTED

Mr. Dickey asked for, and was granted, unanimous consent that the following opinion from the Legislative Counsel, relative to members' salaries, be ordered printed in the Journal in 10-point type:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, 2, CALIFORNIA, December 16, 1949

Hon. Randal F. Dickey
Assembly Chamber

Members' Salaries—No. 720

DEAR MR. DICKEY: Pursuant to your request we have drafted, and enclose, a house resolution requesting the Governor to extend the Proclamation for the present extraordinary session to include legislation to specify the time and method of payment of members' salaries

We feel we should call your attention to the fact that we recently expressed the opinion that, under the language of Section 2 of Article IV, the salary of members is payable in the even numbered years monthly in the same manner as salaries of other state officers. We further expressed the opinion that until Section 9300 of the Government Code is amended, the salaries of the members will be payable monthly in the same manner as the salaries of other state officers, in the odd numbered years also. The opinion to which we refer was printed in the Assembly Journal for December 12, 1949, and the portion relating to method of payment of compensation of members may be found under question No. 6 commencing on page 33 of the Journal for that date.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By A. C. MORRISON, Deputy

COMMITTEE REPORTS DEEMED READ

Mr. Dickey asked for, and was granted, unanimous consent that the following committee reports be deemed read:

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

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

Assembly Concurrent Resolution No. 12

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 28
House Resolution No. 25
House Resolution No. 26
House Resolution No. 27

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

DICKEY, Chairman

Above reported resolutions ordered on file for adoption.

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Assembly Joint Resolution No. 8

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

WEBER, Chairman

Above reported resolution ordered engrossed.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 4 FROM COMMITTEE

Mr. Coats gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 4 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file.

NOTICE OF MOTION TO WITHDRAW HOUSE RESOLUTION NO. 20 FROM COMMITTEE

Mr. Lewis gave notice that on the second legislative day he would move to withdraw House Resolution No. 20 from the Committee on Rules, and have it placed upon the file.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Journals for Monday, December 12, 1949; Tuesday, December 13, 1949; Wednesday, December 14, 1949; Thursday, December 15, 1949; Friday, December 16, 1949, and Saturday, December 17, 1949, were approved as corrected by the Minute Clerk.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 29

Relative to requesting the Governor to extend the Proclamation for the present Extraordinary Session to include the subject of consideration and action on legislation to specify the time and method of payment of compensation of Members of the Legislature

WHEREAS, The passage of Proposition No. 3, now known as Section 2 of Article IV of the State Constitution has rendered inapplicable the existing provision of law relating to time and method of payment of compensation of Members of the Legislature; and

WHEREAS, This situation will create confusion and uncertainty as to the proper method of payment to be employed by the state officials charged with the duty of paying such compensation; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby respectfully requests the Governor to extend the Proclamation for the present Extraordinary Session to include the subject of consideration and action on legislation to specify the time and method of payment of compensation of Members of the Legislature.

Resolution read, and ordered referred to the Committee on Rules.

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

The following resolutions were offered:

Assembly Concurrent Resolution No. 13: By Messrs. Meyers, George D. Collins, Brady, Gaffney, Anderson, Beck, Condon, Connolly, Crichton, Crowley, Dickey, Dolwig, Doyle, Dunn, Evans, Geddes, Hawkins, Hollibaugh, Luckel, Maloney, McCarthy, McCollister, Mrs. Niehouse, Messrs. Rosenthal, Stanley, Thompson, Waters, Weber, and Yorty —Congratulating Judge Edward F. O'Day of the San Francisco Municipal Court.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 14: By Mr. Dickey—Relative to the Honorable Bartley W. Cavanaugh.

Referred to Committee on Rules.

ANNOUNCEMENTS

Mr. Dickey announced that the sample furniture, as proposed to be ordered for the offices of members, is on display on the fourth floor and urged all members to immediately view it prior to the acceptance of bids.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 1.30 p.m.—
Rules.

At 8 p.m.—
Judiciary.

Today Upon Adjournment—

Social Welfare.

Governmental Efficiency and Economy.

Conservation, Planning, and Public Works and Interim Committee on Conservation, Planning, and Public Works, at desk of Mr. Weber.

Tomorrow, Tuesday, December 20th, at 9.30 a.m.—

Ways and Means.

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Stanley, the usual courtesies of the Assembly for this day were unanimously extended to the Honorable B. D. Williams, of Lidgerwood, North Dakota, Member of the North Dakota Legislature.

ADJOURNMENT

At 3.02 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Tuesday, December 20, 1949.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, December 20, 1949

The Assembly met at 10 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Spirit: May we glorify that American spirit which founded this Nation and expanded it from ocean to ocean.

The spirit of the daring colonist and the fearless pioneer, who crossed unknown seas, ventured out into wilderness and braved the perils of savage and storm.

The spirit of initiative and manly pride to depend upon one's own resources, to carve out one's own fortune without social assistance.

Let us see the danger of the easy life, of that mendicant spirit which leans upon the State, the danger of the spirit of dependence upon government which tames independence and paralyzes personal initiative.

Let us remember Lincoln who said "the state should not do for men what they can do for themselves."

May the people not look upon the government as a Santa Claus, and like the founders win greatness by working out their own salvation.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. McCarthy, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

The following members were granted leaves of absence for the day, and desired to waive their per diems:

Mr. Reagan, on motion of Mr. George D. Collins.

Mr. Huyck, on motion of Mr. George D. Collins.

COMMUNICATIONS

By Speaker Sam L. Collins:

A communication from the San Bernardino Chamber of Commerce, relative to "The San Bernardino Plan" being sponsored by the San Bernardino County Taxpayers Association, was received, and ordered referred to Mr. Price.

By Speaker Sam L. Collins:

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

LOS ANGELES, CALIFORNIA, December 20, 1949

Hon. A. I. Stewart
Chairman of Committee on Governmental Efficiency and Economy
State Capitol, Sacramento, California

The proposed legislation aimed to control lobbying is so important that it should not be rushed through without thorough consideration. I urge that you provide adequate time for full discussion.

GLADDING McBEAN AND CO.
CARL H. WITTENBERG, Executive Vice President

By Speaker Sam L. Collins:

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

LOS ANGELES, CALIFORNIA, December 20, 1949

The Honorable A. I. Stewart, Assembly Chambers
State Capitol, Sacramento, California

To rush through Lobby Bill without opportunity, upon adequate notice, for people to be heard is abuse of the legislative process. If and when Senate bill comes over, I suggest that hearings be set and adequate notice given. Many business men here haven't slightest idea what is in proposed measures. There is no necessity for summary action.

JAMES L. BEEBE

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 53
Assembly Bill No. 54

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

KATHRYN T. NIEHOUSE, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 53—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181.01, 2224, 3088, 3088.1, 3474, and 3474.1

of the Welfare and Institutions Code, relating to public assistance including aged aid, aid to the needy blind and aid to the partially self-supporting blind, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 54—An act to add Section 2160.3 to the Welfare and Institutions Code, relating to aid to the aged in respect to the minimum age of eligibility therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 10—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twentieth day of December, 1949, at 10 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 1—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

And reports the same has been correctly enrolled, and presented to the Governor on the twentieth day of December, 1949, at 10 a.m.

GRUNSKY, Vice Chairman

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Senate Bill No. 18

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

BROWN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 18—An act to amend Section 286 of the Penal Code, relating to the crime against nature.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 4

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

NIEHOUSE, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 4—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for layoff of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3, line 16, of the printed bill, after "SEC. 7", insert "Nothing in this act shall be deemed to constitute a declaration of policy for or against state or county administration of aid to the aged and aid to the needy blind, and this act shall be inoperative if the State administers such aid programs for the period from March 1, 1950 to June 30, 1950 inclusive.
SEC. 8".

Amendment read, and adopted.
Bill ordered reprinted, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Judiciary, to which were referred:
Senate Bill No. 13
Senate Bill No. 14
Senate Bill No. 15
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

BROWN, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 13—An act to amend Section 189 of the Penal Code, relating to degrees of murder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1 of the printed bill, after line 9, insert
"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immedate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:
The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the

Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 14—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, strike out the period, and insert "and declaring the urgency thereof, to become effective immediately."

Amendment No. 2

On page 1 of the printed bill, after line 15, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. A statement of facts constituting such necessity is as follows:

The recent large increase in the number of crimes involving sex offenses has posed an immediate danger to the health, safety and welfare of the citizens of this State. This situation has become so serious that the Governor has called a special session to consider and act upon legislation relating to sex offenses. To safeguard the health and morals of our citizens and of the younger generation of this State it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 15—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905,'' approved May 31, 1917, as amended, relating to the submission of information to the bureau.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 14 of the title of the printed bill, as amended in the Senate on December 17, 1949, after "bureau", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2 of said bill, after line 43, insert

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent large increase in the number of crimes involving sex offenses has posed an immediate danger to the health, safety, and welfare of the citizens of this State. This situation has become so serious that the Governor has called a special session to consider and act upon legislation relating to sex offenses. To safeguard the health and morals of the younger generation of this State, it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Senate Bill No. 3	Senate Bill No. 9
Senate Bill No. 8	Senate Bill No. 11

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

SHERWIN, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 3—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 8—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 11—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 12

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 8

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 13
Assembly Concurrent Resolution No. 14

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

DICKEY, Chairman

Above reported resolutions ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

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

Assembly Joint Resolution No. 9

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

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

House Resolution No. 22

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

DICKEY, Chairman

Above reported resolution ordered on file.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 2
Assembly Bill No. 4
Assembly Bill No. 5

Has had the same under consideration, and respectfully reports the same back without recommendation.

STEWART, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 9
Assembly Bill No. 29
Assembly Bill No. 52

Has had the same under consideration, and respectfully reports the same back without recommendation.

STEWART, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 58: By Messrs. Dolwig, Clarke, Connolly, Crowley, Gaffney, Hoffman, Levering, Lipscomb, Rosenthal, Smith, and Weber—An act to add Chapter 13, comprising Sections 7800 to 8034, inclusive, to Division 3 of the Business and Professions Code, relating to legislative representatives.

Referred to Committee on Governmental Efficiency and Economy.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 1

Mr. McCollister asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 1, out of order, for purpose of amendment, at this time.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (BY UNANIMOUS CONSENT)

Senate Bill No. 1—An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and of the Veterans Bond Act of 1949 and to amend Sections 2, 3, 4, 5, and 6 of Chapter 1267 of the Statutes of 1949, relating to the time of taking effect of said chapter and the submission of the Veterans Bond Act of 1949, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. McCollister moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 4 to 10, inclusive, and insert "election an amendment to the Constitution of the State, proposed by the Legislature at the First Extraordinary Session of 1949, confirming and validating the Veterans Bond Act of 1949 and making said bond act fully effective, and to amend the title and Section 2 of, and to repeal Sections 3, 4, and 5 of Chapter 1267 of the Statutes of 1949, relating to the creation of a debt or debts, liability or liabilities through the issuance and sale of state bonds to be used and disbursed to provide home and farm aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory of and supplemental to said act of 1943, declaring the urgency of this act, to take effect immediately."

Amendment No. 2

On page 1 of said bill, strike out lines 11, 12, and 13; and on page 2, strike out lines 1 to 20, inclusive, and insert

"SEC. 2. At said special election there shall be submitted to the electors Assembly Constitutional Amendment No. 28 of the 1949 Regular Session of the Legislature (Resolution Chapter 149) and a certain amendment to the Constitution of the State of California, proposed by the Legislature at the First Extraordinary Session of 1949, relating to the issuance of bonds of the State to provide funds for farm and home aid for veterans, and validating and making effective the Veterans Bond Act of 1949.

SEC. 3. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 4. In regard to each such proposed constitutional amendment, the presiding officer of the house in which such proposed constitutional amendment originates shall immediately appoint the author or one of the authors of such proposed constitutional amendment and one member of the same house who voted in favor thereof to draft an argument giving the reasons for the adoption thereof, and he shall also appoint a member of the same house who voted against such proposed constitutional amendment to draft an argument against the adoption thereof. If no member of such house voted against such proposed amendment the presiding officer shall appoint a qualified person to draft such argument. Each argument shall consist of not more than five hundred words and shall be submitted by the author or authors to the Secretary of State on or before January 26, 1950 or on or before the 10th day after this act takes effect, whichever is the later.

SEC. 5. On or before January 26, 1950, or on or before the 10th day after this act takes effect, whichever is later, the Attorney General shall prepare and deliver to the Secretary of State a valid ballot title for such measure and the Legislative Counsel shall prepare and deliver to the Secretary of State an impartial analysis of the measure showing the effect thereof on the existing law and the operation of the measure."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, strike out lines 21 to 51, inclusive; and on page 3, strike out lines 1 to 39, inclusive, and insert

"SEC. 6. The title of Chapter 1267 of the Statutes of 1949 is amended to read:

An act to add Article 5B *(Veterans Bond Act of 1949)* to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing [for the submission of this act to a vote of the people at the general election to be held in the month of November, 1950] *that this act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective said Veterans Bond Act of 1949.*

SEC. 7. Section 2 of Chapter 1267 of the Statutes of 1949 is amended to read:

Sec. 2. This act [, if adopted by the people,] shall take effect [on the fifteenth day of November, 1950, as to all its provisions except those relating to and necessary for the submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately] *upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective the Veterans Bond Act of 1949.*

SEC. 8. Sections 3, 4, and 5 of said chapter are repealed."

Amendment No. 4

One page 3, line 40, of said bill, strike out "7", and insert "9".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Motion to Place Rush Order on Printing of Senate Bill No. 1

Mr. McCollister moved that a rush order be placed upon the printing of Senate Bill No. 1.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Assembly Bill No. 37
Assembly Bill No. 38

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 53
Assembly Bill No. 54

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 13
Assembly Concurrent Resolution No. 14

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolutions ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 9

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 12—Relative to the creation of a Joint Legislative Committee on Lobby Regulation and defining the powers and duties of the committee.

Resolution read.

Motion to Set Special Order

Mr. Sherwin moved that Assembly Concurrent Resolution No. 12 be made a special order of business for today, December 20, 1949, at 3 p.m.

Mr. Waters seconded the motion.

Point of Order

Mr. Beck arose to the following point of order: That Mr. Lowrey is not speaking to the motion.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Beck arose to the following points of order: That Mr. Lowrey is not speaking to the motion, and that Mr. Silliman's question of inquiry does not pertain to the subject.

Ruling by Speaker

Speaker Sam L. Collins ruled the points of order well taken.

Demand for Previous Question

Messrs. Hoffman, Beck, McMillan, Hinckley, and Babbage demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Sherwin that Assembly Concurrent Resolution No. 12 be set as a special order of business for today at 3 p.m.

The roll was called, and the motion lost by the following vote:

AYES—Anderson, Butters, Caldecott, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Davis, Elliott, Fleury, Gaffney, Geddes, Hagen, Hinckley, Kirkwood, Lewis, Lincoln, Lowrey, Maloney, McCarthy, McCollister, Meyers, Moss, Rumford, Sherwin, Smith, Stanley, Tomlinson, and Waters—31.

NOES—Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Clarke, Condon, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fletcher, Grant, Grunsky, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lindsay, Lipscomb, Luckel, McMillan, Morris, Niehouse, Porter, Price, Silliman, Stewart, Thomas, Thompson, and Yorty—39.

Statement by Mr. Geddes Relative to Motion Made by Mr. Sherwin

I supported Mr. Sherwin's motion to postpone action until the Assembly had an opportunity to consider anti-lobby legislation voted out of committee, because Assembly Concurrent Resolution No. 12 assumed no action on such legislation by the Legislature either at this time or when it was drafted.

ERNEST R. GEDDES

The question being on the adoption of Assembly Concurrent Resolution No. 12.

Point of Order

Mr. Erwin arose to the following point of order: That Mr. Collier is not speaking to the subject.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Maloney arose to the following point of order: That Mr. Waters has exceeded his time.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Hinckley arose to the following point of order: That Mr. Dunn has exceeded his time.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order not well taken.

Request for Unanimous Consent That Assembly Concurrent Resolution No. 12 Be Temporarily Passed on File

Mr. Erwin asked for unanimous consent that Assembly Concurrent Resolution No. 12 be temporarily passed on file, at this time.

Mr. Stewart withheld unanimous consent.

The question being on the adoption of Assembly Concurrent Resolution No. 12.

Speaker Pro Tempore Presiding

At 11.39 a.m , Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Demand for Previous Question

Messrs. Hinckley, Conrad, Luckel, Morris, and Dickey demanded the previous question.

The roll was called, and the demand for previous question sustained by the following vote:

AYES—Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Conrad, Cooke, Crichton, Dickey, Dills, Dolwig, Erwin, Fletcher, Gaffney, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Price, Rosenthal, Silliman, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—47.

NOES—Anderson, Beck, Brady, George D. Collins, Davis, Dunn, Elliott, Evans, Fleury, Geddes, Kilpatrick, Levering, Lowrey, McCarthy, Moss, Rumford, Stanley, and Yorty—18.

The question being on the adoption of Assembly Concurrent Resolution No. 12.

Motion That Assembly Concurrent Resolution No. 12 Be Temporarily Passed on File Until the Next Legislative Day

Mr. Lowrey moved that Assembly Concurrent Resolution No. 12 be temporarily passed on file until the next legislative day.

Mr. Beck seconded the motion.

Point of Order

Mr. Hawkins arose to the following point of order: That the demand for the previous question has been sustained, and that the motion by Mr. Lowrey is not in order.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

The question being on the adoption of Assembly Concurrent Resolution No. 12.

Motion to Table

Mr. Lowrey moved that Assembly Concurrent Resolution No. 12 be laid on the table.

Mr. Lewis seconded the motion.

Point of Order

Mr. Hawkins arose to the following point of order: That the demand for the previous question has been sustained, and that the motion by Mr. Lowrey is not in order.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

The question being on the adoption of Assembly Concurrent Resolution No. 12.

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

AYES—Bennett, Brady, Burke, Burkhalter, Butters, Clarke, Cloyed, Connolly, Crowley, Dickey, Dills, Doyle, Dunn, Erwin, Evans, Fletcher, Gaffney, Grant, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lindsay, Luckel, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Silliman, Smith, Stewart, Thomas, Thompson, Weber, Yorty, and Mr. Speaker—41.

NOES—Anderson, Babbage, Beck, Brown, Caldecott, Coats, Collier, George D. Collins, Conrad, Cooke, Crichton, Davis, Elliott, Fleury, Geddes, Grunsky, Hagen, Hinckley, Kirkwood, Lewis, Lincoln, Lipscomb, Lowrey, Maloney, McCarthy, Moss, Rumford, Sherwin, Stanley, Tomlinson, and Waters—31.

Notice of Motion to Reconsider Assembly Concurrent Resolution No. 12

Mr. McCarthy gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 12 was this day adopted.

Request for Unanimous Consent That Notice of Motion to Reconsider Assembly Concurrent Resolution No. 12 Be Taken Up, at This Time

Mr. Doyle asked for unanimous consent that the notice of motion by Mr. McCarthy to reconsider the vote whereby Assembly Concurrent Resolution No. 12 was adopted be taken up, at this time.

Mr. Waters withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Doyle moved that the Rules be temporarily suspended for the purpose of taking up the notice of motion by Mr. McCarthy to reconsider the vote whereby Assembly Concurrent Resolution No. 12 was adopted, at this time.

Mr. Silliman seconded the motion.

Roll Call Demanded

Messrs. Lowrey, Waters, and McCarthy demanded a roll call.

The roll was called, and the motion by Mr. Doyle to temporarily suspend the Rules, lost by the following vote:

AYES—Bennett, Brady, Burke, Burkhalter, Cloyed, Condon, Crowley, Dickey, Dills, Doyle, Dunn, Erwin, Evans, Fletcher, Gaffney, Grant, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lindsay, Luckel, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Silliman, Smith, Stewart, Thomas, Thompson, Weber, Yorty, and Mr. Speaker—38.

NOES—Anderson, Babbage, Beck, Brown, Butters, Caldecott, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dolwig, Elliott, Fleury, Geddes, Grunsky, Hagen, Hahn, Hinckley, Kirkwood, Lewis, Lincoln, Lipscomb, Lowrey, Maloney, McCarthy, Moss, Rumford, Sherwin, Stanley, Tomlinson, and Waters—35.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF LEGISLATIVE COUNSEL BE PRINTED IN THE JOURNAL

Mr. Yorty asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal in 10-point type:

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, December 19, 1949

Hon. Marvin Sherwin
Assembly Chamber

Lobbying—No. 740

DEAR MR. SHERWIN: You have asked our opinion as to whether the definition of "legislative representative" in Assembly Bill No. 30, as

amended in Assembly December 16, 1949, already includes persons employed for the purpose of promoting, advocating, opposing or influencing legislation pending before the Governor.

In our opinion the definition does not include such a person.

Section 9901 of the Government Code, which would be added by the bill, defines a "legislative representative" to mean "a person who is employed or engaged directly or indirectly as an employee, agent, attorney or otherwise for compensation by an individual, partnership, committee, association, corporation or any other organization or group for the purpose of promoting, advocating, opposing or influencing legislation."

Section 9902 defines "promoting, advocating, opposing or influencing" legislation as including "the aiding, directing or influencing of any act directed to a member, members or committee of the Legislature, for the purpose of influencing him or them with reference to legislation, or the introduction thereof * * * ."

Section 9903 defines "legislation" to mean "bills, resolutions, measures, amendments, nominations, and other matters pending, proposed, or intended to be introduced in the Legislature, either house of the Legislature, or any committee or subcommittee of the Legislature or either house, and includes any other matter which may be the subject of action by either house or any committee.

The language used in these sections indicates clearly that what is referred to is the influencing of Members of the Legislature by legislative representatives in regard to matters before the Legislature or any committee. To stretch the language to include acts directed to the Governor would be to build up an act which may be punished by fine or imprisonment with the aid of inference, implication, and strained interpretation. This the courts are not authorized to do. (*Ex parte McNulty*, 77 Cal. 164.)

It is therefore our opinion that the provisions of the bill have no application to persons employed to influence legislation where their only acts are directed to the Governor after passage of a bill by the Legislature.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By RAY N. WHITAKER, Deputy

Copies to authors of Assembly Bill No. 30 pursuant to Joint Rule 34.

MOTION TO SET SPECIAL ORDER

Mr. Lowrey moved that all lobbying bills be made a special order of business for today, December 20, 1949, at 2 p.m.

Mr. Hagen seconded the motion.

Motion Withdrawn

Mr. Hagen withdrew his second.

Mr. Lowrey withdrew his motion.

REQUEST FOR UNANIMOUS CONSENT THAT ALL COMMITTEE REPORTS AT DESK BE DEEMED READ, AND PROPOSED AMENDMENTS BE DEEMED ADOPTED

Mr. Dickey asked for unanimous consent that all committee reports, now being held at the desk, be deemed read, proper action as recommended by the committees be deemed taken, and that pending proposed amendments be deemed adopted.

Mr. Anderson withheld unanimous consent.

READING OF REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No 30

Has had the same under consideration, and respectfully reports the same back with amendments but without recommendation.

STEWART, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 30—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 5, line 15, of the printed bill, as amended in the Assembly on December 16, 1949, after "contributions", insert "received".

Amendment No. 2

On page 5, line 16, of said bill, after "expenditures", insert "made".

Amendment No. 3

On page 5, line 21, of said bill, after "contributions", insert "received".

Amendment No. 4

On page 5, line 21, of said bill, after "expenditures", insert "made".

Amendment No. 5

On page 8, lines 6 to 8, inclusive, of said bill, strike out "receiving a salary or other compensation from the State in excess of six hundred dollars ($600) (exclusive of expenses) in any calendar year,".

Amendment No. 6

On page 9, of said bill, between lines 23 and 24, insert

"This section shall not apply to any state employee who receives a salary or other compensation of less than six hundred dollars ($600) per year exclusive of expenses."

Amendment No. 7

On page 2, line 14, of said bill, after "purpose of", insert "or whose duties or employment include".

Amendment No. 8

On page 2, line 32, of said bill, after "payment," insert "compensation,".

Amendment No. 9

On page 2, line 47, of said bill, before "of promoting", insert "in whole or in part".

Amendment No. 10

On page 2, line 48, of said bill, after "contributions", insert ", expenditures or payment of compensation".

Amendment No. 11

On page 4, lines 36 and 37, of said bill, strike out "joint rule", and insert "the Joint Rules".

Amendment No. 12

On page 6, line 6, of said bill, after "representative", insert "at any time".

Amendment No. 13

On page 7, line 38, of said bill, after "shall", insert "register or".

Amendment No. 14

On page 6, lines 42 and 43, of said bill, after "elective", strike out "constitutional officers and heads of departments of the State Government", and insert "officers, heads of departments of the State Government and of county, city and county and city government, districts and other local public agencies, and members of public boards and commissions, state and local".

Amendment No. 15

On page 2, line 15, of the printed bill, strike out the period and insert a semicolon and "provided, however, that "legislative representative" does not mean a person when representing a bona fide church solely for the purpose of protecting the public right to practice the religion of such church."

Amendment No. 16

On page 5, line 50, of said bill, after "principal", insert a comma and "except associations or organizations referred to in Section 9922 of this chapter,".

Amendment No. 17

On page 6, line 37, of said bill, after "employee", insert "or to any officer or employee of an association or organization consisting exclusively of public agencies".

Amendment No. 18

On page 6, line 39, of said bill, after "employee", insert "or to any officer or employee of an association or organization consisting exclusively of public agencies".

Amendment No. 19

On page 6, line 40, of said bill, after the period, insert " "Public agency" or "agency" includes county, city and county, public district or municipal corporation."

Amendment No. 20

On page 6, line 41, of said bill, after "employee", and before the comma, insert "or any officer or employee of an association or organization consisting exclusively of public agencies".

Amendment No. 21

On page 6, line 46, of said bill, after "agency", insert "or association or organization".

Amendment No. 22

On page 6, line 47, of said bill, after "agency", and before the period, insert "or association or organization".

Amendment No. 23

On page 6, line 48, of said bill, after "employee", insert "or officer or employee of an association or organization consisting exclusively of public agencies".

Amendment No. 24

On page 7, line 2, of said bill, after "agencies", insert "or associations or organizations".

Amendment No. 25

On page 7, line 3, of said bill, after "Legislature", insert "separately but".

Amendment No. 26

In line 1 of the title of said bill, strike out "9929", and insert "9931".

Amendment No. 27

On page 1, line 3, of said bill, strike out "Legislature and administrative tribunals", and insert "government".

Amendment No. 28

On page 1, line 7, of said bill, after "legislative", insert ", executive,".

Amendment No. 29

On page 2, line 15, of said bill, strike out the period, and insert ", or executive action."

Amendment No. 30

On page 2, line 17, of said bill, after "legislation", insert "or executive action".

Amendment No. 31

On page 2, line 18, of said bill, after "to", insert "the Governor, Lieutenant Governor,".

Amendment No. 32

On page 2, line 20, of said bill, following "to", insert "executive action,".

Amendment No. 33

On page 2, line 20, of said bill, strike out "thereof", and insert "of legislation".

Amendment No. 34

On page 2, line 30, of said bill, strike out the period, and insert "thereof, the Governor, or the Lieutenant Governor."

Amendment No. 35

On page 2, of said bill, between lines 30 and 31, insert

"9904. "Executive action" means action required for the execution of existing laws."

Amendment No. 36

On page 2, line 31, of said bill, strike out "9904", and insert "9905".

Amendment No. 37

On page 2, line 35, of said bill, strike out "9905", and insert "9906".

Amendment No. 38

On page 2, line 40, of said bill, strike out "9906", and insert "9907".

Amendment No. 39

On page 2, line 43, of said bill, strike out "9907", and insert "9908".

Amendment No. 40

On page 2, line 47, of said bill, after "legislation", insert "or executive action".

Amendment No. 41

On page 2, line 51, of said bill, strike out the period, and insert "or executive action."

Amendment No. 42

On page 3, line 1, of said bill, strike out "9908", and insert "9909".

Amendment No. 43

On page 3, line 2, of said bill, after "legislation", insert "or executive action".

Amendment No. 44

On page 3, line 10, of said bill, after "legislation", insert "or executive action".

Amendment No. 45

On page 3, line 13, of said bill, strike out "9909", and insert "9910".

Amendment No. 46

On page 3, line 16, of said bill, strike out the period, and insert "or executive action."

Amendment No. 47

On page 3, line 17, of said bill, strike out "9910", and insert "9911".

Amendment No. 48

On page 3, line 21, of said bill, strike out "9911", and insert "9912".

Amendment No. 49

On page 3, line 26, of said bill, after "legislation", insert "or executive action"

Amendment No. 50

On page 3, line 30, of said bill, strike out the period, and insert "or executive action."

Amendment No. 51

On page 3, line 50, of said bill, strike out "9912", and insert "9913".

Amendment No. 52

On page 4, line 5, of said bill, strike out the period, and insert "or executive action."

Amendment No. 53

On page 4, line 6, of said bill, strike out "9912.1", and insert "9914".

Amendment No. 54

On page 4, line 34, of said bill, strike out "9913", and insert "9915".

Amendment No. 55

On page 4, line 40, of said bill, strike out the period, and insert "or executive action."

Amendment No. 56

On page 4, line 47, of said bill, strike out "9914", and insert "9916".

Amendment No. 57

On page 5, line 12, of said bill, strike out "9915", and insert "9917".

Amendment No. 58

On page 5, line 17, of said bill, strike out the period, and insert "or executive action."

Amendment No. 59

On page 5, line 24, of said bill, strike out "9911", and insert "9912".

Amendment No. 60

On page 5, line 29, of said bill, strike out "9916", and insert "9918".

Amendment No. 61

On page 5, line 46, of said bill, strike out "9917", and insert "9919".

Amendment No. 62

On page 5, line 50, of said bill, strike out "9918", and insert "9920".

Amendment No. 63

On page 6, line 26, of said bill, strike out "9919", and insert "9921".

Amendment No. 64

On page 6, line 28, of said bill, strike out "9920", and insert "9922".

Amendment No. 65

On page 6, line 30, of said bill, strike out "9921", and insert "9923".

Amendment No. 66

On page 6, line 35, of said bill, strike out "9922", and insert "9924".

Amendment No. 67

On page 6, line 44, of said bill, after "legislation", insert "or executive action".

Amendment No. 68

On page 6, line 49, of said bill, after "legislation", insert "or executive action".

Amendment No. 69

On page 7, line 5, of said bill, strike out "9914", and insert "9916".

Amendment No. 70

On page 7, line 6, of said bill, strike out "9923", and insert "9925".

Amendment No. 71

On page 7, line 10, of said bill, strike out "9924", and insert "9926".

Amendment No. 72

On page 7, line 14, of said bill, strike out "9925", and insert "9927".

Amendment No. 73

On page 7, line 22, of said bill, strike out "9926", and insert "9928".

Amendment No. 74

On page 7, line 26, of said bill, strike out "9927", and insert "9929".

Amendment No. 75

On page 7, line 43, of said bill, strike out "9928", and insert "9930".

Amendment No. 76

On page 7, line 46, of said bill, strike out "9929", and insert "9931".

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Bill No. 7
Senate Bill No. 24

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time:

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Referred to Committee on Governmental Efficiency and Economy.

Senate Bill No. 24—An act to add Section 209.1 to the Penal Code, relating to punishment for sex crimes.

Referred to Committee on Judiciary.

MOTION TO SET SPECIAL ORDER

Mr. Lewis moved that Assembly Bills Nos. 53 and 54 be made a special order of business for today, December 20, 1949, at 2 p.m.

Mr. Crowley seconded the motion.

Amendment to Motion to Set Special Order

Mr. Lewis moved the following amendment to his motion:

"Strike out 2 p.m., and insert 1.59 p.m. in lieu thereof."

Mr. Crowley seconded the motion.

Speaker Presiding

12.14 p.m., Hon. Sam L. Collins, Speaker Assembly, presiding.

Motion Ruled Not in Order

Speaker Sam L. Collins ruled the motion not in order.

REQUEST FOR UNANIMOUS CONSENT THAT OPINIONS BE PRINTED IN THE JOURNAL

Mr. Crowley asked for, and was granted, unanimous consent that the following opinions of the Legislative Counsel be ordered printed in the Journal in 10-point type:

Opinion of Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, December 19, 1949

Hon. Ernest C. Crowley
Assembly Chamber

Assembly Bill No. 53, as Introduced,
1949 (1st Ex.) Session—No. 491

DEAR MR. CROWLEY: You have requested our opinion whether or not this bill as introduced is within the scope of the Proclamation convening this extraordinary session.

The bill amends and repeals certain sections of the Welfare and Institutions Code and its effect would be to eliminate the "relatives' responsibility" provisions from that code with respect to (a) aid to the aged, (b) aid to the needy blind, and (c) aid to the partially self-supporting blind.

We cannot say, as a matter of law that the Legislature is without power, under the Proclamation convening this session, to consider such a bill. There may be, in fact, a relationship between the relatives' responsibility provisions as they relate to aid to the aged and to the needy blind and the subject specified in Item 1 of the Proclamation. Whether that relationship exists would appear to be within the competency of the Legislature to consider and determine at this session.

Item 1 of the Proclamation reads:

> "To consider and act upon legislation to appropriate money to the counties and cities and counties for expenditure during the 1949-1950 Fiscal Year to meet the financial emergency in payment of aid to the aged and to the needy blind and the administration of such aid confronting the counties and cities and counties by

reason of the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949."

This item relates to legislation to meet the emergency confronting the counties in relation to aid to the aged and to the needy blind by reason of the adoption of Article XXVII of the Constitution at the November 8, 1949, election.

Under Article XXVII the relatives' responsibility provisions with respect to aid to the aged and aid to the needy blind will be revived and again become operative on March 1, 1950.

Section 9 of Article V of the Constitution provides that the Legislature shall have no power to legislate at an extraordinary session on any subject other than those specified in the Proclamation convening the session. When, however, the Governor has submitted a subject to the Legislature "the designation of that subject opens up for legislative consideration matters relating to, germane to and having a natural connection with the subject proper" (*Martin* vs. *Riley* (1942), 20 Cal. 2d 28 at 39).

What relationship the relatives' responsibility provisions have to the problem and what, if anything should be done about such provisions are matters for the Legislature to determine. It seems clear, however, that whether, and the extent to which, the existence of such provisions affect the amount of aid to be paid by the counties and the cost of administration of such aid are matters which the Legislature is not precluded from considering in relation to the financial emergency of the counties referred to in Item 1 of the Proclamation.

Insofar as the bill relates to aid to the partially self-supporting blind, it may be questioned that there is a direct connection with the subject of Item 1. We cannot perceive how the adoption of Article XXVII can have created any emergency in relation to this category of aid. However, it might be that the courts would hold that inasmuch as the Proclamation opens up the consideration of relatives' responsibilities in the two categories of aid involved—aid to the aged and aid to the needy blind—it is not beyond the Legislature's power to deal also with the remaining category—aid to the partially self-supporting blind. If, however, it should be held that the provisions relating to aid to the partially self-supporting blind are not within the scope of the Proclamation (and therefore unconstitutional) we believe that they could be severable from the remainder: i.e., could be made severable by suitable amendment of the bill, if not severable in the present form of the bill.

The other feature to be considered is that the bill, in terms, is not restricted to the current fiscal year but amends the "permanent" provisions of the code. The problem posed by Item 1 appears to be the situation in which the counties will find themselves during the fiscal year ending June 30, 1950.

Although it may be premature, at this time, to consider and determine the operative effect of such a bill after July 1, 1950, it would be well to make certain that the bill is legally severable as of that date.

Very truly yours,

FRED B. WOOD, Legislative Counsel

Opinion of Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, December 19, 1949

Hon. Ernest C. Crowley
Assembly Chamber

Assembly Bill No. 54, as Introduced,
1949 (1st Ex.) Session—No. 491

DEAR MR. CROWLEY: You have requested our opinion whether or not this bill is within the scope of the Proclamation convening this extraordinary session.

This bill would add Section 2160.3 to the Welfare and Institutions Code and its effect would be to continue payment of aid to the aged for the months of March, April, May, and June, 1950, to those persons under age 65 who receive such aid for the month of February, 1950.

Under Article XXVII of the Constitution the provisions of Article XXV of the Constitution will be repealed. Article XXV provides for payment of aid to the aged to a person otherwise eligible, who is 63 years of age or over but who has not reached his sixty-fifth birthday. These payments are made by the State and, under present law, will cease on March 1, 1950, when Article XXVII (and the repeal of Article XXV) become operative.

The question is whether the bill is on the subject specified in Item 1 of the Proclamation (that item being the only one relevant to the matter).

Item 1 of the Proclamation reads:

> "To consider and act upon legislation to appropriate money to the counties and cities and counties for expenditure during the 1949-1950 Fiscal Year to meet the financial emergency in payment of aid to the aged and to the needy blind and the administration of such aid confronting the counties and cities and counties by reason of the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949."

The subject of Item 1 may be stated to be legislation to meet the financial emergency in the payment of aid to the aged and aid to the needy blind during the current fiscal year which will confront the counties by reason of the adoption of Article XXVII of the Constitution.

The repeal of Article XXV will wipe out the only provision for paying aid to aged persons in the 63-64 year age group. The burden of administering aid to the aged and paying a part of the cost of such aid which will be reimposed upon the counties will not be directly affected by the repeal of the provisions relating to aid to persons in the 63-64 year age group.

However, the courts have said that, while Section 9 of Article V of the State Constitution provides that the Legislature has no power at an extraordinary session to legislate upon subjects other than those specified in the Proclamation convening the session, when the Governor has submitted a subject it opens up for legislative consideration matters relating to, germane to and having a natural connection with the subject proper (*Martin* vs. *Riley* (1942) 20 Cal. 2d 28, at 39).

Whether or not the continuance of aid to the aged persons in the 63-64 year group is naturally connected with the emergency confronting the counties by reason of the adoption of Article XXVII is, in the final analysis, a question of fact. As a matter of law it can be said that the adoption of Article XXVII will result in the removal of any persons in this age group from the aged aid rolls. As a matter of law it may also be said that the responsibility for the relief and support of incompetent, poor, indigent persons resident in a county is a county responsibility (Section 2500, Welfare and Institutions Code).

It is, therefore, possible that the result of the removal of persons from the aged aid rolls would result in an increase in the number of persons on the indigent rolls. Whether, and the extent to which, such a result might ensue depends upon the facts of the matter. Conceivably, there could exist no individual in the entire State who would be transferred from the aged rolls to the indigent rolls. Conceivably, also, the number could be so great that the burden of supporting the indigent (which is entirely a county matter) would be greatly increased.

We do not think, therefore, that the matter of what to do about the persons now receiving aged aid who will cease to receive it as of March 1, 1950, by reason of the adoption of Article XXVII of the Constitution is so foreign to the subject specified in Item 1 of the Proclamation as to preclude legislative consideration of the matter at this session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Crowley moved that the Rules be temporarily suspended for the purpose of reading Assembly Bills Nos. 53 and 54 for the third time, at this time.

Mr. Lewis seconded the motion.

Motion Ruled Not in Order

Speaker Sam L. Collins ruled the motion not in order.

MOTION TO SET SPECIAL ORDER

Mr. Lowrey moved that all lobbying bills now pending be made a special order of business for today, December 20, 1949, at 2.30 p.m.

Mr. Silliman seconded the motion.

Amendment to Motion

Mr. Yorty moved the adoption of the following amendment to the motion by Mr. Lowrey:

That all lobbying bills, with the exception of Senate Bill No. 7, be made a special order of business.

Motion died for lack of a second.

Request for Unanimous Consent That Name Be Placed Upon Assembly Bill No. 58 as a Co-author

Mr. Dunn asked for unanimous consent that his name be placed upon Assembly Bill No. 58 as a co-author.

Ruling by Speaker

Speaker Sam L. Collins ruled the request not in order as Assembly Bill No. 58 has been sent to the printer.

Amendment to Motion

Mr. Yorty moved the adoption of the following amendment to the motion previously made by Mr. Lowrey:

That all lobbying bills, with the exception of Senate Bill No. 7, be made a special order of business.

Mr. Condon seconded the motion.

Motion to Recess

At 12.25 p.m., Mr. Dickey moved that the Assembly do now recess until 2.30 p.m.

Roll Call Demanded

Messrs. Lowrey, Morris, and Beck demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Bennett, Brady, Brown, Burke, Burkhalter, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Dickey, Dolwig, Doyle, Evans, Fletcher, Grant, Grunsky, Hoffman, Hollibaugh, Kilpatrick, Levering, Lipscomb, Maloney, McCollister, McMillan, Niehouse, Porter, Price, Silliman, Stewart, Tomlinson, Weber, Yorty, and Mr. Speaker—35.

NOES—Anderson, Babbage, Beck, Butters, Caldecott, Cloyed, Coats, Collier, Conrad, Davis, Dunn, Elliott, Erwin, Fleury, Gaffney, Geddes, Hagen, Hahn, Hinckley, Kirkwood, Lewis, Lincoln, Lindsay, Lowrey, Luckel, McCarthy, Meyers, Morris, Moss, Rumford, Sherwin, Smith, Stanley, Thomas, and Waters—35.

The question being on the adoption of the amendment being offered by Mr. Yorty to Mr. Lowrey's motion.

Motion to Temporarily Suspend the Rules

Mr. Crowley moved that the Rules be temporarily suspended for the purpose of reading Assembly Bills Nos. 53 and 54 for the third time, at this time.

Motion Ruled Not in Order

Speaker Sam L. Collins ruled the motion not in order, at this time, because two previous motions are now before the House.

The question being on the adoption of the amendment offered by Mr. Yorty to Mr. Lowrey's motion.

Roll Call Demanded

Messrs. Lowrey, Moss, and Smith demanded a roll call.

The roll was called, and the motion by Mr. Yorty that Mr. Lowrey's motion be amended lost by the following vote:

AYES—Anderson, Bennett, Brady, Condon, Cooke, Crowley, Dickey, Doyle, Dunn, Elliott, Evans, Fletcher, Hawkins, Hollibaugh, Kilpatrick, Lewis, McMillan, Morris, Niehouse, Porter, Thomas, and Yorty—22.

NOES—Babbage, Beck, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Davis, Dolwig, Erwin, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Moss, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Tomlinson, Waters, and Weber—47.

The question being on the motion by Mr. Lowrey that all lobbying bills now pending be made a special order of business for 2.30 p.m., today.

Point of Order

Mr. Hawkins arose to the following point of order: That the motion by Mr. Lowrey is ambiguous, and that without a separation of the question his motion is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken, and separated the question as follows: Bills will be considered, as pending at the desk, in the following order: Assembly Bills Nos. 2, 4, 5, 9, 52, 29, 58, 44, 30 and Senate Bill No. 7.

Substitute Motion to Set Special Order

Mr. Yorty moved that all lobbying bills now pending be made a special order of business for Thursday, December 22, 1949, at 2 p.m.

Mr. Doyle seconded the motion.

Roll Call Demanded

Messrs. Luckel, Lowrey, and Moss demanded a roll call.

The roll was called, and the substitute motion by Mr. Yorty lost by the following vote:

AYES—Anderson, Brady, Burkhalter, Crowley, Dills, Doyle, Dunn, Elliott, Fletcher, Grant, Hoffman, Hollibaugh, Levering, McMillan, Morris, Niehouse, Yorty, and Mr. Speaker—18.

NOES—Babbage, Beck, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Davis, Dolwig, Erwin, Evans, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hinckley, Kirkwood, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Moss, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, and Waters—44.

The question being on the motion by Mr. Lowrey.

Roll Call Demanded

Messrs. Lowrey, Davis, and Moss demanded a roll call.

The roll was called, and the motion by Mr. Lowrey that all lobbying bills now pending be set as a special order of business for today at 2.30 p.m. carried by the following vote:

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, and Weber—65.

NOES—Doyle and Yorty—2.

Statement of Vote by Mr. Yorty Relative to Motion to Set Special Order on Lobbying Bills

I voted against setting all lobby bills for a special order today because Senate Bill No. 7 was included and citizens have not had an opportunity to present their views to an Assembly committee in keeping with the usual constitutional and legislative procedure. I have no objection to setting other lobby bills which have been heard in committee.

SAM YORTY

ANNOUNCEMENTS

Speaker Sam L. Collins announced that any member leaving Sacramento without being granted a leave of absence prior to adjournment, or recess, will be brought back at his own expense.

MOTION TO SET SPECIAL ORDER

Mr. Crowley moved that Assembly Bill No. 53 be made a special order of business for Wednesday, December 21, 1949, at 11 a.m., and that Assembly Bill No. 54 be made a special order of business for Wednesday, December 21, 1949, at 11.05 a.m.

Motion carried.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Crowley moved that the Rules be temporarily suspended for the purpose of reading Assembly Bills Nos. 53 and 54 for the third time, at this time.

Mr. Cooke seconded the motion.

The roll was called, and the motion for temporary suspension of the Rules lost by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Connolly, Cooke, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Thomas, Weber, Yorty, and Mr. Speaker—44.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyed, Conrad, Crichton, Dolwig, Erwin, Fleury, Grunsky, Hagen, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Maloney, Sherwin, Silliman, Smith, Stanley, Stewart, and Waters—27.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Senate Bill No. 7

Has had the same under consideration, and respectfully reports the same back without recommendation.

STEWART, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND REPORT OF INTERIM COMMITTEE ON WATER POLLUTION BE PRINTED IN THE JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that a letter of transmittal and a Report of the Interim Committee on Water Pollution be ordered printed in the Journal in 10-point type.

(Above mentioned report will appear prior to the motion to adjourn.)

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Sherwin:

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, and placed upon its passage.

Resolution read.

Motion to Amend Resolution Offered by Mr. Sherwin

Mr. Beck moved that the resolution offered by Mr. Sherwin be amended to include Assembly Bills Nos. 53 and 54.

Point of Order

Mr. Doyle arose to the following point of order: That the content of Assembly Bills Nos. 53 and 54 is not germane to Senate Bill No. 7; and that Mr. Beck's motion is compound, and for said reasons is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

The question being on the adoption of the resolution offered by Mr. Sherwin.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Sherwin moved a call of the Assembly.

Roll Call Demanded

Messrs. Silliman, Lewis, and Rosenthal demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Babbage, Beck, Bennett, Brady, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dolwig, Erwin, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hinckley, Kirkwood, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, Meyers, Moss, Sherwin, Smith, Stanley, Thompson, Waters, and Weber—41.

NOES—Anderson, Burkhalter, Condon, Dickey, Dunn, Elliott, Evans, Fletcher, Geddes, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Luckel, McMillan, Niehouse, Porter, Rosenthal, Rumford, Silliman, Stewart, Thomas, and Yorty—25.

Time, 12.56 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Brady and Price—2.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Dolwig asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

Mr. Levering withheld unanimous consent.

Objections Withdrawn

Mr. Levering withdrew his objections.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 58 FROM COMMITTEE

Mr. Dolwig gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 58 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file.

MOTION TO WITHDRAW ASSEMBLY BILL NO. 58 FROM COMMITTEE, AT THIS TIME

Mr. Dolwig moved that Assembly Bill No. 58 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file, at this time.

Mr. Dickey seconded the motion.

Motion lost.

Request for Unanimous Consent That Assembly Bill No. 58 Be Withdrawn From Committee at This Time

Mr. Dolwig asked for unanimous consent that Assembly Bill No. 58 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file, at this time.

Mr. Waters withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Dolwig moved that the Rules be temporarily suspended for the purpose of permitting a motion that Assembly Bill No. 58 be withdrawn from the Committee on Governmental Efficiency and Economy, at this time.

Mr. Dickey seconded the motion.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Gaffney, Geddes, Grunsky, Hahn, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Niehouse, Rosenthal, Rumford, Silliman, Stanley, Thomas, Thompson, Tomlinson, and Weber—51.

NOES—Collier, Hinckley, and Waters—3.

Motion That Assembly Bill No. 58 Be Withdrawn From Committee, and Be Placed Upon the File

Mr. Dolwig moved that Assembly Bill No. 58 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

Mr. Dickey seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Gaffney, Geddes, Grunsky, Hahn, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Niehouse, Rosenthal, Rumford, Silliman, Stanley, Thomas, Thompson, Tomlinson, and Weber—51.

NOES—Collier, Hinckley, and Waters—3.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 3—Relative to hours which the State Library remains open.

Resolution read.

Motion to Amend

Mr. Fleury moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed measure, after "the", insert "law library of the".

Amendment No. 2

On page 1, line 14, of said measure, strike out "all of".

Amendment No. 3

On page 1, line 14, of said measure, after "the", insert "law library in the".

Amendments read, and adopted.

Resolution ordered reprinted, and on file for adoption.

MOTION TO SUSPEND CONSTITUTIONAL PROVISION

Mr. Coats moved to suspend the constitutional provision for the purpose of reading Assembly Bills Nos. 9, 29, and 52 for the second and third times, at this time.

Motion died for lack of a second.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 25

By Messrs. Hoffman and Weber:

House Resolution No. 25

Relating to congratulating the football team of the College of Pacific on its splendid record

WHEREAS, The football team of the College of Pacific has just completed its season; and

WHEREAS, It has been undefeated and untied in 11 games and has scored 575 points against its opponents while holding said opponents to a total of 66 points scored against it; and

WHEREAS, Its team includes many outstanding players including its quarterback Eddie LeBaron, who has been mentioned on almost every All-American football team both as a defensive and as an offensive player; and

WHEREAS, The football team of the College of Pacific has proved itself an able representative of the State of California in intersectional contests and has added to the fame of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby extend their congratulations to the College of Pacific and to the members of its football team and its head coach, Larry Siemering and line coach Ernie Jorge; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the College of Pacific, to the coach of its football team and to the members of that team.

Resolution read, and adopted.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Coats:

Resolved, That Assembly Bills Nos. 9, 29, 52 and 58 present cases of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Clarke, Cloyed, Coats, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen,

Hahn, Hawkins, Hinckley, Hollibaugh, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, and Weber—56.

NOES—Waters—1.

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

CONSIDERATION OF ASSEMBLY BILL NO. 9

Assembly Bill No. 9—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read second time.

CONSIDERATION OF ASSEMBLY BILL NO. 29

Assembly Bill No. 29—An act to add Section 9056 to the Government Code, relating to the solicitation and acceptance of fees to prevent the enactment of legislation.

Bill read second time.

CONSIDERATION OF ASSEMBLY BILL NO. 52

Assembly Bill No. 52—An act to amend Sections 4501, 4532, 4533, and 4534 of, and to add Sections 4501.5 and 4530.5 to, the Elections Code, relating to influencing, or attempting to influence, legislation by means of campaign expenditures.

Bill read second time.

CONSIDERATION OF ASSEMBLY BILL NO. 58

Assembly Bill No. 58—An act to add Chapter 13, comprising Sections 7800 to 8034, inclusive, to Division 3 of the Business and Professions Code, relating to legislative representatives.

Bill read second time.

Assembly Bill No. 58—An act to add Chapter 13, comprising Sections 7800 to 8034, inclusive, to Division 3 of the Business and Professions Code, relating to legislative representatives.

Bill read third time.

MOTION TO SET SPECIAL ORDER

Mr. Crowley moved that Assembly Bills Nos. 53 and 54 be made a special order of business for Wednesday, December 21, 1949, at 11 a.m.

Mr. Lewis seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Caldecott, Coats, Collier, George D. Collins, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Stanley, Thomas, Thompson, and Weber—54.

NOES—Babbage, Butters, Clarke, Cloyed, Conrad, Fleury, Kirkwood, Levering, Lipscomb, Maloney, Silliman, Smith, and Waters—13.

MOTION THAT ASSEMBLY BILL NO. 44 BE WITHDRAWN FROM COMMITTEE, AND BE PLACED UPON THE FILE

Mr. Weber moved that Assembly Bill No. 44 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

Mr. Silliman seconded the motion.

Point of Order

Mr. Sherwin arose to the following point of order: That the motion by Mr. Weber is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Motion to Temporarily Suspend the Rules

Mr. Weber moved that the Rules be temporarily suspended for the purpose of moving to withdraw Assembly Bill No. 44 from the Committee on Governmental Efficiency and Economy, at this time.

Mr. Silliman seconded the motion.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Anderson, Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Collier, George D Collins, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Silliman, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Weber—55.

NOES—Conrad, Gaffney, Hagen, Hinckley, Kirkwood, Levering, Maloney, Sherwin, Smith, and Waters—10.

Motion That Assembly Bill No. 44 Be Withdrawn From Committee, and Placed Upon the File

Mr. Weber moved that Assembly Bill No. 44 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

Mr. McCollister seconded the motion.

Motion carried.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Weber:

Resolved, That Assembly Bill No. 44 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—Anderson, Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Collier, George D. Collins, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay,

Lipscomb, Lowrey, Luckel, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Silliman, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Weber—55.

NOES—Conrad, Gaffney, Hagen, Hinckley, Kirkwood, Levering, Maloney, Sherwin, Smith, and Waters—10.

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

CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act to provide for the registration of persons making representations to the Governor concerning legislation.

Bill read second time.

Assembly Bill No. 44—An act to provide for the registration of persons making representations to the Governor concerning legislation.

Bill read third time, and ordered engrossed.

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

The following resolutions were offered:

Assembly Concurrent Resolution No. 15: By Mr. Silliman—Relative to the adjournment sine die of the 1949 First Extraordinary Session of the Legislature of the State of California.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 16: By Mr. Hahn—Relative to the Pepperdine College victory in the Los Angeles Invitational Basketball Tournament.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 17: By Mr. Maloney—Relative to the adoption of Assembly Constitutional Amendment No. 84 at a special election held November 8, 1949.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 18: By Mr. Thomas—Relative to the leasing of the federal prison at Terminal Island, California, for the early establishment of facilities for the medical facility of the Department of Corrections as provided for in Part 3, Title 7, Chapter 8 of the Penal Code.

Request for Unanimous Consent

Mr. Thomas asked for unanimous consent to take up Assembly Concurrent Resolution No. 18, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

Mr. Dickey withheld unanimous consent.

Assembly Concurrent Resolution No. 18 ordered referred to Committee on Rules.

Assembly Joint Resolution No. 10: By Mr. Crowley—Relative to the United States Naval Shipyards at Mare Island.

Referred to Committee on Rules.

CONSIDERATION OF HOUSE RESOLUTION NO. 26

By Messrs. Condon, Lewis, Coats, Elliott, and Porter:

House Resolution No. 26

Relating to the financing of unemployment relief

WHEREAS, There has been a startling increase in unemployment throughout the State during the past year; and

WHEREAS, The present economic conditions and forecasts indicate that the number of unemployed persons will continue to increase during the coming year; and

WHEREAS, There is an urgent need to consider the problems which will arise in financing unemployment and particularly the extent to which the State can or should assist the counties in such program, before the full impact of an economic crisis arises; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is hereby respectively urged to extend the subjects for consideration by the Legislature in the extraordinary session presently meeting to include consideration and action upon legislation to provide an adequate program for the financing of unemployment relief or to include this subject within the subjects for consideration should he call the Legislature into extraordinary session at any time prior to the next general session.

Resolution read.

Motion to Amend

Mr. Condon moved the adoption of the following amendment:

Amendment No. 1

In the resolution as printed in the Assembly Journal for December 17, 1949, at page 260, strike out the entire clause beginning with "*Resolved*", in line 10, and ending with "session", in line 13, and insert:

"*Resolved by the Assembly of the State of California*, That the Governor is hereby respectively urged to extend the subjects for consideration by the Legislature to include legislation to provide an adequate program for the financing of unemployment relief should he again call the Legislature into extraordinary session prior to the next general session and subsequent to the adjournment of this extraordinary session."

Amendment read.

Request for Unanimous Consent That Correction in Amendment Be Made

Mr. Condon asked for, and was granted, unanimous consent that the proposed amendment be corrected to read "in line 16" in lieu of "in line 13".

Amendment read, as corrected, and adopted.

Consideration of House Resolution No. 26, as Amended

By Messrs. Condon, Lewis, Coats, Elliott, and Porter:

House Resolution No. 26

Relating to the financing of unemployment relief

WHEREAS, There has been a startling increase in unemployment throughout the State during the past year; and

WHEREAS, The present economic conditions and forecasts indicate that the number of unemployed persons will continue to increase during the coming year; and

WHEREAS, There is an urgent need to consider the problems which will arise in financing unemployment and particularly the extent to which the State can or should assist the counties in such program, before the full impact of an economic crisis arises; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is hereby respectively urged to extend the subjects for consideration by the Legislature to include legislation to provide an adequate program for the financing of unemployment relief should he again call the Legislature into extraordinary session prior to the next general session and subsequent to the adjournment of this extraordinary session

Resolution read, as amended.

Roll Call Demanded

Messrs. Waters, Morris, and Beck demanded a roll call.

The roll was called, and House Resolution No. 26, as amended, adopted by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Cloyed, Coats, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Hagen, Hahn, Hawkins, Kilpatrick, Lewis, Lincoln, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Stanley, Thomas, Weber, and Yorty—49.

NOES—Butters, Clarke, Collier, Conrad, Dolwig, Erwin, Hinckley, Hoffman, Levering, Sherwin, Smith, Stewart, Waters, and Mr. Speaker—14.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SUSPENSION OF CONSTITUTIONAL PROVISION

At 1.43 p.m., on motion of Mr. Sherwin, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the resolution suspending constitutional provision relative to Senate Bill No. 7 adopted by the following vote:

AYES—Babbage, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dolwig, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Price, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—54.

NOES—Anderson, Beck, Bennett, Brady, Condon, Crowley, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Hawkins, Hollibaugh, Kilpatrick, Lewis, McMillan, Porter, Rosenthal, Thomas, and Yorty—21.

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

CONSIDERATION OF SENATE BILL NO. 7

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Sections 1098 and 1099 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read second time.

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

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

Assembly Bill No. 59: By Mr. Burkhalter—An act making an appropriation to the Department of Mental Hygiene for additional support of maximum security institution, Atascadero.

Referred to Committee on Ways and Means.

Assembly Bill No. 60: By Mr. Burkhalter—An act making an appropriation to the Department of Mental Hygiene for support of out patient mental hygiene clinics.

Referred to Committee on Ways and Means.

Assembly Bill No. 61: By Mr. Burkhalter—An act to add Article 12, comprising Section 10226, to Chapter 2 of Division 5 of the Education Code, relating to training and the prevention of sex crimes against children.

Referred to Committee on Judiciary.

Assembly Bill No. 62: By Mr. Burkhalter—An act to add Section 291 to the Penal Code, relating to the probation or parole of persons convicted of sexual offenses.

Referred to Committee on Judiciary.

Assembly Bill No. 63: By Mr. Burkhalter—An act to add Section 4011.6 to the Penal Code, relating to persons detained in jails on criminal process concerning offenses of a sexual nature.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 19: By Mr. Burkhalter—Relating to the training of law enforcement officers in the problems of sex offenders and juvenile delinquents.

Referred to Committee to Rules.

RECESS

At 1.44 p.m., on motion of Mr. Dickey, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 9
Assembly Bill No. 29
Assembly Bill No. 52
Assembly Bill No. 44
Assembly Bill No. 58

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bills ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Constitutional Amendment No. 1

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 6 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Assembly Bill No. 2 was taken up.

Assembly Bill No. 2—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature.

Bill read third time.

Motion to Amend

Mr. Geddes moved the adoption of the following amendments:

Amendment No. 1

On page 5 of the printed bill, as amended in the Assembly on December 14, 1949, between lines 8 and 9, insert

"9908. It shall be unlawful for any Member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature of which he is a member to vote thereon unless he shall first disclose the fact to the house of which he is a member.

9909 It shall be unlawful for any elective or appointive officer or employee of this State or any department thereof to give, or offer or promise to give his official vote or influence or perform his official act in favor of or against any measure or proposition pending or proposed to be introduced into, or that has already been passed by either house of the Legislature, in consideration or on condition that the Governor shall approve or disapprove, veto or sign, or agree to approve or disapprove, veto or sign, any such measure or proposition, or any measure, proposition, bill or act or proposed law that has already been passed by the Legislature, or either house thereof, or in consideration or upon condition or promise that the Governor shall nominate for appointment or appoint or remove any person to or from any office or position under the laws of this State."

Amendment No. 2

On page 5, line 15, of said bill, strike out "9909", and insert "9910".

Amendment No. 3

On page 5, line 18, of said bill, strike out "9910", and insert "9911".

Amendment No. 4

On page 5, line 20, of said bill, after the comma, insert "except as otherwise provided herein,".

Amendments read.

Request for Unanimous Consent That All Proposed Amendments to Assembly Bill No. 2 Be Considered, at This Time

On behalf of the Assembly, Speaker Sam L. Collins presented a unanimous consent request that all proposed amendments to Assembly Bill No. 2 be considered prior to the bill being reprinted, at this time.

Mr. Collier withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Beck moved that the Rules be temporarily suspended for the purpose of considering all proposed amendments to Assembly Bill No. 2 prior to reprinting of the bill.

Mr. Sherwin seconded the motion.

Motion carried, two-thirds of all members present voting in favor thereof.

The question being on the adoption of the amendments offered by Mr. Geddes to Assembly Bill No. 2.

Speaker Pro Tempore Presiding

At 3.15 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Speaker Presiding

At 3.30 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Division of the Question

Mr. Geddes asked for a division of the question.

Consideration of Amendment No. 1 (Section 9908)

Amendment No. 1

"9908. It shall be unlawful for any Member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature of which he is a member to vote thereon unless he shall first disclose the fact to the house of which he is a member."

Amendment read, and adopted.

Consideration of Amendment No. 1a (Section 9909)

Amendment No. 1a

"9909. It shall be unlawful for any elective or appointive officer or employee of this State or any department thereof to give, or offer or promise to give his official vote or influence or perform his official act in favor of or against any measure or proposition pending or proposed to be introduced into, or that has already been passed by either house of the Legislature, in consideration or on condition that the Governor shall approve or disapprove, veto or sign, or agree to approve or disapprove, veto or sign, any such measure or proposition, or any measure, proposition, bill or act or proposed law that has already been passed by the Legislature, or either house thereof, or in consideration or upon condition or promise that the Governor shall nominate for appointment or appoint or remove any person to or from any office or position under the laws of this State."

Amendment read, and adopted.

Consideration of Amendments Nos. 2, 3, and 4

Amendment No. 2

On page 5, line 15, of said bill, strike out "9909", and insert "9910".

Amendment No. 3

On page 5, line 18, of said bill, strike out "9910", and insert "9911".

Amendment No. 4

On page 5, line 20, of said bill, after the comma, insert "except as otherwise provided herein,".

Amendments read, and adopted.

Consideration of Further Amendments

Motion to Amend

Mr. Anderson moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 37, of the printed bill, as amended in the Assembly on December 14, 1949, strike out the period, and insert a semicolon and "nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the religion of such church."

Amendment read, and refused adoption.

Bill ordered reprinted, and re-engrossed.

Motion That Rush Order Be Placed Upon Printing of All Bills Being Considered, at This Time

Mr. Anderson moved that a rush order be placed upon the printing of all bills now being considered as a special order of business.

Motion carried.

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 4 was taken up.

Assembly Bill No. 4—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read third time.

Request for Unanimous Consent That Assembly Bill No. 4 Be Temporarily Passed on File

Mr. Coats asked for, and was granted, unanimous consent that Assembly Bill No. 4 be temporarily passed on file, at this time.

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 5 was taken up.

Assembly Bill No. 5—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation.

Bill read third time.

Motion That Assembly Bill No. 5 Be Withdrawn From File, and Be Re-referred

Mr. Hollibaugh moved that Assembly Bill No. 5 be withdrawn from the file, and be re-referred to the Interim Committee on Governmental Efficiency and Economy.

Mr. Hoffman seconded the motion.

Demand for Previous Question

Messrs. Grunsky, Morris, Price, Silliman, and Conrad demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Hollibaugh that Assembly Bill No. 5 be withdrawn from the file, and be re-referred to the Interim Committee on Governmental Efficiency and Economy.

The roll was called, and the motion lost by the following vote:

AYES—Brady, Burkhalter, Clarke, Condon, Cooke, Dills, Dolwig, Doyle, Evans, Fletcher, Geddes, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, McCollister, McMillan, Morris, Niehouse, Porter, Price, Silliman, Thomas, Thompson, Yorty, and Mr. Speaker—27.

NOES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Crowley, Davis, Dunn, Elliott, Erwin, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hinckley, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, Meyers, Moss, Rosenthal, Rumford, Sherwin, Smith, Stanley, Tomlinson, and Waters—42.

The question being on the passage of Assembly Bill No. 5.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—72.

NOES—None.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Names Be Placed Upon the Roll Call on Assembly Bill No. 5

Messrs. Kirkwood and Dickey asked for, and were granted, unanimous consent that their names be placed upon the roll call on Assembly Bill No. 5, and that they be recorded as voting, "Aye."

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 9 was taken up.

Assembly Bill No. 9—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read third time.

Request for Unanimous Consent That Assembly Bill No. 9 Be Temporarily Passed on File

Mr. Hagen asked for, and was granted, unanimous consent that Assembly Bill No. 9 be temporarily passed on file, at this time.

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 52 was taken up.

Assembly Bill No. 52—An act to amend Sections 4501, 4532, 4533, and 4534 of, and to add Sections 4501.5 and 4530.5 to, the Elections Code, relating to influencing, or attempting to influence, legislation by means of campaign expenditures.

Bill read third time.

Motion That Assembly Bill No. 52 Be Withdrawn From File, and Be Re-referred

Mr. Yorty moved that Assembly Bill No. 52 be withdrawn from the file, and be re-referred to the Committee on Elections and Reapportionment.

Mr. Brady seconded the motion.

Point of Order

Mr. Beck arose to the following point of order: That Mr. Levering is not speaking to the motion.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

The question being on the motion by Mr. Yorty that Assembly Bill No. 52 be re-referred to the Committee on Elections and Reapportionment.

Roll Call Demanded

Messrs. Beck, Bennett, and Lowrey demanded a roll call.

The roll was called, and the motion by Mr. Yorty that Assembly Bill No. 52 be re-referred to the Committee on Elections and Reapportionment lost by the following vote:

AYES—Brady, Dolwig, Doyle, Evans, Fletcher, Hollibaugh, McCollister, McMillan, Morris, Price, and Yorty—11.

NOES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dunn, Elliott, Erwin, Fleury, Gaffney, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, Meyers, Moss, Porter, Rosenthal, Rumford, Silliman, Smith, Stanley, Thompson, Tomlinson, Waters, and Weber—52.

The question being on the passage of Assembly Bill No. 52.

Motion to Amend

Mr. Hagen moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 16, of the printed bill, after "Lieutenant Governor," and before "or Member", insert "member of the State Board of Equalization".

Amendment read.

Roll Call Demanded

Messrs. Condon, Hagen, and Silliman demanded a roll call.

The roll was called, and the amendment offered by Mr. Hagen adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—67.

NOES—None.

Bill ordered reprinted, and re-engrossed.

Request for Unanimous Consent to Take Up Assembly Bill No. 4

Mr. Coats asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 4, temporarily passed on file, out of order, at this time.

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 4 was taken up.

Assembly Bill No. 4—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Conrad, Cooke, Crichton, Crowley, Davis, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—65.

NOES—None.

Bill ordered transmitted to the Senate.

Further Consideration of Special Order

The hour having arrived, Assembly Bill No. 29 was taken up.

Assembly Bill No. 29—An act to add Section 9056 to the Government Code, relating to the solicitation and acceptance of fees to prevent the enactment of legislation.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Burke, Burkhalter, Butters, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Crichton, Crowley, Davis, Dills, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Hagen, Hahn, Hawkins, Hoffman, Kilpatrick, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Thompson, Tomlinson, Waters, Weber, and Yorty—53.

NOES—Caldecott, Dickey, Dolwig, Evans, Grunsky, Levering, Silliman, Stanley, and Mr. Speaker—9.

Bill ordered transmitted to the Senate.

MOTION THAT ASSEMBLY BILL NO. 58 BE WITHDRAWN FROM FILE, AND BE RE-REFERRED

Mr. Yorty moved that Assembly Bill No. 58 be withdrawn from the file, and be re-referred to the Committee on Governmental Efficiency and Economy.

Mr. Rumford seconded the motion.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

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

Assembly Joint Resolution No. 10

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 17
Assembly Concurrent Resolution No. 18

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

DICKEY, Chairman

Above reported resolutions ordered engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Assembly Concurrent Resolution No. 4
Assembly Joint Resolution No. 1
Assembly Joint Resolution No. 2
Assembly Joint Resolution No. 3
Assembly Joint Resolution No. 5
Assembly Joint Resolution No. 6

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 5.25 p.m., Mrs. Niehouse asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Social Welfare, at her desk, upon recess.

RECESS

At 5.26 p.m., on motion of Mr. Dickey, the Assembly recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Assembly reconvened.
Hon. Sam L. Collins, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 20: By Mr. McCollister—Relative to the recess of the 1949 (First Extraordinary) Session of the Legislature.

Refered to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Concurrent Resolution No. 11

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 11—Relative to Arthur H. Samish.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to Arthur H. Samish.

Resolution read, and adopted.
Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 30

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Constitutional Amendments, to which was referred:

Senate Constitutional Amendment No. 1

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

CROWLEY, Chairman

Above reported resolution ordered on file for adoption.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Bill No. 16

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was read the first time:

Senate Bill No. 16—An act to amend Section 290 of the Penal Code, relating to the registration of persons heretofore or hereafter convicted of certain offenses.

Referred to Committee on Judiciary.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Joint Resolution No. 4

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Joint Resolution No. 4—Relative to the United States Naval Shipyard at Mare Island.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT TELEGRAM BE PRINTED IN THE JOURNAL

Mr. Levering asked for, and was granted, unanimous consent that the following telegram be ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, December 20, 1949

The Honorable Harold L. Levering
Assembly Chamber
State Capitol, Sacramento, California

We respectfully urge approval of the Erwin resolution for interim committee study of proper lobby regulations. Under present conditions citizens do not have adequate notice and hearing on bills currently under consideration. We favor curbing of illegitimate lobbying, but are seriously concerned that present bills may harass and restrict citizens in legitimate representations to their government. Whole matter of such importance that deliberate and careful study should be given prior to legislative action.

EARLE V. GROVER
President Los Angeles Chamber of Commerce

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 30

Resolved, That the Controller be and he is hereby authorized to draw his warrants on the Contingent Fund of the Assembly in favor of the persons or firms

listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

The Recorder Printing and Publishing Company (Larmac Index)	$1,460 03
The Pacific Telephone & Telegraph Co. (exchange service charges)	12 20
Department of Finance (supplies)	82 25

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 30, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—69.

NOES—None.

By Mr. Dickey:

House Resolution No. 31

Resolved by the Assembly of the State of California, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the amount of one thousand nine hundred fifty dollars ($1,950), said amount being for the purchase of postage stamps to be used by Members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding one thousand nine hundred fifty dollars ($1,950) in the aggregate, as shall be necessary for the use of the Members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one Member of the Assembly for official mail shall not exceed the sum of twenty-five dollars ($25).

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—69.

NOES—None.

BIRTHDAY GREETINGS EXTENDED TO MR. LEVERING

Mr. Maloney and Speaker Sam L. Collins extended, on behalf of the Members of the Assembly, cordial birthday greetings to Mr. Levering.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 2
Assembly Bill No. 52

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bills ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONCURRENT RESOLUTION NO. 3

Mr. Fleury asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 3, out of order, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to hours which the State Library remains open.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.

NOES—Luckel—1.

Resolution ordered transmitted to the Senate.

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

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

Assembly Bill No. 64: By Messrs. Smith and Rosenthal—An act to amend Section 644 of the Penal Code, relating to punishment of habitual criminals.

Referred to Committee on Judiciary.

Assembly Bill No. 65: By Messrs. Kilpatrick, Crowley, Lewis, Rumford, Anderson, Burkhalter, George D. Collins, Condon, Cooke, Davis, Dills, Elliott, Evans, Fletcher, Geddes, Grant, Hahn, Hawkins, Hollibaugh, McMillan, Morris, Mrs. Niehouse, Messrs. Rosenthal, Thomas, and Yorty—An act to add Section 2004.5 to, to amend Sections 2011, 2160, 2163, and 2181 of, and to repeal Sections 2181.01 and 2224 of, the Welfare and Institutions Code, all relating to aid to the aged, making an appropriation therefor, and providing for the operation of its provisions until July 1, 1950, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Concurrent Resolution No. 21: By Messrs. Lewis, Hawkins, Anderson, and Condon—Relative to finding that an economic emergency exists in this State.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Condon, Fletcher, Yorty, Rosenthal, and McMillan:

House Resolution No. 32

WHEREAS, It has been charged that various Legislators have had improper influence exerted upon them by various department heads and elective officials of the State of California, other than Legislators, in order to influence the vote or other legislative action of Legislators thus subjected to pressure; and

WHEREAS, It is implied by bills introduced in the present extraordinary session or by amendments to such bills that Legislators have attempted to exert pressure upon departments or officials of departments of the State in behalf of clients or principals of such Legislators; and

WHEREAS, Such bills or amendments to such bills, above referred to, also carry the implication that such departments or officials of departments have yielded to such pressure; and

WHEREAS, If true, such charges and implications, above referred to, are contrary to the decent government and the democratic process of State Government; now, therefore, be it

Resolved by the Assembly of the State of California, As follows:

1. That the Assembly Committee on Improper Legislative Influence is hereby created and authorized and directed (1) to ascertain, study and analyze all facts relating to or in any manner affecting or bearing upon any of the subjects mentioned in any of the recitals of this resolution, and any and all matters incidental or pertaining thereto, each in all their several phases, and (2) to study, ascertain and evaluate the operation, effect, administration and enforcement and needed revision of any and all laws in any way bearing upon or relating to any of the subjects of this resolution or of any of the recitals of this resolution, and to report thereon to the Legislature, including in the report the committee's recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature including any recess and after final adjournment until the twentieth of March, 1950.

4. The committee is authorized and directed to report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than March 20, 1950.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) 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.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) 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.

7. The sum of five thousand dollars ($5,000) or so much therof as may be necessary is hereby made available from the contingent funds of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and ordered referred to the Committee on Rules.

FURTHER CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 44 was taken up.

Assembly Bill No. 44—An act to provide for the registration of persons making representations to the Governor concerning legislation.

Bill read third time.

Motion to Amend

Mr. Weber moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, after "made", insert "and the identity of the person or interests on whose behalf it is made".

Amendment No. 2

On page 1 of said bill, after line 20, insert

"SEC. 4. Where a written petition is addressed to the Governor and signed by five or more persons, only five of the names of the signers shall be listed in the register or docket."

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 44

Mr. Weber moved that a rush order be placed upon the printing of Assembly Bill No. 44.

Motion carried.

MEMBERS EXCUSED

At 9.30 p.m., Mr. Beck asked for, and was granted, unanimous consent that Messrs. Burkhalter and Coats be excused, for the balance of the legislative day.

FURTHER CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 30 was taken up.

Assembly Bill No. 30—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read third time.

Request for Unanimous Consent That Assembly Bill No. 30 Be Temporarily Passed on File

Mr. Sherwin asked for, and was granted, unanimous consent that Assembly Bill No. 30 be temporarily passed on file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

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

Assembly Concurrent Resolution No. 20

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

DICKEY, Chairman

Request for Unanimous Consent to Take Up Assembly Concurrent Resolution No. 20

Mr. Dickey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 20, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to the recess of the 1949 (First Extraordinary) Session of the Legislature.

Resolution read.

Motion to Amend

Mr. Dickey moved the adoption of the following amendment:

Amendment No. 1

Strike out all of lines 10 to 14, inclusive, of the printed measure, and insert "*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That this 1949 First Extraordinary Session of the Legislature does hereby recess at the hour of 12 o'clock noon on the twenty-first day of December 1949, to reconvene each house thereof at 12 o'clock noon on the thirteenth day of February, 1950."

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 20

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

FURTHER CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Senate Bill No. 7 was taken up.

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of the Government Code, relating to the Legislative and Executive Department of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read third time.

Motion to Amend

Mr. Sherwin moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on December 19, 1949, after "of", insert ", and to add Section 1098 to,".

Amendment No. 2

On page 2 of said bill, strike out lines 13 to 19, inclusive.

Amendment No. 3

On page 8 of said bill, between lines 37 and 38, insert

"SEC. 3. Section 1098 is added to said code, to read:

1098. No elective or appointive officer or employee of this State or any department thereof, receiving a salary or other compensation from the State in excess of six hundred dollars ($600) (exclusive of expenses) in any calendar year, shall represent for compensation as agent, attorney, or in any other capacity except in the discharge of his official duties, the interests of any other person before the Legislature, either house of the Legislature or any committee or subcommittee of the Legislature or either house, the Governor or Lieutenant Governor."

Amendment No. 4

On page 8, line 38, of said bill, strike out "3", and insert "4".

Amendment No. 5

On page 8, line 47, of said bill, strike out "4", and insert "5".

Amendments read.

Division of the Question

Mr. Sherwin asked for a division of the question.

Consideration of Amendments Nos. 1 and 3

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on December 19, 1949, after "of", insert ", and to add Section 1098 to,".

Amendment No. 3

On page 8 of said bill, between lines 37 and 38, insert

"SEC. 3. Section 1098 is added to said code, to read:

1098. No elective or appointive officer or employee of this State or any department thereof, receiving a salary or other compensation from the State in excess of six hundred dollars ($600) (exclusive of expenses) in any calendar year, shall represent for compensation as agent, attorney, or in any other capacity except in the discharge of his official duties, the interests of any other person before the Legislature, either house of the Legislature or any committee or subcommittee of the Legislature or either house, the Governor or Lieutenant Governor."

Amendments read, and adopted.

Consideration of Amendment No. 2

Amendment No. 2

On page 2 of said bill, strike out lines 13 to 19, inclusive.

Amendment read, and adopted.

Consideration of Amendments Nos. 4 and 5

Amendment No. 4

On page 8, line 38, of said bill, strike out "3", and insert "4".

Amendment No. 5

On page 8, line 47, of said bill, strike out "4", and insert "5".

Amendments read, and adopted.

Consideration of Further Amendments

Motion to Amend

Mr. Yorty moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Senate on December 19, 1949, strike out "Legislature and administrative tribunals", and insert "government".

Amendment No. 2

On page 1, line 7, of said bill, after "legislative", insert ", executive,".

Amendment No. 3

On page 2, line 7, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 4

On page 2, line 21, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 5

On page 2, line 23, of said bill, after "lature", insert ", or the Governor or the Lieutenant Governor".

Amendment No. 6

On page 2, line 24, of said bill, strike out "or", and after "thereof", insert ", or executive approval thereof".

Amendment No. 7

On page 3, line 3, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 8

On page 3, line 7, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 9

On page 3, line 17, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 10

On page 3, line 24, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 11

On page 3, line 33, of said bill, after "legislation", insert "or executive approval".

Amendment No. 12

On page 3, line 37, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 13

On page 4, line 13, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 14

On page 4, line 48, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 15

On page 5, line 24, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 16

On page 6, line 8, of said bill, strike out "15", and insert "35".

Amendment No. 17

On page 7, line 15, of said bill, after "tion", insert "or executive approval thereof".

Amendment No. 18

On page 7, line 22, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 19

On page 7, line 34, of said bill, after "legislation", insert "or executive approval thereof".

Amendment No. 20

On page 8, line 1, of said bill, after "legislation", insert "or securing executive approval or disapproval thereof".

Amendments read, and adopted.

Consideration of Further Amendments

Motion to Amend

Mr. Stewart moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended in the Senate on December 19, 1949, strike out lines 13 to 19, inclusive.

Amendment read.

Amendment Withdrawn

Mr. Stewart withdrew the amendment.

Consideration of Further Amendments

Motion to Amend

Mr. Weber moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on December 19, 1949, after "inclusive", insert "and Chapter 9, comprising Sections 9950 and 9953, inclusive,".

Amendment No. 2

On page 8 of said bill, after line 37, insert

"Chapter 9. Registration with Governor

9950. The Governor shall cause the name and address of every person who makes any oral or written representation to him concerning any legislative enactment before him for approval or rejection to be promptly entered in a docket or register to be kept in his office for that purpose. The number or other means of identification of each bill concerning which a representation is made and the identity of the person or interests on whose behalf it is made shall be set out opposite the name of the person making the representation.

9951. Prior to the final adjournment of each legislative session copies of each entry made in the register or docket shall be filed with the Secretary of State, the Secretary of the Senate, and the Chief Clerk of the Assembly not more than seven days after such representation is made. Not more than sixty days after the final adjournment of each legislative session the register or docket shall be filed with the Secretary of State who shall keep it in the State Archives, and copies thereof filed with the Secretary of the Senate and the Chief Clerk of the Assembly.

9952. The register or docket is a public record and shall be open to public inspection under such reasonable rules and regulations as its custodian provides.

9953. Where a written petition is addressed to the Governor and signed by five or more persons, only five of the names of the signers shall be listed in the register or docket."

Amendments read, and refused adoption.

Consideration of Further Amendments

Motion to Amend

Mr. Geddes moved the adoption of the following amendments:

Amendment No. 1

On page 7 of the printed bill, as amended in the Senate on December 19, 1949, between lines 41 and 42, insert

"9923.5. It shall be unlawful for any Member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature of which he is a member to vote thereon unless he shall first disclose the fact to the house of which he is a member."

Amendment No. 2

On page 8 of said bill, between lines 6 and 7, insert

"9925.5. It shall be unlawful for any elective or appointive officer or employee of this State or any department thereof to give, or offer, or promise to give his official vote or influence or perform his official act in favor of or against any measure or proposition pending or proposed to be introduced into, or that has already, been passed by either house of the Legislature, in consideration or on condition that the Governor shall approve or disapprove, veto or sign, or agree to approve or disapprove, veto or sign any such, measure or proposition, or any measure, proposition, bill or act or proposed law that has already been passed by the Legislature, or either house thereof, or in consideration, or upon condition or promise that the Governor shall nominate for appointment or appoint or remove any person to or from any office or position under the laws of this State Any person who violates this section shall be guilty of a felony."

Amendments read.

Division of the Question

Mr. Geddes asked for a division of the question.

Consideration of Amendment No. 1

Amendment No. 1

On page 7 of the printed bill, as amended in the Senate on December 19, 1949, between lines 41 and 42, insert

"9923 5. It shall be unlawful for any Member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature of which he is a member to vote thereon unless he shall first disclose the fact to the house of which he is a member."

Amendment read, and adopted.

Consideration of Amendment No. 2

Amendment No. 2

On page 8 of said bill, between lines 6 and 7, insert

"9925.5. It shall be unlawful for any elective or appointive officer or employee of this State or any department thereof to give, or offer, or promise to give his official vote or influence or perform his official act in favor of or against any measure or proposition pending or proposed to be introduced into, or that has already, been passed by either house of the Legislature, in consideration or on condition that the Governor shall approve or disapprove, veto or sign, or agree to approve or disapprove, veto or sign any such, measure or proposition, or any measure, proposition, bill or act or proposed law that has already been passed by the Legislature, or either house thereof. or in consideration, or upon condition or promise that the Governor shall nominate for appointment or appoint or remove any person to or from any office or position under the laws of this State. Any person who violates this section shall be guilty of a felony."

Amendment read, and adopted.

Question of Personal Privilege

Mr. Sherwin arose to a question of personal privilege.

Point of Order

Mr. Thomas arose to the following point of order: That Mr. Sherwin is not speaking to a question of personal privilege.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Consideration of Further Amendments

Motion to Amend

Mr. Yorty moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on December 19, 1949, after "of", insert ", and to add Sections 1098 and 1099 to,".

Amendment No. 2

On page 8 of said bill, between lines 37 and 38, insert

"SEC. 3. Section 1098 is added to said code, to read:

1098. Any executive officer who, for the purpose of promoting, advocating, opposing or influencing legislation, offers or promises to appoint any member of the Legislature to the judiciary, is guilty of a felony.

SEC. 4. Section 1099 is added to said code, to read:

1099. Any executive officer who, for the purpose of promoting, advocating, opposing, or influencing legislation, offers or promises to perform any act or function, which he is authorized or directed to perform by virtue of his position in the State Government, in a particular manner, is guilty of a felony."

Amendment No. 3

On page 8, line 38, of said bill, strike out "3", and insert "5".

Amendment No. 4

On page 8, line 47, of said bill, strike out "4", and insert "6".

Amendments read.

Division of the Question

Mr. Beck asked for a division of the question.

Consideration of Amendments Nos. 1, 2 (Section 3), 3, and 4

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on December 19, 1949, after "of", insert ", and to add Sections 1098 and 1099 to,".

Amendment No. 2

On page 8, of said bill, between lines 37 and 38, insert

"SEC. 3. Section 1098 is added to said code, to read:

1098. Any executive officer who, for the purpose of promoting, advocating, opposing or influencing legislation, offers or promises to appoint any member of the Legislature to the judiciary, is guilty of a felony."

Amendment No. 3

On page 8, line 38, of said bill, strike out "3", and insert "5".

Amendment No. 4

On page 8, line 47, of said bill, strike out "4", and insert "6".

Amendments read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Yorty moved a call of the Assembly.

Motion carried. Time, 10.28 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Brown, George D. Collins, Dunn, Hollibaugh, and Silliman—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. McCollister asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

FURTHER CONSIDERATION OF SENATE BILL NO. 7
FURTHER CONSIDERATION OF AMENDMENTS OFFERED BY MR. YORTY

Consideration of Amendment No. 2 (Section 4)

Amendment No. 2A

"SEC. 4. Section 1099 is added to said code to read:

1099. Any executive officer who, for the purpose of promoting, advocating, opposing, or influencing legislation, offers or promises to perform any act or function, which he is authorized or directed to perform by virtue of his position in the State Government, in a particular manner, is guilty of a felony."

Amendment read.

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

AYES—Brady, Burke, Crowley, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Hagen, Hawkins, Kilpatrick, McMillan, Porter, Price, and Yorty—17.

NOES—Babbage, Beck, Butters, Caldecott, Clarke, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hinckley,

Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Morris, Moss, Niehouse, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—43.

Consideration of Further Amendments
Motion to Amend

Mr. Silliman moved the adoption of the following amendment:

Amendment No. 1

On page 7 of the printed bill, as amended in the Senate on December 19, 1949, strike out line 5, and insert "district, municipal corporation, and chamber of commerce, both city and state."

Amendment read.

Request for Unanimous Consent That Proposed Amendment Be Temporarily Passed on File

Mr. Silliman asked for, and was granted, unanimous consent that his proposed amendment be temporarily passed on file.

Consideration of Further Amendments
Motion to Amend

Mr. McCollister moved the adoption of the following amendment:

Amendment No. 1

On page 8, line 37, of the printed bill, as amended in the Senate on December 19, 1949, strike out the period, and insert ", or to the paid bona fide officials of a local agricultural, labor, fraternal, religious, professional, business, social, or other organization organized for purposes other than to influence legislation when such official corresponds with or converses with a Legislator regarding legislation."

Amendment read, and adopted.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENTS NOS. 1, 2 (SECTION 3), 3, AND 4

At 10.42 p.m., on motion of Mr. Yorty, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and amendments Nos. 1, 2 (Section 3), 3, and 4, offered by Mr. Yorty to Senate Bill No. 7, were adopted by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Burke, George D. Collins, Condon, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Geddes, Hagen, Hahn, Hawkins, Kilpatrick, Levering, Lewis, McMillan, Meyers, Morris, Porter, Price, Rosenthal, Rumford, Stewart, Thomas, Weber, and Yorty—35.

NOES—Babbage, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Fleury, Gaffney, Grant, Grunsky, Hinckley, Hoffman, Kirkwood, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Moss, Niehouse, Sherwin, Smith, Stanley, Thompson, Tomlinson, and Waters—34.

FURTHER CONSIDERATION OF SENATE BILL NO. 7
FURTHER CONSIDERATION OF AMENDMENT PREVIOUSLY OFFERED BY MR. SILLIMAN

Motion to Amend

Mr. Silliman moved the adoption of the following amendment:

Amendment No. 1

On page 7 of the printed bill, as amended in the Senate on December 19, 1949, strike out line 5, and insert "district, municipal corporation, and chamber of commerce, both city and state."

Amendment read, and refused adoption.

Desk Attaches Authorized to Make Technical Corrections in Amendments to Senate Bill No. 7

The Speaker, by unanimous consent, authorized the desk attaches to make necessary technical corrections in the amendments to Senate Bill No. 7.

Consideration of Further Amendments

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 13, of the printed bill, as amended in the Senate on December 19, 1949, strike out "does not include", and insert "includes".

Amendment No. 2

On page 3, lines 26 and 27, of said bill, strike out "No such person shall register as a legislative representative."

Amendment No. 3

On page 4, of said bill, strike out lines 14 to 41, inclusive.

Amendment No. 4

On page 6, line 41, of said bill, strike out "in any particular", and insert "on any material matter".

Amendment No. 5

On page 7, of said bill, between lines 41 and 42, insert

"9922.7. No Member of the Legislature shall accept compensation from anyone directly interested in legislation pending in the Legislature of which he is a member."

Amendment No. 6

On page 8, line 27, of said bill, after the period, insert "No person whose certificate of registration has been revoked for a conviction of any violation of this chapter which constitutes a felony is eligible to register or act as a legislative representative."

Amendments read.

Division of the Question

Mr. George D. Collins asked for a division of the question.

Consideration of Amendment No. 1

Amendment No. 1

On page 2, line 13, of the printed bill, as amended in the Senate on December 19, 1949, strike out "does not include", and insert "includes".

Amendment read.

Amendment Withdrawn

Mr. George D. Collins withdrew Amendment No. 1.

Consideration of Amendment No. 2

Amendment No. 2

On page 3, lines 26 and 27, of said bill, strike out "No such person shall register as a legislative representative."

Amendment read, and adopted.

Consideration of Amendment No. 3

Amendment No. 3

On page 4 of said bill, strike out lines 14 to 41, inclusive.

Amendment read.

Amendment Withdrawn

Mr. George D. Collins withdrew Amendment No. 3.

Consideration of Amendment No. 4

Amendment No. 4

On page 6, line 41, of said bill, strike out "in any particular", and insert "on any material matter".

Amendment read, and adopted.

Consideration of Amendment No. 5

Amendment No. 5

On page 7 of said bill, between lines 41 and 42, insert

"9922.7. No Member of the Legislature shall accept compensation from anyone directly interested in legislation pending in the Legislature of which he is a member."

Amendment read, and adopted.

Notice of Motion to Reconsider Amendment No. 5 Offered by Mr. George D. Collins to Senate Bill No. 7

Mr. Beck gave notice that on the next legislative day he would move to reconsider the vote whereby Amendment No. 5 offered by Mr. George D. Collins to Senate Bill No. 7 was this day adopted.

Consideration of Amendment No. 6

Amendment No. 6

On page 8, line 27, of said bill, after the period, insert "No person whose certificate of registration has been revoked for a conviction of any violation of this chapter which constitutes a felony is eligible to register or act as a legislative representative."

Amendment read, and adopted.

Request for Unanimous Consent That Amendment No. 5 Offered by Mr. George D. Collins to Senate Bill No. 7 Be Reconsidered

Mr. Sherwin asked for unanimous consent that the vote whereby Amendment No. 5, offered by Mr. George D. Collins to Senate Bill No. 7, was this day adopted, be reconsidered, at this time.

Mr. Brady withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Sherwin moved that the Rules be temporarily suspended for the purpose of considering Mr. Beck's notice of motion to reconsider the vote whereby Amendment No. 5 offered by Mr. George D. Collins to Senate Bill No. 7 was this day adopted, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dolwig, Dunn, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—63.

NOES—Brady, Burkhalter, Doyle, and Evans—4.

Reconsideration of Amendment No. 5 Offered by Mr. George D. Collins to Senate Bill No. 7

Mr. Beck moved that the vote whereby Amendment No. 5, offered by Mr. George D. Collins to Senate Bill No. 7 was this day adopted, be reconsidered.

The roll was called, and reconsideration granted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dolwig, Dunn, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—63.

NOES—Brady, Burkhalter, Doyle, and Evans—4.

The question being on the adoption of Amendment No. 5 offered by Mr. George D. Collins to Senate Bill No. 7.

Demand for Previous Question

Messrs. Silliman, Burkhalter, Conrad, Babbage, and Morris demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Amendment No. 5 offered by Mr. George D. Collins to Senate Bill No. 7.

Roll Call Demanded

Messrs. Beck, Bennett, and Smith demanded a roll call.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. George D. Collins moved a call of the Assembly.

Motion carried. Time, 11.28 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Brown, Cloyed, Dills, Hollibaugh, and Rumford—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. McCollister asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 2 was taken up.

Assembly Bill No. 2—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature.

Bill read third time.

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

AYES—Anderson, Babbage, Beck Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey,

Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Porter asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 2, and that he be recorded as voting, "Aye."

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 44

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 10

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 17
Assembly Concurrent Resolution No. 18

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolutions ordered on file for adoption.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Joint Resolution No. 4

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 41 BE WITHDRAWN FROM COMMITTEE FOR AMENDMENT, AND BE RE-REFERRED

Mr. Kilpatrick asked for, and was granted, unanimous consent that Assembly Bill No. 41 be withdrawn from the Committee on Education for purpose of amendment, and be re-referred to the Committee on Education.

CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act to add Chapter 3.1 to Division 8 of the Education Code, relating to the establishment and maintenance by school districts of clinics for the diagnosis and treatment of pupils who show tendencies to commit sex offenses, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Kilpatrick moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, after "of", insert "abnormal behavior or other evidence of impaired mental health, including evidence of".

Amendment No. 2

On page 1, line 12, of said bill, strike out "petition", and insert "application".

Amendment No. 3

On page 1, line 13, of said bill, strike out "peti-", and in line 14, strike out "tion", and insert "application".

Amendment No. 4

On page 1, line 14, of said bill, strike out "petition", and insert "application".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 53

Mr. Crowley asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 53, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 53

Assembly Bill No. 53—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181.01, 2224, 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to public assistance, including aged aid, aid to the needy blind and aid to the partially self-supporting blind, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Crowley moved the adoption of the following amendments:

Amendment No. 1

On page 4 of the printed bill, between lines 45 and 46, insert

"SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendment No. 2

On page 4, line 46, of said bill, strike out "SEC. 6.", and insert "SEC. 7."

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 20

Mr. McCollister asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 20, out of order, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to the recess of the 1949 (First Extraordinary) Session of the Legislature.

Resolution read.

Motion to Amend

Mr. Beck moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 20, of said resolution, strike out "thirteenth day of February", and insert "sixth day of March".

Amendment read.

Roll Call Demanded

Messrs. Morris, Beck, and Lowrey demanded a roll call.

The roll was called, and the amendment offered by Mr. Beck to Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Collier, Connolly, Conrad, Crichton, Erwin, Fleury, Geddes, Grant, Grunsky, Hagen, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, Meyers, Morris, Moss, Price, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, and Yorty—41.

NOES—Anderson, Brady, Burkhalter, Cloyed, George D. Collins, Condon, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, McCollister, McMillan, Niehouse, Porter, Rumford, and Weber—29.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, as amended, at this time, without reference to print or file, and that the same be considered re-engrossed.

Consideration of Assembly Concurrent Resolution No. 20, as Amended

Assembly Concurrent Resolution No. 20—Relative to the recess of the 1949 (First Extraordinary) Session of the Legislature.

Resolution read, as amended.

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

AYES—Anderson, Babbage, Bennett, Brady, Burke, Burkhalter, Butters, Clarke, Cloyed, Condon, Connolly, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Erwin, Evans, Fletcher, Gaffney, Geddes, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stewart, Thomas, Thompson, Weber, and Yorty—50.

NOES—Caldecott, Collier, Conrad, Crichton, Elliott, Fleury, Grant, Grunsky, Hagen, Hinckley, Kirkwood, Lowrey, Moss, Sherwin, Stanley, Tomlinson, and Waters—17.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 16

Mr. Hahn asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 16, out of order, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 16

Assembly Concurrent Resolution No. 16—Relative to the Pepperdine College victory in the Los Angeles Invitational Basketball Tournament.

Resolution read.

Demand for Previous Question

Messrs. Beck, McCarthy, Levering, Geddes, and Grunsky demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 16.

Resolution adopted.

Resolution ordered transmitted to the Senate.

REQUEST FOR UANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 13

Mr. Meyers asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 13, out of order, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Congratulating Judge Edward F. O'Day of the San Francisco Municipal Court.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 18

Mr. Thomas asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 18, out of order, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 18

Assembly Concurrent Resolution No. 18—Relative to the leasing of the federal prison at Terminal Island, California, for the early establishment of facilities for the medical facility of the Department of Corrections as provided for in Part 3, Title 7, Chapter 8 of the Penal Code.

Resolution read.

Motion That Additional Time Be Granted Mr. Thomas for Debate

Mr. Kirkwood moved that two additional minutes be granted Mr. Thomas for debate.

Mr. Waters seconded the motion.

Motion carried.

The question being on the adoption of Assembly Concurrent Resolution No. 18.

Resolution adopted.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 30 was taken up.

Assembly Bill No. 30—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read third time.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENT NO. 5 OFFERED BY MR. GEORGE D. COLLINS TO SENATE BILL NO. 7

At 11.57 p.m., on motion of Mr. George D. Collins, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Amendment No. 5 offered by Mr. George D. Collins to Senate Bill No. 7 refused adoption by the following vote:

AYES—Anderson, Brady, Burkhalter, Butters, Collier, George D. Collins, Cooke, Dickey, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Levering, Lowrey, Luckel, McMillan, Meyers, Porter, Price, Silliman, Thomas, Tomlinson, Weber, Yorty, and Mr. Speaker—33.

NOES—Babbage, Beck, Bennett, Burke, Caldecott, Clarke, Condon, Connolly, Conrad, Crichton, Crowley, Davis, Dolwig, Doyle, Dunn, Fleury, Grunsky, Hagen, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Maloney, McCarthy, McCollister, Morris, Moss, Niehouse, Rosenthal, Sherwin, Smith, Stanley, Stewart, Thompson, and Waters—36.

Senate Bill No. 7 ordered reprinted, and to third reading.

Motion to Place Rush Order on Printing of Senate Bill No. 7

Mr. Sherwin moved that a rush order be placed upon the printing of Senate Bill No. 7.

Motion carried.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY CONCURRENT RESOLUTION NO. 12 WAIVED

Mr. McCarthy waived his notice of motion to reconsider the vote whereby Assembly Concurrent Resolution No. 12 was adopted.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Senate.

LETTER OF TRANSMITTAL

SACRAMENTO, CALIFORNIA, December 20, 1949

MR. SPEAKER: There is transmitted herewith a report of your Interim Committee on Water Pollution, entitled, "Compilation and Summary of Pollution Control Legislation Enacted by the California Legislature, 1949 Regular Session." This summary is presented as an appendix to the reports which your committee submitted at the 1949 Regular Session.

The Members of the Legislature will find this report very useful in answering the many inquiries on water pollution problems which they receive. The report also makes it possible for your committee to fill the hundreds of requests for this information which continue to come from every state and many nations throughout the world.

Your attention is especially directed to the material inserted on colored paper in the report. This addendum presents the opinions of the Legislative Counsel and the Attorney General, holding that the conditional approval of one of these laws, Chapter 1575, is without effect except as to reduce the funds appropriated. In his approval of that bill the Governor sought to restrict the usage of funds in a manner contrary to the intent and enactment of the Legislature. This is a matter of extreme importance to this body in that, unless it had been challenged, it could well have established a dangerous precedent under which the enactments of the Legislature would be subject to substantive alteration and modification short of veto by the Governor. Because of the principle involved in this matter, the attention of the members is especially directed to that portion of the report.

Requests of the members for additional copies of this summary, or for copies of the second printing of the full report of your committee, will be promptly filled if directed to the chairman of the committee.

Respectfully submitted,

RANDAL F. DICKEY, Chairman
Interim Fact-Finding Committee on Water Pollution

Compilation and Summary of

POLLUTION CONTROL LEGISLATION

Enacted by the

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

Appendix to the Report of the

INTERIM FACT-FINDING COMMITTEE ON WATER POLLUTION

MEMBERS OF THE COMMITTEE

HON. RANDAL F. DICKEY, *Chairman*

HON. THOMAS J. DOYLE
HON. ERNEST C. CROWLEY
HON. JAMES W. SILLIMAN
HON. RICHARD J. DOLWIG
HON. RICHARD H. McCOLLISTER
HON. GLENN M. ANDERSON
HON. CARL FLETCHER
HON. CLAYTON A. DILLS
HON. H. ALLEN SMITH

CECIL J. GERAGHTY, *Executive Secretary*
B. GLORIA GREY, *Confidential Secretary*

COMPILATION AND SUMMARY OF POLLUTION CONTROL LEGISLATION ENACTED BY THE CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

Appendix to the Report of the Interim Fact-Finding Committee on Water Pollution

Comprehensive changes in state laws for control of water pollution were enacted by the California Legislature at its 1949 Regular Session. These changes effectively carry out the recommendations of the Water Pollution Committee as presented in this report and in the committee's preliminary report.

The new legislation, a series of 11 bills, was introduced in brief form by the Water Pollution Committee at the start of the legislative session and developed to final form after lengthy hearings and meetings with representatives of all interests concerned in these problems. This procedure was in accordance with the intention of the committee as stated throughout its extensive hearings and in its preliminary report. The new laws therefore were developed out of a sincere cooperative effort, and the measures are designed to continue that cooperative action in the ultimate solution of this complex problem.

Summary of Legislation

The new legislation may be best summarized with reference to the four principal recommendations of the committee stated on pages 106, 107, and 108 of the report to which this summary is appended:

1. The existing *permit law,* which in theory requires that all disposals of sewage or industrial waste be controlled under permit issued by the State Department of Public Health, is repealed on December 15, 1949 (Chapter 1550). By this action the health officials are enabled to concentrate their effort upon those conditions which are, or threaten to become, actual hazards to the public health. The term **"contamination"** is defined to mean "*. . . an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health. . . .*" State and local health officers both are empowered to issue peremptory orders for abatement of conditions of contamination, and any person failing to correct such a condition may be guilty of a misdemeanor.

Various sections are added to the Health and Safety Code to strengthen the powers of state and local health officers in control of individual sewage disposal, and the act also provides for adequate supervision and control of the hundreds of so-called *small water systems* which were unregulated under previous law.

2. Control of the economic effects of sewage and industrial waste is established by the Dickey Water Pollution Act (Chapter 1549). The terms **"pollution"** and **"nuisance"** are defined in

the act to mean the adverse and unreasonable effects of disposal of sewage or industrial waste which are *not* actual hazards to health. Pollution and nuisance are subject to control by Regional Water Pollution Control Boards which are created for the nine major drainage regions of the State. The regional boards are composed of five appointees representative of the major interests involved. They have the duty to coordinate the action of the numerous governmental agencies involved and to promote cooperative action with waste producing industries. The boards are empowered to make and enforce rulings as to conditions to be maintained in all instances of pollution and nuisance, existing or threatened, within their region, but the boards may not specify the manner or means of maintaining the required conditions. Communities within a region are not prevented from adopting and enforcing additional regulations which may be deemed necessary. Upon failure of anyone to comply with an order of a regional board, an action for injunctive relief must be brought by the district attorney, or, if he should fail to act, by the Attorney General.

A State Water Pollution Control Board is created, consisting of the State Engineer, the Directors of the Departments of Public Health, Agriculture and Natural Resources, and nine appointees representative of the regions of the State and of the various interests in these problems. The state board has the duty to undertake state-wide planning for pollution control, acting in an advisory capacity to the regional boards. It will direct research programs in the technical phases of pollution control, and will administer the State Water Pollution Control Fund. The state board may act as an appeal board in any specific instance of pollution where it is found that a regional board has not taken proper action.

An executive officer and staff is provided for each of the boards. Funds for administrative expenses are appropriated to the state board for allocation to the regional boards (Chapter 1554). The state and regional boards may obtain assistance from any state or local agency, and the state agencies most concerned with pollution problems—the Department of Public Health, the Division of Fish and Game and the Division of Water Resources—are specifically directed to cooperate with and assist the control boards (Chapters 1549, 1550, 1552, and 1553).

3. Financial assistance to communities for sewerage projects is provided by means of loans from a State Water Pollution Control Fund (Chapter 1551). This fund will be administered by the State Water Pollution Control Board. All or any portion of funds needed for a sewerage project may be loaned, with payments deferred as long as may be considered necessary, upon security of bonds of the community. Before state funds are loaned it must be shown that the project is feasible and cannot be financed through private sources. Cities and districts are allowed to issue "second mortgage" revenue bonds to secure such loans, or to secure similar loans which may be available

from the Federal Government or from any other source (Chapter 1555). Communities can enter into long term contracts with industry for waste disposal (Chapter 1555), and an appeal procedure for review of sewer rental charges is established (Chapter 865) Funds necessary for sewerage facilities are excluded from tax limitation in cities of the sixth class (Chapter 1253).

4. The Division of Water Resources is directed to conduct a continuing survey of water quality in the State with regard to pollution from all sources (Chapter 1552). The division is directed to study all facts relating to the feasibility of reclamation of waste-water for industrial or agricultural purposes. Water-well drilling practices, as they relate to pollution of underground waters, will be investigated, and the division will recommend minimum standards for proper well construction and sealing of abandoned wells in particular areas. Reports and recommendations relating to these matters are to be made by the division to the Legislature and to the appropriate Regional Water Pollution Control Board. Every person who hereafter constructs or alters any water-well must file a detailed report with the appropriate regional board. Failure to do so, or falsification of such record, is a misdemeanor. Violation by any licensed well driller of any provision of the Health and Safety Code or Water Code relating to water-well drilling is made grounds for disciplinary action by the State Contractors' License Board (Chapter 1433). The University of California is allocated $50,000 for research in technical problems of disposal of sewage, garbage and industrial waste. (Chapter 1575).

Continued Studies of the Committee

Continuation of the Water Pollution Committee for a second interim period (House Resolution 250) makes possible a detailed factual study of the operation of these new laws as they will be applied to the thousands of pollution problems which exist throughout the State. The scope of the committee's investigation is extended to include the other important problems of water quality which arise from agricultural use, saline intrusion, and all other sources and causes of quality impairment. In addition the committee is specifically directed to investigate the problems involved in the reclamation and reuse of waste waters, particularly in the Santa Clara Valley, (House Resolution 198), and the related state-wide problems of air pollution resulting from industrial wastes and other causes (House Resolution 284).

The chairman and members of the committee take this opportunity to extend their sincere thanks to the legislators and the hundreds of persons and organizations that took part in developing the pollution control program. This active interest assures the successful operation of the new measures as well as the continued support of the committee in its further studies.

Assembly Bill No. 1933

CHAPTER 865

An act to add Sections 5056 and 5472 to the Health and Safety Code, relating to fees, rates, tolls, rentals and other charges for sewage and sanitation services.

[Approved by Governor July 9, 1949. Filed with Secretary of State July 12, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 5056 is added to the Health and Safety Code, to read:

5056. After rates are fixed pursuant to this article, any person may pay such rates under protest and bring an action against the governing body in the superior court to recover any money which the governing body refuses to refund. Payments made and actions brought under this section, shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, insofar as those provisions are applicable.

SEC. 2. Section 5472 is added to the Health and Safety Code, to read:

5472. After fees, rates, tolls, rentals or other charges are fixed pursuant to this article, any person may pay such fees, rates, tolls, rentals or other charges under protest and bring an action against the city or city and county in the superior court to recover any money which the legislative body refuses to refund. Payments made and actions brought under this section, shall be made and brought in the manner provided for payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, of Division 1 of the Revenue and Taxation Code, insofar as those provisions are applicable.

o

Assembly Bill No. 2802

CHAPTER 1253

An act to amend Sections 43068 and 43069 of the Government Code, relating to taxation by sixth class cities.

[Approved by Governor July 25, 1949. Filed with Secretary of State July 27, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5 and exclusive of such tax as may be necessary to pay the costs of sewerage facilities.

SEC. 2. Section 43069 of said code is amended to read:

43069. In a city which constructs embankments, sea walls, or other works to protect the city from overflow, the legislative body may levy and collect an annual property tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100). When collected, this tax shall be kept in a separate fund and used exclusively for the purpose for which levied. This tax is in addition to the taxes authorized to be levied and collected pursuant to this article.

o

Assembly Bill No. 1558

CHAPTER 1433

An act to amend Section 7110 of the Business and Professions Code, relating to causes for disciplinary action against contractors.

[Approved by Governor July 28, 1949. Filed with Secretary of State July 30, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 7110 of the Business and Professions Code is amended to read:

7110. Wilful or deliberate disregard and violation of the building laws of the State, or of any political subdivision thereof, or of the safety laws or labor laws or compensation insurance laws of the State, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells constitutes a cause for disciplinary action.

o

Assembly Bill No. 2034

CHAPTER 1549

An act to add Division 7 to the Water Code, relating to the control of water pollution.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Division 7 is added to the Water Code, to read:

DIVISION 7. WATER POLLUTION

CHAPTER 1. STATE POLICY

13000. The Legislature finds and declares that it is necessary to the health, safety and welfare of the people of this State to provide means for coordinating the actions of the various state agencies and political subdivisions of the State in the control of water pollution.

The Legislature further declares that it is necessary to provide means for the regional control of water pollution since problems of water pollution in this State are primarily regional and dependent upon factors of precipitation, topography, population, and recreational, agricultural and industrial development which vary greatly from region to region.

13001. No provision of this division or any ruling of the State Water Pollution Control Board or a regional water pollution control board is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste or any other activity which might result in the pollution of water.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

13002. No provision of this division shall be construed as affecting the right of any person to the use of water for any beneficial use other than the use for disposal of sewage and industrial wastes.

CHAPTER 2. DEFINITIONS

13005. "State board" means the State Water Pollution Control Board.

"Regional board" means any regional water pollution control board created pursuant to this division.

"Person" as used in this division also includes any city, county or district.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer.

13006. No act or event shall be deemed to be "threatened" or "threatening" within the meaning of this division unless there is a reasonable probability that the act or event will occur.

CHAPTER 3. STATE WATER POLLUTION CONTROL BOARD

Article 1. Organization and Membership

13010. There is in the State Government the State Water Pollution Control Board.

13011. The state board consists of nine members appointed by the Governor and the following officers of the State or their nominees:

(a) The Director of Public Health;
(b) The State Engineer;
(c) The Director of Natural Resources;
(d) The Director of Agriculture.

Of the nine members appointed by the Governor, at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water;
(b) Irrigated agriculture;
(c) Industrial water use;
(d) Production of industrial waste;
(e) Public sewage disposal;
(f) City government;
(g) County government.

Insofar as reasonably practicable the Governor shall appoint a member from each of the nine regions defined in Section 13040.

Of the members originally appointed to the state board, three members shall be appointed for a term of two years commencing on the effective date of this act; three members shall be appointed for a term of three years commencing on the effective date of this act; and three members shall be appointed for a term of four years commencing on the effective date of this act. Thereafter, all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

13012. Each member of the board shall be entitled to receive his actual necessary expenses while on official business of the board.

13013. The chairman of the state board shall be elected annually by the board.

Article 2. General Powers and Duties

13020. The state board shall:

(a) Establish an office.

(b) Appoint and fix the salary of an executive officer who is a registered engineer with at least five years of engineering experience relating to water pollution and waste disposal. The executive officer shall be exempt from the state civil service and shall serve at the pleasure of the board.

(c) Appoint such secretarial and stenographic help, subject to the State Civil Service Act, as the board determines necessary to enable it to carry out the provisions of this division.

(d) Adopt reasonable rules and regulations for the conduct of its affairs in the administration of this division.

(e) Adopt a seal which shall have embossed thereon "State Water Pollution Control Board, State of California."

(f) Allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards.

(g) Have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution.

13021. The board shall take no action which is not approved by seven or more of its members. The state board shall hold at least two regular meetings each year and such additional special meetings as shall be called by the secretary upon the request of the chairman or two members of the state board. The regular meetings shall be held alternately in the southern and northern portions of the State.

13022. The state board shall formulate a state-wide policy for control of water pollution with due regard for the authority of the regional boards.

13023. The state board shall administer any state-wide program of financial assistance for water pollution control which may be delegated to it by law and may accept funds from the United States or any person to that end.

13024. The state board shall administer any state-wide program of research in the technical phases of water pollution control which may be delegated to it by law and may accept funds from the United States or any person to that end. The state board may conduct such a program independently, or by contract or in cooperation with any federal or state agency, including any political subdivision of the State, or any person or public or private organization.

13025. Whenever a regional board fails to take or obtain appropriate action to correct any particular existing or threatened condition of pollution, the state board shall direct that action to correct the condition be taken by any state agency having jurisdiction or may, itself, take such action.

In taking any such action the state board is vested with the powers granted to the regional boards in Sections 13053, 13054, and 13055 and Article 3, Chapter 4, of this division, and the state board shall follow the procedures set forth therein.

The state board upon finding that a contamination exists and is not being corrected, shall direct that action be taken by any state agency having jurisdiction.

CHAPTER 4. REGIONAL WATER POLLUTION CONTROL BOARDS

Article 1. Organization and Membership

13040. The State is divided, for the purposes of this division, into nine regions.

(a) North coastal region, which comprises all basins including Lower Klamath Lake and Lost River basins draining into the Pacific Ocean from the California-Oregon state line southerly to the northerly boundary of the watershed of Lagunitas Creek in Marin County.

(b) San Francisco Bay region, which comprises all basins draining into San Francisco Bay and Suisun Bay including the watershed of the westerly slope of the Montezuma Hills in Solano County draining into the Sacramento River downstream from Collinsville, Winter and Browns Islands in Contra Costa County and basins westerly from the easterly boundary of the watershed of Kirker Creek in Contra Costa County, and all basins draining into the Pacific Ocean between the northerly boundary of the watershed of Lagunitas Creek in Marin County to the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties.

(c) Central coastal region, which comprises all basins draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties to the southeasterly boundary located in the westerly part of Ventura County of the watershed of Rincon Creek.

(d) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary located in the westerly part of Ventura County of the watershed of Rincon Creek and the northern boundary of the Santa Ana River watershed.

(e) Santa Ana region, which comprises the entire watershed of the Santa Ana River.

(f) San Diego region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the watershed of the Santa Ana River and the California-Mexico boundary.

(g) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville.

(h) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly boundary located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah.

(i) Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.

The regions defined and described in this section shall be as precisely delineated on official maps of the Division of Water Resources.

13041. A regional board, consisting of the following members shall be appointed by the Governor for each of the regions described in Section 13040:

(a) One person associated with organizations dealing with water supply, conservation, or production;

(b) One person associated with irrigated agriculture who is an owner or manager of a farm in the region;

(c) One person selected from persons acting in an executive or administrative capacity in industries producing industrial waste in the region;

(d) One person associated with the municipalities in the region;

(e) One person associated with the counties in the region.

13042. Of the members originally appointed to each regional board, two members shall be appointed for a term of two years commencing on the effective date of this act; two members shall be appointed for a term of three years commencing on the effective date of this act; and one member shall be appointed for a term of four years commencing on the effective date of this act. Thereafter all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

13043. The regional board shall hold at least one regular meeting each calendar quarter and such additional special sessions as shall be called by the chairman or any two members of the regional board.

13044. Each member of the regional boards shall be entitled to receive his actual necessary expenses while on official business of the board.

Article 2. General Powers and Duties

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint an executive officer and fix his salary at a sum not to exceed eight hundred dollars ($800) per month.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

13051. Members of the regional board shall be empowered to administer oaths.

13052. Each regional board, with respect to its region, shall:

(a) Obtain coordinated action in the abatement, prevention and control of water pollution and nuisance by means of formal or informal meetings of the persons involved;

(b) Encourage and assist in self-policing waste disposal programs for industry, and upon application of any person shall advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged;

(c) Require any state or local agency to inspect and report on any technical factors involved in water pollution or nuisance;

(d) Request enforcement of laws concerning water pollution or nuisance by appropriate federal, state and local agencies;

(e) Formulate and adopt long-range plans and policies with respect to water pollution control within the region;

(f) Recommend to the state board projects for the reduction of water pollution which the regional board considers eligible for any financial assistance which may be available through the state board;

(g) Report to the state board and appropriate local health officer any case of contamination in its region which is not being corrected.

13053. Each regional board shall prescribe requirements relative to any particular condition of pollution or nuisance, existing or threatened, in the region.

13054. Any person proposing to discharge sewage or industrial waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such proposed discharge. The regional board, after any necessary hearing, shall prescribe requirements as to the nature of such discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is proposed and notify the person proposing the discharge of its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements with respect to the discharge of sewage and industrial waste.

13055. A regional board may investigate any source of water pollution or nuisance within its region.

Article 3. Control of Pollution and Nuisance

13060. When it appears to a regional board that the discharge of sewage or industrial waste within its region is taking place contrary to any requirements prescribed by the regional board under the provisions of Sections 13053, 13054, and 13055, the board shall order a hearing on the matter and serve notice thereof by registered mail, not less than ten days prior to the hearing on all persons alleged to be creating the condition.

13061. Hearings held under the provisions of this article shall be conducted, as nearly as practicable, in accordance with the provisions of Title 2, Division 3, Part 1, Chapter 5 of the Government Code and the regional board shall have all powers granted therein as an agency of the State.

13062. After hearing, the board shall make its findings as to whether pollution or nuisance is existing or threatening. If the board finds affirmatively, it shall thereupon order correction.

13063. Upon failure of any person or persons to comply with any such order of the regional board or state board, the board issuing the order shall certify the facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in

and for the county for the issuance of an injunction restraining such person or persons from continuing any activity causing or threatening a pollution or nuisance. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence the order of the regional board or state board, any transcript of the proceedings before the regional board or the state board, and such further evidence as the court in its discretion deems proper.

When complaint is made to the Attorney General that the district attorney of any county has not performed a duty devolving upon him by the provisions of this division or is not proceeding with due diligence or in the proper manner in the performance of the duty, the Attorney General shall make an investigation. If he finds the charge to be true, the Attorney General shall diligently prosecute the action to secure the issuance of an injunction restraining the person or persons who have failed to comply with any such order of the regional board or state board from continuing any activity causing or threatening a pollution or a nuisance, and in such case he shall have the powers and duties of the district attorney.

13064. No order issued under the provisions of this article shall specify the design, type of construction or particular manner in which an operation causing or threatening to cause a condition of pollution or nuisance is to be corrected, and the person so ordered shall be permitted to correct the condition in any lawful manner.

SEC. 2. This act becomes operative only if Assembly Bill No. 2156 introduced in the 1949 Regular Session is enacted by the Legislature at its 1949 Regular Session.

SEC. 3. This act may be referred to as the Dickey Water Pollution Act.

o

Assembly Bill No. 2156

CHAPTER 1550

An act to repeal Articles 2 and 3 of Chapter 6, Part 3, Division 5 of, to add Articles 2 and 3 to Chapter 6, Part 3, Division 5 of, and to amend Sections 4024, 4451, 4452, and 4475 of, to add Sections 4025, 4458, 4459, 4460, and 4461 to, the Health and Safety Code, relating to contamination and pollution of waters and the regulation, abatement, and correction of such conditions, the disposal of sewage and industrial wastes, and the supply of water for domestic and other purposes, all relating to public health.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 of Chapter 6, Part 3, Division 5 of the Health and Safety Code is repealed.

SEC. 2. Article 2 is added to Chapter 6, Part 3, Division 5 of said code, to read:

Article 2. Sewage and Industrial Waste

5410. As used in this chapter:

(a) "Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

(b) "Industrial Waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

(c) "Person" as used in this article also includes any city, county and any district.

(d) "Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

(e) "Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

(f) "Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for

domestic, industrial, agricultural, navigational, recreational or other beneficial use.

(g) "Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

(h) "Regional board" means any regional water pollution control board created pursuant to Section 13041 of the Water Code.

5411. No person shall discharge sewage or industrial waste, or the effluent of treated sewage or industrial waste, in any manner which will result in contamination, pollution or a nuisance.

5412. Whenever the state department or any local health officer finds that a contamination exists, the department or officer shall order the contamination abated, as provided in this chapter.

5413. Whenever the state department finds that a pollution or nuisance does, in fact, exist, such condition shall be immediately referred by the department to the proper regional board for action, together with any recommendations for correction. Upon request of a regional board the state department shall inspect and report to the board on any technical factors involved in any condition of pollution or nuisance.

5414. With respect to any condition of contamination, the state department may accept the action of any state, county, or municipal officer or agency having jurisdiction over the matter as sufficient.

5415. No provision in this chapter is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 3. Article 3 of Chapter 6, Part 3, Division 5 of said code is repealed.

SEC. 4. Article 3 is added to Chapter 6, Part 3, Division 5 of said code, to read:

Article 3. Procedure for Abatement

5460. The state department or local health officer may issue a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.

Coincident with issuing such order the director or local health officer may, or if any order or regulation is not complied with, shall bring and prosecute an action for an injunction in the superior court of the county in which the contamination occurs.

5461. Any person who discharges sewage or industrial waste in any manner which results in contamination is guilty of a misdemeanor.

5462. Any action taken pursuant to this article with respect to the abatement of contamination created by the disposal of sewage or industrial waste from a community or cooperative sewerage system, shall be taken only against the agent or the agency operating such system and the contributor or contributors to the system whose waste in and of itself creates a contamination.

SEC. 5. Section 4024 of the Health and Safety Code is amended to read:

4024. No permit is required of any person supplying water for domestic purposes on his own private property upon which there is no industrial camp, hotel, or temporary or permanent resort using the water.

SEC. 6. Section 4025 is added to said code, to read:

4025. The board, or any member of the department designated by the board to act in its behalf, or any local health officer may issue a permit for any water system supplying less than two hundred service connections or for any system supplying an industrial camp, hotel, or temporary or permanent resort.

SEC. 7. Section 4451 of said code is amended to read:

4451. No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

SEC. 8. Section 4452 of said code is amended to read:

4452. No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

SEC. 9. Section 4458 is added to said code, to read:

4458. No person shall construct, maintain or use any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes.

"Sewer well" as used in this section includes all of the following:

(a) Any hole dug or drilled into the ground, and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.

(b) Any hole dug or drilled into the ground, used or intended to be used for the disposal of sewage.

SEC. 10. Section 4459 is added to said code, to read:

4459. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

SEC. 11. Section 4460 is added to said code, to read:

4460. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the state department.

SEC. 12. Section 4461 is added to said code, to read:

4461. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

SEC. 13. Section 4475 of said code is amended to read:

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

SEC. 13. The provisions of this act shall become operative on December 15, 1949.

o

Assembly Bill No. 1492

CHAPTER 1551

An act providing for loans to municipalities and districts for sewerage and storm drainage facilities, prescribing the conditions under which such loans shall be made, creating the State Water Pollution Control Fund, and making an appropriation.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million dollars ($1,000,000) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund, not otherwise appropriated, to the State Water Pollution Control Fund, hereby created, for expenditure by the State Water Pollution Control Board in making loans to municipalities and districts for the construction of sewerage and storm drainage facilities, in accordance with the provisions of this act.

SEC. 2. Applications for loans under this act shall include:

(a) A description of the proposed facilities.

(b) A statement of facts showing the necessity for the proposed facilities and showing that funds of the municipality or district are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the municipality or district.

(c) A proposed plan for repaying the loan.

SEC. 3. Upon a determination by the State Water Pollution Control Board, and after consultation with the State Board of Public Health, that the sewerage facilities proposed by an applicant are necessary to the health or welfare of the inhabitants of the State, and that the proposed facilities meet the needs of the applicant, that funds of the municipality or district are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the municipality or district, and that the proposed plan for repayment is feasible, the board, subject to approval by the Director of Finance, may loan to the applicant such sum as it determines necessary to construct the proposed facilities.

SEC. 4. Money loaned under the provisions of this act must be secured by bonds of the borrowing municipality or district and shall be repaid, with interest at the rate of 2 percent, in annual installments of such amount as the State Water Pollution Control Board shall determine to be feasible. The board, subject to approval by the Director of Finance, may defer any

one or more of the repayment installments of a borrowing municipality or district.

SEC. 5. All money received in repayment of loans under this act shall be paid to the State Treasurer and credited to the State Water Pollution Control Fund for expenditure by the State Water Pollution Control Board in making loans under the provisions of this act. Whenever, in the judgment of the State Water Pollution Control Board, the amount of funds accumulated to the credit of the State Water Pollution Control Fund exceeds the reasonable requirements of the State Water Pollution Control Board for making loans under the provisions of this act, the board shall determine the amount of such excess and certify same to the State Controller. Excess funds, so certified, shall revert to the General Fund in the State Treasury.

o

Assembly Bill No. 1934

CHAPTER 1552

An act to add Sections 229, 230, 231 to, and Chapter 7 to Division 4 of, the Water Code, relating to investigation of water quality and the reclamation and use of polluted water and to water wells.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 229 is added to the Water Code, to read:

229. The department, either independently or in cooperation with any person or any county, state, federal or other agency, to the extent that funds are allocated therefor, shall investigate conditions of the quality of all waters within the State, including saline waters, coastal and inland, as related to all sources of pollution of whatever nature and shall report thereon to the Legislature and to the appropriate regional water pollution control board annually, and may recommend any steps which might be taken to improve or protect the quality of such waters.

SEC. 2. Section 230 is added to the said code, to read:

230. The department, either independently or in cooperation with any person or any county, state, federal or other agency, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from sewage or industrial wastes for beneficial purposes, including but not limited to the determination of quantities of such water presently wasted, and possibilities of use of such water for recharge of underground storage or for agricultural or industrial uses; and shall report to the Legislature and to the appropriate regional water pollution control board thereon, annually.

SEC. 3. Section 231 is added to said code, to read:

231. The department, either independently or in cooperation with any person or any county, state, federal or other agency, shall investigate and survey conditions of damage to quality of underground waters, which conditions are or may be caused by improperly constructed, abandoned or defective wells through the interconnection of strata or the introduction of surface waters into underground waters. The department shall report to the appropriate regional water pollution control board its recommendations for minimum standards of well construction in any particular locality in which it deems regulation necessary to protection of quality of underground water, and shall report to the Legislature from time to time, its recommendations for proper sealing of abandoned wells.

SEC. 4. Chapter 7 is added to Division 4 of said code, to read:

CHAPTER 7. WATER WELLS

7076. Every person who hereafter digs, bores or drills a water well, or who deepens or reperforates any such well, shall file with the appropriate regional water pollution control board a report of completion of such well within thirty days after its construction or repair has been completed.

The report shall be made on forms furnished by the Division of Water Resources and shall contain such information as the division may require, including, but not limited to: (a) description of exact location of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (f) methods used for sealing-off surface or contaminated waters.

7077. Every person who hereafter converts, for use as a water well, any oil or gas well originally constructed under the jurisdiction of the Department of Natural Resources pursuant to the provisions of Article 4, Chapter 1, Division 3 of the Public Resources Code, shall comply with all provisions of this chapter.

7078. Failure to comply with any provision of this chapter, or wilful and deliberate falsification of any report required by this chapter is a misdemeanor.

o

Assembly Bill No. 1935

CHAPTER 1553

An act to add Section 481.5 to the Fish and Game Code, relating to pollution.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 481.5 is added to the Fish and Game Code, to read:

481.5. Whenever it is determined by the commission that a continuing and chronic condition of pollution exists, the commission shall report such condition to the appropriate regional water pollution control board, and shall cooperate with and act through such board in obtaining correction in accordance with any laws administered by such board for control of practices for sewage and industrial waste disposal.

o

Assembly Bill No. 2157

CHAPTER 1554

An act making an appropriation to the State Water Pollution Control Board for administrative expenses and providing for the allocation of any portion thereof to the several regional water pollution control boards.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of three hundred thousand dollars ($300,000) to the State Water Pollution Control Board for administrative expenses during the 1949-1950 Fiscal Year.

SEC. 2. The State Water Pollution Control Board shall allocate such part of the fund here appropriated to the several regional water pollution control boards as may be necessary for administrative expenses of these boards.

o

Assembly Bill No. 1589

CHAPTER 1555

An act to amend Sections 54427, 54610, and 54611 of, and to add Section 54831 to, the Government Code, relating to sanitation and sewer enterprises.

[Approved by Governor July 28, 1949. Filed with Secretary of State August 2, 1949.]

The people of the State of California do enact as follows:

SECTION 1. Section 54427 of the Government Code is amended to read:

54427. Bonds of the same issue shall be equally secured by a lien upon the revenues of the enterprise without priority for number, date of bonds, of sale, of execution, or of delivery pursuant to this chapter and the resolution authorizing the bonds; except that any local agency may authorize the issuance of bonds of different series and may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as may be specified in the resolution.

SEC. 2. Section 54813 is added to said code, to read:

54813. When determined by its legislative body to be in the public interest or necessary for the protection of the public health, the local agency may enter into and perform contracts, not to exceed a term of forty years, with any industrial establishment for the provision and operation by the local agency of sewerage facilities to abate or reduce the pollution of water caused by discharges of industrial waste by the industrial establishment and the payment periodically or otherwise by the industrial establishment to the local agency of amounts at least sufficient, in the determination of such legislative body, to compensate the local agency for the cost of providing, including any payment of principal and interest charges, and of operating and maintaining the sewerage facilities serving such industrial establishment, or such portion of such cost as the legislative body determines is fair and equitable. Such contracts may be made irrespective of whether bonds are issued in connection therewith.

SEC. 3. Section 54610 of said code is amended to read:

54610. Notwithstanding any provision of this chapter to the contrary, the legislative body may accept contributions or loans from the United States, or a federal department, instrumentality, or agency for financing or aiding in financing the cost of preliminary investigations and studies, surveys, plans and specifications, procedures and other action preliminary to construction, and the construction, maintenance, and operation of an enterprise.

SEC. 4. Section 54611 of said code is amended to read:

54611. The local agency may enter into contracts and cooperate with the United States or a federal department, instrumentality, or agency in the making of preliminary investigations, studies and surveys, preparation of plans and specifications and in the accomplishment of procedures and other action preliminary to construction, in the construction, maintenance, and operation, and in financing or aiding in financing the cost of preliminary investigations and studies, surveys, plans and specifications, procedures and other action preliminary to construction and of the construction, maintenance, and operation, of any enterprise pursuant to federal legislation under which aid, assistance, and cooperation may be furnished for these purposes by the United States.

o

Assembly Bill No. 2033

CHAPTER 1575

An act making an appropriation for research in technical problems of disposal of sewage, garbage and industrial waste, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1949. Filed with Secretary of State August 2, 1949.]

I object to the item of appropriation in Section 1 of Assembly Bill No. 2033 and I reduce the amount of said appropriation to fifty thousand dollars ($50,000). With this reduction I approve the bill.

In making this reduction it is my intention to provide the entire amount for research in the disposal of garbage for the benefit of the cities, counties and districts of the State, which I am informed can be accomplished for this amount in one year. I do not intend to provide anything for research in the disposal of sewage or industrial wastes, which research should be undertaken by one of the administrative agencies of the State because it is a continuing research activity extending over a period of years regarding a problem which is one for state administration The state administrative agencies should have control over such research activities in order that the course for such studies may be such as to meet the needs of the state agencies.

EARL WARREN
Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Regents of the University of California, out of any money in the State Treasury not otherwise appropriated, the sum of one hundred thousand dollars ($100,000), to be available for expenditure by the Regents of the University of California until June 30, 1951, in providing for and carrying on research relating to the technical problems of disposal of sewage, garbage and industrial waste and for the dissemination of such research information to all persons within the State affected by or interested therein.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The rapid growth of cities and industry in California has created conditions of imminent hazard to the public health and welfare through the inadequacy of existing methods for the sanitary disposal of garbage, sewage and industrial waste.

Since in many areas of the State physical methods for such sanitary disposal, within economic limits, are not known, it is essential that a program of research to determine those methods be undertaken at once.

o

House Resolution 198

INTRODUCED BY MR. THOMPSON
(Adopted June 1, 1949, Assembly Journal, page 3917)

Relating to a study of the feasibility and means for transporting water from San Francisco to Santa Clara County

WHEREAS, The City and County of San Francisco is in the process of providing adequate means for the disposal of the city's sewage through the construction of sewage disposal plants; and

WHEREAS, These sewage disposal plants will provide between eighty and one hundred thousand acre feet of purified water annually; and

WHEREAS, An exhaustive study conducted by the Assembly Interim Committee on Water Pollution reveals that purified sewage water is suitable for use for irrigation purposes; and

WHEREAS, Santa Clara County is in desperate need of water; and

WHEREAS, Means must be provided for the conveyance of the water from San Francisco to Santa Clara County in order that an arrangement may be made by Santa Clara County and the City and County of San Francisco for the use of this water in Santa Clara County; now, therefore, be it

Resolved by the Assembly of the State of California, That the Division of Water Resources, Department of Public Works, and the Assembly Interim Committee on Water Pollution are requested to make a study of the feasibility, economic and otherwise, and means of conveying water from the San Francisco sewage disposal plants to Santa Clara County and the distribution and utilization of such water in that county; and be it further

Resolved, That the Division of Water Resources is requested to submit a preliminary report on its study to the Assembly not later than June 15, 1949, and submit a final report thereon to the Assembly not later than February 28, 1950; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works and the State Engineer and a copy to the Chairman of the Assembly Interim Committee on Water Pollution.

o

House Resolution 250

(Adopted June 28, 1949, Assembly Journal, pages 5123 and 5124)

Relative to the creation of a Fact-Finding Committee on Water Pollution

WHEREAS, The problem of water pollution resulting from the disposal of industrial wastes and sewage from saline intrusion and from other causes is a subject of vital concern to the entire State of California; and

WHEREAS, It is a problem requiring exhaustive analysis, intelligent treatment and widespread education of all concerned; and

WHEREAS, Substantial progress toward solution of this problem by proper legislation has been made out of an investigation and study by an interim committee, and continuation of this progress is essential to the health and welfare of the people; and

WHEREAS, It is essential that the Legislature be thoroughly informed on the continued progress made toward eventual solution of this problem; and

WHEREAS, In the interests of the welfare of the public health, agriculture, industry and all others concerned, it is deemed advisable that continued study be given to the subject of this resolution; now, therefore, be it

Resolved by the Assembly of the State of California, As follows:

1. The Fact-Finding Committee on Water Pollution is hereby created and authorized and directed to ascertain, study and analyze all facts relating to procedures designed to abate, prevent and control pollution of

a. The underground waters of the State; and

b. The lakes, streams and other surface waters, and

c. The lower reaches of the river systems, and harbor, bay and coastal waters; including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution including the reclamation and utilization of waste waters, and any other matter referred to the committee for study by the Legislature, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of 11 Members of the Assembly appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power. The chairman shall be appointed by the Speaker.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the next regular general

session, with authority to file its final report not later than the last legislative day of the next regular general session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee or any subcommittee may meet and travel within or outside of this State in pursuing the investigations committed to it.

6. The committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other persons or 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 purpose for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to service subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) 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.

7. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly 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.

o

House Resolution 284

INTRODUCED BY MR. STEWART
(Adopted June 28, 1949, Assembly Journal, page 5144)

Relating to a study of problems of air pollution

WHEREAS, The problems of air pollution resulting from industrial operations and other causes are a vital concern in many areas of the State; and

WHEREAS, Air pollution in many instances constitutes an imminent hazard to health, cripples industry, and results in the depreciation of the value of property; and

WHEREAS, Since the correction of conditions of water pollution caused by disposal of industrial wastes often result in the pollution of air, the problems of air pollution cannot be divorced from those of water pollution; and

WHEREAS, An exhaustive study of conditions of water pollution must necessarily include a study of all matters related to air pollution; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Water Pollution be requested to include problems of air pollution in its studies and investigations; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the chairman of the Assembly Interim Committee on Water Pollution.

o

ANNOUNCEMENT OF COMMITTEE MEETINGS

Today upon recess at noon—

Social Welfare.

Tomorrow, Wednesday, December 21st, at 9.30 a.m.—

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Meyers and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. Frederic Nerney of San Francisco.

On request of Mr. Stewart, the usual courtesies of the Assembly for this day were unanimously extended to Lt. Col. Meredith Shade of Los Angeles.

On request of Mr. Maloney, the usual courtesies of the Assembly for this day were unanimously extended to Dwight Allen and Nancy Smith of Millbrae, Bill Smith of Hayward and Gerry Sturges of El Cerrito, officers of the California Junior Statesmen.

ADJOURNMENT

At 11.59 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Wednesday, December 21, 1949.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1949 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY

TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, December 21, 1949

The Assembly met at 10 a.m.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nichouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

O God of Law: We assemble in this historic place aware of the majesty of the Laws, which Thou hast ordained in the universe above us and in human society about us.

By laws human society maintains its orderly pursuits, disciplines the lawless and careless, and guards the sacred precincts of altar and fireside.

By the statutes which have been enacted here, the liberties of the Commonwealth have been preserved, the rights of all of the citizens guaranteed and their welfare insured.

May the people honor these ordinances which have sprung from the long experience and genius of the past and reveal the Wisdom of the Almighty.

May every citizen stand in awe before the inviolate Majesty of the Law, and be quick to obey its injunctions, knowing that its provisions are the sacred charter of his own and his children's security.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Porter, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness, and desired to waive his per diem:

Mr. Berry, on motion of Mr. George D. Collins.

The following members were granted leaves of absence for the day, and desired to waive their per diems:

Mr. Huyck, on motion of Mr. George D. Collins.

Mr. Reagan, on motion of Mr. George D. Collins.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

AMERICAN LEGION, DEPARTMENT OF CALIFORNIA
DEPARTMENT HEADQUARTERS
SAN FRANCISCO, CALIFORNIA, December 19, 1949

Hon. Sam L. Collins
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR SIR: In accordance with the resolved portion of resolution adopted by the Second Area of The American Legion, Department of California, in meeting assembled on December 11th, I am enclosing copy of the resolution for your attention.

With best personal regards and wishes, I remain,

Cordially yours,

LEWIS K. GOUGH, Department Commander

RESOLUTION

SUBJECT: PREVENTION AND CURE AND CONTROL OF SEX CRIMES AGAINST CHILDREN

WHEREAS, Governor Earl Warren has called a special session of the California State Legislature to convene Monday, December 12, 1949; and

WHEREAS, One of the purposes for this special call is to tighten the laws relating to sex crimes against children; and

WHEREAS, At the Governor's call law enforcement officers from all over the State met in Sacramento on December 7th to propose remedial legislation for the prevention, cure and control of sex crimes, to be acted upon at the special session of the State Legislature; now, therefore, be it

Resolved, By the Second Area, The American Legion, meeting in Oakland this eleventh day of December, 1949, That Governor Earl Warren be highly commended for his prompt action in calling the state-wide conference of law enforcement officers to make recommendations for remedial legislation to be acted upon by the special session of the State Legislature commencing December 12, 1949; and be it further

Resolved, That Lewis K. Gough, Department Commander of the American Legion, Department of California, be requested to immediately transmit copies of this resolution to the Governor, the Speaker of the Assembly and to the presiding officer of the Senate, urging the speedy enactment of laws which will protect young children against the horrors of sex crimes.

APPROVED by the Second Area, December 11, 1949.

ARTHUR DANIELS, Commander

RUTH B. McCANN, Seventh District Child Welfare
LYDIA E. WRIGHT, Tenth District Child Welfare
ISABELLE MURRAY, Seventh District Child Welfare

REQUEST FOR UNANIMOUS CONSENT THAT SENATE CONCURRENT RESOLUTION NO. 11, PRINTED AS A SEPARATE DOCUMENT, BE PRINTED IN THE JOURNAL

Mr. Collier asked for unanimous consent that Senate Concurrent Resolution No. 11, printed as a separate document, be ordered printed in the Journal.

Messrs. Sherwin and Thomas withheld unanimous consent.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 66: By Mr. George D. Collins—An act to add Section 388 to the Penal Code, relating to unlawful acts of public utility officers, agents, attorneys, or employees.

Referred to Committee on Judiciary.

Assembly Bill No. 67: By Mr. George D. Collins—An act to add Section 389 to the Penal Code, relating to unlawful acts of members of the Public Utilities Commission and employees of said commission.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Meyers, Connolly, Gaffney, George D. Collins, Brady, McCarthy, and Maloney:

House Resolution No. 33

Congratulating Phil S. Davies

WHEREAS, Phil S. Davies has by unanimous vote of the San Francisco Board of Supervisors been elected to the Board of Directors of the Golden Gate Bridge and Highway District; and

WHEREAS, Phil S. Davies has long been a leader in San Francisco business and civic affairs, having served as a director for the Council for Civic Unity and the North Central Improvement Association, was a member of the 1930 Delegation to the National Democratic Convention, a Director of the Golden Gate International Exposition and a Director of the Civilian Production Administration of Northern California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly congratulate Phil S. Davies upon his election to the Board of Directors of the Golden Gate Bridge and Highway District, and extend to him good wishes for continued success; and be it further

Resolved, That the Chief Clerk of this Assembly transmit a suitably prepared copy of this resolution to Phil S. Davies.

Resolution read, and ordered referred to the Committee on Rules.

By Messrs. Thomas and Thompson:

House Resolution No. 34

Relating to commending and congratulating the University of Santa Clara and its football team upon being invited to oppose the University of Kentucky in the annual football classic at the Orange Bowl, Miami, Florida, on January 2, 1950

WHEREAS, The football team of the University of Santa Clara, through its victories and achievements against strong and superior forces on the field of contest during the season of 1949, has gained recognition throughout the Nation as an exemplar of the finest in sportsmanship and athletic ability among the teams of our Nation's universities and colleges; and

WHEREAS, The University of Santa Clara has brought honor to itself and to our State, and to the universities and colleges of our State, by its being found worthy to oppose the formidable and nationally famous team of the University of Kentucky in the annual Orange Bowl classic at Miami, Florida, on the second of January, 1950; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend the members of the varsity football team of the University of Santa Clara for the excellence of their sportsmanship and abilities, and that the Members of this Assembly extend heartiest congratulations to the University of Santa Clara, its faculty and administrative officers; to Mr. Leonard Casanova, head football coach, and his assistants on the coaching staff, Mr. Herman Meister and Mr. Jack Roche; to the members of the varsity football team, and to the students of the University, upon the singular honor which has been bestowed upon them; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Reverend William Giandra, S.J., President of the University of Santa Clara, to Mr. Leonard Casanova, Mr. Herman Meister, and Mr. Jack Roach, members of the coaching staff; Mr. Henry Schmidt and members of the training staff, and to each member of the varsity football team of the University of Santa Clara.

Resolution read, and ordered referred to the Committee on Rules.

By Mr. Dickey:

House Resolution No. 35

Relating to the purchase of needed equipment for members and the Chief Clerk

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-seven (77) volumes of the 1949 edition of the following Deering's Codes of the State of California: The Civil Code, the Code of Civil Procedure, the Probate Code, and the Banking Code; and be it further

Resolved, That the said Chief Clerk be and he is hereby authorized and directed to purchase seventy-seven (77) sets of the 1949 Pocket Supplements to all of the Deering's Codes; and be it further

Resolved, That said Chief Clerk be and he is hereby authorized and directed to purchase two (2) complete sets of the latest editions of Deering's Codes of the State of California, including the Civil Code, the Code of Civil Procedure, the Probate Code, and the Banking Code, and the 1949 Pocket Supplements to all the codes; and be it further

Resolved, That said Chief Clerk be and he is hereby authorized and directed to purchase seventy-nine (79) volumes of "California Government" by Dean McHenry and Crouch (California Press); and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase three (3) volumes of "The Summary of California Law" by Witkin; and be it further

Resolved, That said Chief Clerk be and he is hereby authorized and directed to purchase two briefcases; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one complete set of the codes and the 1949 Pocket Supplements each to Assemblymen Porter and Cloyed; one copy of said Civil Code, Code of Civil Procedure, Probate Code, and Banking Code and one complete set of the 1949 Pocket Supplement to Deering's Codes to each of the other members; one copy of "California Government" to each Member of the Assembly; one copy of "The Summary of California Law" each to Assemblymen Rosenthal, Porter, and Cloyed; and one briefcase each to Assemblymen Porter and Cloyed; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of the Civil Code, the Code of Civil Procedure, the Probate Code, the Banking Code and "California Government," and one set of the 1949 Pocket Supplements to the codes to the Chief Clerk of the Assembly.

Resolution read, and ordered referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 53

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 41

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Joint Resolution No. 5

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 5—Relative to hospital facilities for veterans in California.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 17

Mr. Maloney asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 17, out of order, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to the adoption of Assembly Constitutional Amendment No. 84 at a special election held November 8, 1949.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 1 AND SENATE CONSTITUTIONAL AMENDMENT NO. 1 IN LIEU OF ASSEMBLY BILL NO. 12

Mr. McCollister asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 1 and Senate Constitutional Amendment No. 1 in lieu of Assembly Bill No. 12, at this time.

Speaker Pro Tempore Presiding

At 10.22 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election an amendment to the Constitution of the State, proposed by the Legislature at the First Extraordinary Session of 1949, confirming and validating the Veterans Bond Act of 1949 and making said Bond Act fully effective, and to amend the title and Section 2 of, and to repeal Sections 3, 4, and 5 of Chapter 1267 of the Statutes of 1949, relating to the creation of a debt or debts, liability or liabilities through the issuance and sale of state bonds to be used and disbursed to provide home and farm aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory of and supplemental to said act of 1943, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dolwig, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hawkins, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—59.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—72.

NOES—Sherwin—1.

Request for Unanimous Consent That Names Be Placed Upon Roll Call on Senate Bill No. 1

Messrs. Evans and Grant asked for, and were granted, unanimous consent that their names be placed upon the roll call on Senate Bill No. 1, and that they be recorded as voting, "Aye."

Motion to Amend Title

Mr. McCollister moved the adoption of the following amendment to the title:

Amendment No. 1

In line 10 of the title of the printed bill, as amended in the Assembly on December 20, 1949, after "election", insert "Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and".

Amendment read, and adopted.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 1

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 6 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—73.

NOES—None.

Resolution ordered transmitted to the Senate.

Request for Unanimous Consent That Names Be Placed Upon Roll Call on Senate Constitutional Amendment No. 1

Messrs. Hinckley, McMillan, and Evans asked for, and were granted, unanimous consent that their names be placed upon Senate Constitutional Amendment No. 1, and that they be recorderd as voting, "Aye."

MOTION THAT ASSEMBLY BILL NO. 12 BE STRICKEN FROM FILE

Mr. McCollister moved that Assembly Bill No. 12 be stricken from the file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 9 IN LIEU OF ASSEMBLY BILL NO. 32

Mr. Waters asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 9, in lieu of Assembly Bill No. 32, at this time.

CONSIDERATION OF SENATE BILL NO. 9

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and ordered temporarily passed on file.

CONSIDERATION OF HOUSE RESOLUTION NO. 27

By Messrs. Lewis and Davis:

House Resolution No. 27

Congratulating Assemblyman and Mrs. Coats upon the birth of a daughter

WHEREAS, There has reached this Assembly the joyful news that on December 14, 1949, our esteemed colleague Arthur W. Coats, Jr. was presented with an advance Christmas present by his wife, the present being a pink and white bundle of baby daughter, Margaret Ellen, weighing seven pounds, eleven ounces; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly heartily congratulate Assemblyman and Mrs. Arthur W. Coats, Jr., upon the birth of their baby daughter, and extend to the little miss a warm welcome and the greetings of this happy season; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Assemblyman and Mrs. Coats.

Resolution read, and adopted unanimously.

CONSIDERATION OF HOUSE RESOLUTION NO. 28

By Messrs. George D. Collins, Gaffney, Maloney, McCarthy, Meyers, Beck, and Brady:

House Resolution No. 28—Relative to sending good wishes to Assemblyman William Clifton Berry.

Resolution read.

Names Placed Upon House Resolution No. 28 as Co-authors, by Unanimous Consent

By unanimous consent the names of all members present were ordered placed upon House Resolution No. 28, as co-authors as follows:

By Messrs. George D. Collins, Gaffney, Maloney, McCarthy, Meyers, Beck, Brady, Anderson, Babbage, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCollister, McMillan, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty:

House Resolution No. 28

Relative to sending good wishes to Assemblyman William Clifton Berry

WHEREAS, An illness confining him to his home has prevented Assemblyman William Clifton Berry of the Twenty-third Assembly District from attending this First Extraordinary Session of 1949; now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly is directed to cause a suitable Christmas wreath to be sent to Assemblyman Berry conveying the good wishes and respect of his friends and colleagues in this Assembly, and extending to him and his family their best wishes for a happy holiday season; and be it further

Resolved, That the Chief Clerk of the Assembly write to Assemblyman Berry, expressing to him their regret upon learning of his illness and wishing him a speedy recovery and return to his important duties in this Assembly.

Resolution read, and adopted.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to the erection of a dam on the Feather River near Oroville, California.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant Grunsky Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—73.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 22

By Mr. Luckel, Mrs. Niehouse, and Mr. Cloyed:

House Resolution No. 22

Relating to an endorsement of the theme and purpose of the California World Progress Exposition to be held in San Diego in 1953

WHEREAS, The City and County of San Diego have declared their intention to present the California World Progress Exposition in the year 1953; and

WHEREAS, The sponsors of said exposition intend that its theme and purpose shall emphasize the progress and development of the 11 far Western states; and

WHEREAS, Every effort should be made by the Exposition Corporation to stimulate a record Western travel movement during the period of the exposition; and

WHEREAS, The sponsors of the California World Progress Exposition are cognizant of the necessity of demonstrating the growth and development of free enterprise in the United States of America as it is related to better designs for living; now, therefore, be it

Resolved by the Assembly of the State of California, That the theme and purpose of the California World Progress Exposition is hereby endorsed and approved; and be it further

Resolved, That the Assembly of the State of California pledges all possible assistance in support of this theme and purpose, and agrees that it will not, during the period of the California World Progress Exposition, endorse or approve any like fair, festival or celebration that will be competitive or disadvantageous to the California World Progress Exposition; and be it further

Resolved, That the Assembly of the State of California will give all possible assistance in securing recognition from other states, the Federal Government and foreign governments for the California World Progress Exposition and aid the sponsors of said Exposition in securing financial and other assistance necessary to the presentation of a successful world's fair.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the sixth paragraph of the measure as printed in the Assembly Journal for December 16, 1949, page 224, after "Resolved", strike out the comma and the remainder of the resolution, and insert "*by the Assembly of the State of California*, That the Exposition Corporation of San Diego be commended in its aims and purposes in preparing for the California World Progress Exposition; and be it further

Resolved, That the Assembly of the State of California bespeaks the recognition of other States, the Federal Government and Foreign Governments for the California World Progress Exposition and the cooperation of the citizens of this State in securing the financial and other assistance necessary to the presentation of a successful world's fair."

Amendment read, and adopted.

Consideration of House Resolution No. 22, as Amended

By Mr. Luckel, Mrs. Niehouse, and Mr. Cloyed:

House Resolution No. 22

Relating to an endorsement of the theme and purpose of the California World Progress Exposition to be held in San Diego in 1953

WHEREAS, The City and County of San Diego have declared their intention to present the California World Progress Exposition in the year 1953; and

WHEREAS, The sponsors of said exposition intend that its theme and purpose shall emphasize the progress and development of the 11 far Western states; and

WHEREAS, Every effort should be made by the Exposition Corporation to stimulate a record Western travel movement during the period of the Exposition; and

WHEREAS, The sponsors of the California World Progress Exposition are cognizant of the necessity of demonstrating the growth and development of free enterprise in the United States of America as it is related to better designs for living; now, therefore, be it

Resolved by the Assembly of the State of California, That the theme and purpose of the California World Progress Exposition is hereby endorsed and approved; and be it further

Resolved by the Assembly of the State of California, That the Exposition Corporation of San Diego be commended in its aims and purposes in preparing for the California World Progress Exposition; and be it further

Resolved, That the Assembly of the State of California bespeaks the recognition of other States, the Federal Government and Foreign Governments for the California World Progress Exposition and the cooperation of the citizens of this State in securing the financial and other assistance necessary to the presentation of a successful world's fair.

Resolution read, as amended, and adopted.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 14

Assembly Concurrent Resolution No. 14—Relative to the Honorable Bartley W. Cavanaugh.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 9

Assembly Joint Resolution No. 9—Relative to federal aid for the continuation of investigation of the Reber Plan by interim committees of the Legislature.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Price, Rosenthal, Stanley, Thomas, Tomlinson, Weber, and Yorty—53.

NOES—Burkhalter, Hagen, and Sherwin—3.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT COMMITTEE REPORTS BE DEEMED READ

Mr. Dickey asked for, and was granted, unanimous consent that all committee reports, being held at the desk, be deemed read.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 4—Relating to providing instruction for school children to meet the dangers resulting from sex offenses;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 37—An act to amend Section 286 of the Penal Code, relating to the crime against nature;

Assembly Bill No. 38—An act to amend Section 189 of the Penal Code, relating to degrees of murder and declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1949, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 1—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard;

Assembly Joint Resolution No. 2—Relative to the designation of the year 1950 as the year for the observance of an American Free Enterprise Centennial;

Assembly Joint Resolution No. 3—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense,

the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the Long Beach Naval Shipyard;

Assembly Joint Resolution No. 5—Relative to memorializing Congress to enact legislation providing for the distribution of funds belonging to California Indians;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 6—Relative to the continuance of payment of nonresident fees by the Veterans Administration to the Hastings College of Law, San Francisco, California;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 11 a.m.

GRUNSKY, Vice Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 21

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Joint Resolution No. 5

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 21

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 52—An act to amend Sections 4501, 4532, 4533, and 4534 of, and to add Sections 4501.5 and 4530.5 to, the Elections Code, relating to influencing, or attempting to influence, legislation by means of campaign expenditures.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on December 20, 1949, strike out "and 4530.5", and insert ", 4530.5, and 4652".

Amendment No. 2

On page 2 of said bill, between lines 28 and 29, insert

"SEC. 3.5. Section 4652 is added to said code, to read:

4652. It shall be unlawful for any person directly or indirectly to pay, expend or contribute any money or other valuable thing, or to promise so to do, for any candidate at any election without the written authorization of such candidate to make such expenditure in his behalf; provided, that nothing in this section shall be construed to apply to a political party. All such expenditures and contributions shall be reported by the candidate at the time and in the manner provided by law."

Amendments read.

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

AYES—Babbage, Beck, Brown, Caldecott, Collier, George D. Collins, Condon, Conrad, Cooke, Crichton, Crowley, Davis, Doyle, Dunn, Elliott, Fletcher, Gaffney, Grant, Grunsky, Hinckley, Kilpatrick, Levering, Lewis, Maloney, McCarthy, McCollister, McMillan, Meyers, Porter, Sherwin, Silliman, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—38.

NOES—Burke, Burkhalter, Butters, Cloyed, Coats, Dills, Erwin, Evans, Geddes, Hagen, Hahn, Hoffman, Lincoln, Lipscomb, Luckel, Moss, Nichouse, Rumford, Smith, Stanley, and Stewart—21.

Consideration of Further Amendments to Assembly Bill No. 52

Motion to Amend

Mr. Dills moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out line 16, and in line 17, strike out "the Senate or Assembly", and insert "for any elective State office".

Amendment read.

Request for Unanimous Consent That Amending Clerk Be Authorized to Correct Amendment

Mr. Dills asked for, and was granted, unanimous consent that the Amending Clerk be authorized to correct the above amendment to read as follows:

Amendment No. 1

On page 2 of the printed bill, strike out lines 16 and 17; and in line 18, strike out "bly", and insert "for any elective state office".

Amendment read, as corrected, and adopted.

Bill ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 52

Mr. George D. Collins moved a rush order be placed upon the printing of Assembly Bill No. 52.

Motion carried.

FURTHER CONSIDERATION OF SENATE BILL NO. 9

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended in the Senate on December 16, 1949, between lines 21 and 22, insert

"It is hearby declared that it is the policy of the Legislature to relieve the counties of the State from the financial burden of administering aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, which burden will be imposed upon the counties by reason of the adoption of Article XXVII of the State Constitution at the election of November 8, 1949. It is also the policy of the Legislature to provide for the continuation of the administration of aid to the aged and aid to the needy blind on and after March 1, 1950, and until June 30, 1950, in the same manner, as nearly as may be, as such administration is conducted under Article XXV of the State Constitution. The Legislature hereby finds and declares that it is inexpedient and impracticable at this, its 1949 First Extraordinary Session, to determine whether or not as a long range policy the administration of aid to the aged and aid to the needy blind should be a county function or a state function and that the temporary continuation of the administration and payment of such aid through state offices and agencies is necessary in order to avoid confusion and a possible interruption or impairment of a function upon which the welfare of many aged persons and needy blind persons is dependent.

In order to effectuate the policy declared in this section it shall be the duty of each county to provide for the continuation of the administration and disbursement of aid to the aged and to the needy blind, to the extent that such continuation is legally possible, for the period during which this act is operative, by or through the same agencies upon which the duty of administering and disbursing such aid is imposed during the month of February, 1950."

Amendment read.

Point of Order

Mr. Waters arose to the following point of order: That Mr. Condon is not speaking to the amendment.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Demand for Previous Question

Messrs. Silliman, Connolly, Hoffman, Luckel, and McMillan demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment offered by Mr. George D. Collins to Senate Bill No. 9.

Roll Call Demanded

Messrs. Waters, Dills, and Beck demanded a roll call.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. George D. Collins moved a call of the Assembly.

Motion carried. Time, 11.33 a.m.

The Speaker pro Tempore directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Brown, Clarke, Gaffney, Lowrey, and Sam L. Collins—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Silliman asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

Hon. Richard H. McCollister Presiding

At 11.36 a.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 44—An act to provide for the registration of persons making representations to the Governor concerning legislation.

Bill read third time.

Point of Order

Mr. Sherwin arose to the following point of order: That Mr. Conrad is not speaking to the subject.

Ruling by Speaker

Acting Speaker McCollister ruled the point of order not well taken.

Point of Order

Mr. Doyle arose to the following point of order: That Mr. Conrad has exceeded his time.

Ruling by Speaker

Acting Speaker McCollister ruled the point of order well taken.

Point of Order

Mr. Weber arose to the following point of order: That Mr. Gaffney is not speaking to the subject.

Ruling by Speaker

Acting Speaker McCollister ruled the point of order well taken.

Speaker Pro Tempore Presiding

At 12.01 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Demand for Previous Question

Messrs. Thompson, Grant, Price, Luckel, and Morris demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 44.

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

AYES—Anderson, Burkhalter, Dickey, Dills, Doyle, Fletcher, Hagen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, McMillan, Niehouse, and Weber—14.

NOES—Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dolwig, Dunn, Elliott, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hinckley, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, Meyers, Moss, Price, Rosenthal, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—50.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENT OFFERED BY MR. GEORGE D. COLLINS TO SENATE BILL NO. 9

At 12.05 p.m., on motion of Mr. George D. Collins, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendment offered by Mr. George D. Collins to Senate Bill No. 9 refused adoption by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crowley, Davis, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Hagen, Hawkins, Hollibaugh, Kilpatrick, Lewis, McCarthy, McMillan, Meyers, Morris, Moss, Porter, Rosenthal, Rumford, Thomas, and Yorty—35.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Crichton, Dickey, Dolwig, Erwin, Fleury, Grant, Grunsky, Hahn, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, Niehouse, Price, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—40.

FURTHER CONSIDERATION OF SENATE BILL NO. 9

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Point of Order

Mr. Hawkins arose to the following point of order: That the time for the special order of business having arrived, further consideration of Senate Bill No. 9 is not in order.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Objections Withdrawn

Mr. Hawkins withdrew his point of order.

The question being on the adoption of the urgency clause to Senate Bill No. 9.

Motion to Recess

Mr. Dickey moved that the Assembly do now recess until 2 p.m.

Motion carried.

RECESS

At 12.10 p.m., the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Bill No. 1
Senate Concurrent Resolution No. 3

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No. 13
Assembly Bill No. 22
Assembly Bill No. 25
Assembly Bill No. 27

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 17
Assembly Joint Resolution No. 8

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 12—Relative to congratulating the football team of the University of California on its splendid record.

Request for Unanimous Consent

Mr. Caldecott asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, without reference to committee, or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12

Senate Concurrent Resolution No. 12—Relative to congratulating the football team of the University of California on its splendid record.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE JOINT RESOLUTION NO. 5

Mr. Babbage asked for, and was granted, unanimous consent that he be permitted to take up Senate Joint Resolution No. 5, out of order, at this time.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5—Relative to hospital facilities for veterans in California.

Resolution read.

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

AYES—Anderson, Babbage, Bennett, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Doyle, Elliott, Erwin, Fletcher, Fleury, Geddes, Grant, Grunsky, Hagen, Hawkins, Kilpatrick, Lewis, Lincoln, Luckel, Maloney, Morris, Moss, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Weber—46.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 53 was taken up.

Assembly Bill No. 53—An act to amend Sections 2011, 2160, and 2181, and to repeal Sections 2181 01, 2224, 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to public assistance, including aged aid, aid to the needy blind and aid to the partially self-supporting blind, in respect to the liability of responsible relatives of recipients thereof, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Motion That Assembly Bill No. 53 Be Withdrawn From File, and Be Re-referred

Mr. Hagen moved that Assembly Bill No. 53 be withdrawn from the file, and be re-referred to the Committee on Social Welfare.

Mr. Silliman seconded the motion.

Demand for Previous Question

Messrs. Caldecott, Lincoln, Silliman, Luckel, and Connolly demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Babbage, Beck, Brady, Burke, Butters, Caldecott, Cloyed, Connolly, Conrad, Dolwig, Doyle, Erwin, Fleury, Geddes, Grant, Grunsky, Hagen, Hoffman, Kirkwood, Levering, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, Morris, Moss, Price, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, and Waters—36.

NOES—Anderson, Bennett, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Elliott, Fletcher, Gaffney, Hahn, Hawkins, Kilpatrick, Lewis, Lindsay, Lowrey, McMillan, Niehouse, Porter, Rosenthal, Thomas, and Yorty—26.

The question being on the motion by Mr. Hagen that Assembly Bill No. 53 be withdrawn from the file, and be re-referred to the Committee on Social Welfare.

Point of Order

Mr. Caldecott arose to the following point of order: That Mr. Beck does not have the floor, and is not in order because Mr. Hagen has closed his debate.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Request for Unanimous Consent That Mr. Crowley Be Permitted to Speak on the Motion

Mr. Beck asked for, and was granted, unanimous consent that Mr. Crowley be permitted to speak on the motion by Mr. Hagen.

Roll Call Demanded

Messrs. Beck, Lowrey, and Davis demanded a roll call.

The roll was called, and the motion by Mr. Hagen lost by the following vote:

AYES—Babbage, Burke, Caldecott, Connolly, Conrad, Fleury, Hagen, Hoffman, Kirkwood, Levering, Lipscomb, Maloney, McCarthy, Moss, Price, Sherwin, Silliman, Smith, Stanley, Tomlinson, and Waters—21.

NOES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Butters, Cloyed, Coats, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Doyle, Elliott, Erwin, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lowrey, Luckel, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Thomas, and Yorty—40.

The question being on the adoption of the urgency clause to Assembly Bill No. 53.

Hon. Laughlin E. Waters Presiding

At 2.30 p.m., Hon. Laughlin E. Waters, Member of the Assembly from the Fifty-eighth District, presiding.

Demand for Previous Question

Messrs. Silliman, Levering, Lincoln, Connolly, and McCollister demanded the previous question.

Roll Call Demanded

Messrs. Smith, Stanley, and Cooke demanded a roll call.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Babbage, Burke, Butters, Caldecott, Cloyed, Connolly, Conrad, Dills, Doyle, Erwin, Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hinckley, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, Morris, Niehouse, Price, Sherwin, Silliman, Stanley, Thomas, Thompson, Tomlinson, and Weber—34

NOES—Anderson, Brady, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crowley, Elliott, Evans, Gaffney, Hagen, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, McCollister, McMillan, Rosenthal, Smith, and Yorty—22.

The question being on the adoption of the urgency clause to Assembly Bill No. 53.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Beck moved a call of the Assembly.

Motion carried. Time, 2.36 p.m.

The Acting Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Cloyed, Collier, Sam L. Collins, Hagen, and McCarthy—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Crowley asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 54 was taken up.

Assembly Bill No. 54—An act to add Section 2160.3 to the Welfare and Institutions Code, relating to aid to the aged in respect to the minimum age of eligibility therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Hinckley, Conrad, Levering, Luckel, and Babbage demanded the previous question.

Demand for previous question not sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 54.

Demand for Previous Question

Messrs. Hawkins, Silliman, Dunn, McMillan, and Kirkwood demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 54.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Crowley moved a call of the Assembly.

Motion carried. Time, 3.30 p.m

The Acting Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Clarke, Sam L. Collins, Dolwig, Lincoln, and Price—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Maloney asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 52

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No. 47

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

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Request for Unanimous Consent to Take Up Consideration of Senate Amendments to Assembly Bill No. 47

Mr. Kirkwood asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Bill No. 47, at this time.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 47—An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 47?

Amendment No. 1

On page 2, line 29, of the printed bill, as amended, strike out "(b)", and insert "(c)".

Amendment No. 2

On page 3, line 16, of said bill, as amended, strike out "for the Fiscal Year 1949-1950".

Amendment No. 3

On page 3 of said bill, as amended, between lines 21 and 22, insert

"(c) He shall compute the amount of basic state aid for such district under Article 6 of this chapter except that in making such computation the average daily attendance of the district used shall be the allowed average daily attendance of the district."

Amendment No. 4

On page 3, line 22, of said bill, as amended, strike out "(c)", and insert "(d)".

Amendment No. 5

On page 3, line 23, of said bill, as amended, strike out "(1)".

Amendment No. 6

On page 3, line 24, of said bill, as amended, strike out ", (2)", and insert a period and

"(e) He shall then compare the amounts computed for such district under (c) and (d) and from the larger of the amounts, he shall deduct (1)".

Amendment No. 7

On page 3, line 31, of said bill, as amended, strike out "(3)", and insert "(2)".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 47 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—71.

NOES—None.

Assembly Bill No. 47 ordered enrolled.

Request for Unanimous Consent That Name Be Placed Upon Roll Call on Concurrence in Senate Amendments to Assembly Bill No. 47

Mr. Cooke asked for, and was granted, unanimous consent that his name be placed upon the roll call on the concurrence in Senate amendments to Assembly Bill No. 47, and that he be recorded as voting "Aye."

REQUEST FOR UNANIMOUS CONSENT THAT DATA RELATIVE TO ASSEMBLY BILL NO. 47 BE PRINTED IN THE JOURNAL

Mr. Lowrey asked for unanimous consent that data relative to Assembly Bill No. 47 be ordered printed in the Journal.

Mr. Kirkwood withheld unanimous consent, and announced that said data will appear in today's Senate Journal and be available to all members.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 36

Relating to the purchase of needed equipment for members and the Chief Clerk

Resolved by the Assembly of the State of California, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-seven (77) volumes of the 1949 edition of the following Deering's Codes of the State of California: The Civil Code, the Code of Civil Procedure, the Probate Code, the Penal Code, and the Banking Code; and be it further

Resolved, That the said Chief Clerk be and he is hereby authorized and directed to purchase seventy-nine (79) sets of the 1949 Pocket Supplements to all of the Deering's Codes; and be it further

Resolved, That the Chief Clerk be and he is hereby authorized and directed to purchase two (2) complete sets of the latest editions of Deering's Codes of the State of California, including the Civil Code, the Code of Civil Procedure, the Probate Code, the Penal Code, and the Banking Code; and be it further

Resolved, That said Chief Clerk be and he is hereby authorized and directed to purchase seventy-nine (79) volumes of "California Government" by Dean McHenry and Crouch (California Press); and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase three (3) volumes of "The Summary of California Law" by Witkin; and be it further

Resolved, That said Chief Clerk be and he is hereby authorized and directed to purchase two brief cases; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one complete set of the codes and the 1949 Pocket Supplements each to Assemblymen Porter and Cloyed; one copy of said Civil Code, Code of Civil Procedure, Probate Code, Penal Code, and Banking Code and one complete set of the 1949 Pocket Supplements to Deering's Codes to each of the other members; one copy of "California Government" to each Member of the Assembly; one copy of "The Summary of California Law" each to Assemblymen Rosenthal, Porter and Cloyed; and one brief case each to Assemblymen Porter and Cloyed; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of the Civil Code, the Code of Civil Procedure, the Probate Code, the Penal Code, the Banking Code and "California Government", and one set of the 1949 Pocket Supplements to the codes to the Chief Clerk of the Assembly; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants upon the Assembly Contingent Fund in favor of the respective vendors in payment for the aforesaid publications and brief cases purchased as herein authorized in a total sum not to exceed fifteen thousand dollars ($15,000), and the State Treasurer is hereby directed to pay the same.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 36, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—70.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT THAT 1,000 ADDITIONAL COPIES OF REPORT BE PRINTED AS SEPARATE DOCUMENTS

Mr. Stewart asked for unanimous consent that 1,000 additional copies be ordered printed, of the Report of Federal and State Laws on Lobbying, prepared for the Assembly Interim Committee on Governmental Efficiency and Economy, by the Legislative Counsel, and previously printed as a separate document.

Mr. Dickey withheld unanimous consent.

Request referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 7 IN LIEU OF ASSEMBLY BILL NO. 30

Mr. Sherwin asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 7 in lieu of Assembly Bill No. 30, at this time.

CONSIDERATION OF SENATE BILL NO. 7

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey,

Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—66.

NOES—Condon, Stewart, and Yorty—3.

Bill ordered transmitted to the Senate.

Explanation of Vote on Senate Bill No. 7 by Messrs. Yorty and Condon

We voted against this bill because it was pressured through the Assembly without reference to committee thereby depriving interested citizens of their right to be heard. A lobby bill based on the carefully considered federal act has already passed both houses. This hastily drawn ambiguous bill is now superfluous.

SAM YORTY
ROBERT L. CONDON

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 18

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

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS (BY UNANIMOUS CONSENT)

Assembly Concurrent Resolution No. 18—Relative to the leasing of the federal prison at Terminal Island, California, for the early establishment of facilities for the medical facility of the Department of Corrections as provided for in Part 3, Title 7, Chapter 8 of the Penal Code.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Concurrent Resolution No. 18?

Amendment No. 1

On page 2 of the printed measure, strike out lines 12 to 14, inclusive, and insert "2. That the Assembly and the Senate give consideration at the 1950 Budget Session of the Legislature to the provision of adequate budgetary funds".

Amendment No. 2

On page 2, line 18, of said measure, strike out "favorable".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Concurrent Resolution No. 18 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—64.

NOES—Crowley—1.

Assembly Concurrent Resolution No. 18 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE JOINT RESOLUTION NO. 4 IN LIEU OF ASSEMBLY JOINT RESOLUTION NO. 10

Mr. Crowley asked for, and was granted, unanimous consent that he be permitted to take up Senate Joint Resolution No. 4 in lieu of Assembly Joint Resolution No. 10, at this time.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to the United States Naval Shipyard at Mare Island.

Resolution read.

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

AYES—Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Weber, and Yorty—62.

NOES—Brady and McCarthy—2.

Resolution ordered transmitted to the Senate.

MOTION THAT ASSEMBLY JOINT RESOLUTION NO. 10 BE STRICKEN FROM FILE

Mr. Crowley moved that Assembly Joint Resolution No. 10 be ordered stricken from file.

Motion carried.

MOTION THAT ASSEMBLY BILL NO. 30 BE STRICKEN FROM FILE

Mr. Maloney moved that Assembly Bill No. 30 be ordered stricken from file.

Motion carried.

RE-REFERENCE OF BILLS

By order of the Speaker, the following bill was withdrawn from the file and ordered re-referred as follows:

Assembly Bill No. 41 re-referred to the Committee on Education.

Speaker Pro Tempore Presiding

At 3.40 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 9

Senate Bill No. 9—An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause again read.

Motion to Amend

Mr. Condon moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, after "Year," insert "providing for the repayment thereof to the State,".

Amendment No. 2

On page 2 of said bill, between lines 23 and 24, insert

"SEC. 4. The moneys paid to each county under Section 1 of this act shall be a loan to that county, and shall be repaid by the county to the State and deposited in the State Treasury to the credit of the General Fund not later than the close of the second fiscal year commencing after the date on which they are received by the county."

Amendment No. 3

On page 2, line 24, of said bill, strike out "SEC. 4.", and insert "SEC. 5."

Amendments read.

Point of Order

Mr. Waters arose to the following point of order: That the urgency clause was before the House prior to recess, has been again read, and that the proposed amendments offered by Mr. Condon are not in order, at this time.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order not well taken.

Point of Order

Mr. Caldecott arose to the following point of order: That Mr. Dunn is speaking to the bill, and not to the amendment offered by Mr. Condon.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order not well taken.

The question being on the adoption of the amendments offered by Mr. Condon.

Roll Call Demanded

Messrs. Beck, Dills, and Condon demanded a roll call.

The roll was called, and the amendments offered by Mr. Condon to Senate Bill No. 9 refused adoption by the following vote:

AYES—Beck, Bennett, Brady, Burkhalter, George D. Collins, Condon, Dills, Dunn, Elliott, Fletcher, Hawkins, Kilpatrick, Lewis, McMillan, Thomas, and Yorty—16.

NOES—Babbage, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Crichton, Davis, Dolwig, Doyle, Erwin, Fleury, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Morris, Moss, Niehouse, Price, Rumford, Silliman, Smith, Stanley, Stewart, Thompson, Waters, and Weber—42.

The question being on the adoption of the urgency clause to Senate Bill No. 9.

Point of Order

Mr. Silliman arose to the following point of order: That Mr. Waters has exceeded his time.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

The question being on the adoption of the urgency clause to Senate Bill No. 9.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Waters moved a call of the Assembly.

Motion carried. Time, 4.18 p.m.

The Speaker pro Tempore directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Sam L. Collins, Dunn, Evans, Hollibaugh, and Sherwin—5.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Geddes asked for, and was granted, unanimous consent that Assembly Rule No. 85 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 8

Mr. Caldecott asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 8, out of order, at this time.

CONSIDERATION OF SENATE BILL NO. 8

Senate Bill No. 8—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 9

At 4.20 p.m., on motion of Mr. Waters, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 9 adopted by the following vote:

AYES—Babbage, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—56.

NOES—Anderson, Beck, Bennett, Brady, George D. Collins, Condon, Dills, Dunn, Elliott, Fletcher, Hawkins, Kilpatrick, Lewis, McMillan, and Thomas—15.

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

AYES—Babbage, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hinckley,

Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—56.

NOES—Anderson, Beck, Bennett, Brady, George D. Collins, Condon, Dills, Dunn, Elliott, Fletcher, Hawkins, Kilpatrick, Lewis, McMillan, and Thomas—15.

Bill ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 54

At 4.24 p.m., on motion of Mr. Crowley, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 54 refused adoption by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, Collier, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Thomas, Thompson, Weber, and Yorty—45.

NOES—Babbage, Burke, Butters, Caldecott, Cloyed, Connolly, Conrad, Erwin, Fleury, Hagen, Hinckley, Hoffman, Kirkwood, Levering, Lindsay, Lipscomb, Lowrey, McCarthy, Moss, Sherwin, Silliman, Smith, Stanley, Stewart, and Tomlinson—25.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 53

At 4.25 p.m., on motion of Mr. Beck, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 53 refused adoption by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lowrey, Luckel, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Thomas, Thompson, Weber, and Yorty—47.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Connolly, Conrad, Dolwig, Erwin, Hinckley, Hoffman, Kirkwood, Levering, Lipscomb, Maloney, Price, Sherwin, Silliman, Smith, Stanley, Stewart, and Tomlinson—22.

Hon. Robert C. Kirkwood Presiding

At 4.28 p.m., Hon. Robert C. Kirkwood, Member of the Assembly from the Twenty-eighth District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 8—An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 4 of the printed bill, between lines 37 and 38, insert

"It is hereby declared that it is the policy of the Legislature to relieve the counties of the State from the financial burden of administering aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, which burden will be imposed upon the counties by reason of the adoption of Article XXVII of the State Constitution at the election of November 8, 1949. It is also the policy of the Legislature to provide for the continuation of the administration of aid to the aged and aid to the needy blind on and after March 1, 1950, and until June 30, 1950, in the same manner, as nearly as may be, as such administration is conducted under Article XXV of the State Constitution. The Legislature hereby finds and declares that it is inexpedient and impracticable at this, its 1949 First Extraordinary, Session to determine whether or not as a long range policy the administration of aid to the aged and aid to the needy blind should be a county function or a state function and that the temporary continuation of the administration and payment of such aid through state offices and agencies is necessary in order to avoid confusion and a possible interruption or impairment of a function upon which the welfare of many aged persons and needy blind persons is dependent.

In order to effectuate the policy declared in this section it shall be the duty of each county to provide for the continuation of the administration and disbursement of aid to the aged and to the needy blind, to the extent that such continuation is legally possible, for the period during which this act is operative, by or through the same agencies upon which the duty of administering and disbursing such aid is imposed during the month of February, 1950."

Amendment read.

Roll Call Demanded

Messrs. Condon, Yorty, and Hagen demanded a roll call.

The roll was called, and the amendment offered by Mr. George D. Collins to Senate Bill No. 8 refused adoption by the following vote:

AYES—Anderson, Beck, Bennett, Brady, Coats, George D. Collins, Condon, Cooke, Crowley, Davis, Dills, Doyle, Dunn, Elliott, Fletcher, Grant, Hagen, Hawkins, Kilpatrick, Lewis, McCarthy, Meyers, Moss, Porter, Rosenthal, Rumford, Thomas, and Yorty—28.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Crichton, Dickey, Dolwig, Erwin, Fleury, Geddes, Grunsky, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, Morris, Price, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, and Weber—36.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyed. Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—66.

NOES—George D. Collins—1.

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

AYES—Anderson, Babbage, Beck, Bennett, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Silliman, Smith, Thompson, Tomlinson, Weber, and Yorty—62.

NOES—George D. Collins—1.

Bill ordered transmitted to the Senate.

EXPLANATION OF VOTE ON SENATE BILL NO. 9 AND SENATE BILL NO. 8

I voted against Senate Bill No. 9 since in my opinion when the Collins Amendment, providing for state administration of old age assistance, and my amendment to provide that state funds to counties for administrative expense be a loan, were defeated, the measure was unsound. I believe that the State should administer the program, but if the counties administer it, they should pay all administrative costs. I voted for Senate Bill No 8 since I would not jeopardize the moneys paid to the aged. I feel that the counties, some of which, budgeted for administrative costs, would have been able to finance administration even if Senate Bill No. 9 had been defeated.

ROBERT L. CONDON

Speaker Pro Tempore Presiding

At 4.35 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MOTION THAT ASSEMBLY BILL NO. 32 BE STRICKEN FROM FILE

Mr. Waters moved that Assembly Bill No. 32 be stricken from the file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 11—An act to amend Section 130 of the Welfare and Institutions Code, relating to the salary of the Director of Social Welfare.

Bill read third time.

Demand for Previous Question

Messrs. McCarthy, Silliman, Morris, Luckel, and Hagen demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Senate Bill No. 11.

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

AYES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyed, Connolly, Conrad, Davis, Dolwig, Erwin, Fleury, Gaffney, Grant, Grunsky, Hoffman, Kirkwood, Lincoln, Lindsay, Lipscomb, Maloney, McCollister, Silliman, Stanley, Thompson, Tomlinson, Waters, and Weber—28.

NOES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Dickey, Dills, Doyle, Dunn, Elliott, Fletcher, Geddes, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Levering, Lewis, Lowrey, Luckel, McCarthy, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Thomas, and Yorty—36.

Bill ordered transmitted to the Senate.

SENATE BILL NO. 13 ORDERED STRICKEN FROM FILE BY UNANIMOUS CONSENT

By unanimous consent, Speaker pro Tempore Maloney ordered Senate Bill No. 13 stricken from the file.

Senate Bill No. 13 ordered transmitted to the Senate.

CONSIDERATION OF SENATE BILL NO. 14

Senate Bill No. 14—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor, and declaring the urgency thereof, to become effective immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—62.
NOES—None.

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

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—62.
NOES—None.

Bill ordered transmitted to the Senate.

MOTION THAT SENATE BILL NO. 18 BE STRICKEN FROM FILE

Mr. Smith moved that Senate Bill No. 18 be stricken from the file.
Motion carried.
Senate Bill No. 18 ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 15—An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the submission of information to the bureau, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—62.
NOES—None.

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

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes,

Grant, Grunsky, Hagen, Hahn, Hawkins, Hinchley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—62.

NOES—None.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No. 4

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 13

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No. 5

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No. 29

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolution ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Messrs. Gaffney, George D. Collins, Dunn, Maloney, Porter, Cooke, McMillan, Caldecott, Coats, Lewis, Hollibaugh, Kilpatrick, Connolly, Meyers, Evans, Erwin, Doyle, Fleury, Weber, Hawkins, Crichton, Thompson, Hahn, Rosenthal, Bennett, Elliott, Grant, Conrad, Brady, Price, Rumford, Crowley, Cloyed, Silliman, Moss, Hinckley, Thomas, Burkhalter, Lowrey, Beck, Stewart, Mrs. Niehouse, and Mr. Luckel:

House Resolution No. 37

Congratulating Elizabeth and Robert I. McCarthy on the birth of twin girls

WHEREAS, On the thirteenth day of September, 1949, there was born unto Elizabeth and Robert McCarthy, in St. Mary's Hospital in the City by the Golden Gate, twin girls named Marjorie and Monica by their doting parents; and

WHEREAS, Robert I. McCarthy is an able and conscientious lawmaker and he, together with his gracious wife Elizabeth, have earned the admiration and respect of his colleagues in the Assembly; and

WHEREAS, The acquisition by Maureen McCarthy, aged two, of two infant sisters should not be permitted to go unnoticed by this Assembly; now, therefore, be it

Resolved, That the Members of the Assembly of the State of California extend heartiest greetings to Marjorie and Monica McCarthy, and earnest congratulations to Robert and Elizabeth McCarthy and Maureen McCarthy on the occasion of this notable growth of the Clan McCarthy; and be it further

Resolved, That a suitably engrossed copy of this resolution be prepared by the Chief Clerk of the Assembly and forwarded to Honorable and Mrs. Robert I. McCarthy.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 37, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

RECESS

At 4.48 p.m., on motion of Mr. Dickey, the Assembly recessed until 7.30 p.m.

REASSEMBLED

At 7.30 p.m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Bill No. 14
Senate Bill No. 15

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Hon. Joe C. Lewis Presiding

At 7.32 p.m., Hon. Joe C. Lewis, Member of the Assembly from the Thirty-ninth District, presiding.

RESOLUTIONS

The following resolution was offered:

By Mr. Thomas:

House Resolution No. 38

Resolved, That Arthur A. Ohnimus, Chief Clerk of the Assembly, be and he is hereby authorized and empowered to receipt for any warrants that may be due members, officers, or other attaches of the Assembly, after the close of the session, or that may be drawn upon the Contingent Fund of the Assembly.

Request for Unanimous Consent

Mr. Thomas asked for, and was granted, unanimous consent to take up House Resolution No. 38, at this time, without reference to committee or file.

Resolution read, and adopted.

Speaker Presiding

At 8.12 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 39

WHEREAS, The Members of the Assembly will desire to have shipped to their various places of residence their bill files, books of codes, stationery and other printed matter at the end of the session; therefore, be it

Resolved, That the Sergeant-at-Arms, Wilkie Ogg, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping same, properly packed, to said members, and the State Controller is hereby authorized to draw his warrants on the Contingent Fund of the Assembly in favor of said Wilkie Ogg, in the sum not to exceed six hundred dollars ($600) and the State Treasurer is hereby directed to pay the same; and it is further directed that Wilkie Ogg furnish to the Controller vouchers and receipts for all expenditures made by him.

Request for Unanimous Consent

Mr. Weber asked for, and was granted, unanimous consent to take up House Resolution No. 39, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Brady, Burke, Burkhalter, Butters, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dolwig, Elliott, Erwin, Evans, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, McCarthy, McCollister, McMillan, Morris, Moss, Porter, Price, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—50.

NOES—None.

By Mr. Dickey:

House Resolution No. 40

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of seven hundred fifty dollars ($750), in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, traveling expenses, bills from state departments, and performing any duties imposed by the Rules or resolutions of the Assembly, also to pay any bills for incidental expenses of the Assembly heretofore incurred but for which payment has not been provided by other resolutions, and other incidental expenses in connection with completing the work of the 1949 First Extraordinary Session of the Assembly of the State of California.

The Chief Clerk of the Assembly is instructed to file with the Controller receipts covering all expenditures made hereunder.

Request for Unanimous Consent

Mr. Stewart asked for, and was granted, unanimous consent to take up House Resolution No. 40, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Brady, Burke, Burkhalter, Butters, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dolwig, Elliott, Erwin, Evans, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, McCarthy, McCollister, McMillan, Morris, Moss, Porter, Price, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—50.

NOES—None.

By Mr. Dickey:

House Resolution No. 41

Resolved, That Arthur A. Ohnimus, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books, and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment of this 1949 First Extraordinary Session of the Legislature, and shall have charge of correcting, comparing and proofreading and otherwise preparing the Journal of the Assembly of this First Extraordinary Session; such proofreading, comparing and indexing of the Assembly Journals shall be performed by the State Printer under the direction of the Chief Clerk of the Assembly, making the information therein contained readily available for the use of the Members of the Legislature, state officers and the general public, as a permanent record of the business transacted during this First Extraordinary Session. He shall also have charge of compiling, preparing and having printed after adjournment, a Final Calendar of the legislative business of the First Extraordinary Session of the 1949 Legislature, said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law; those that have been refused passage; and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature.

When the Final Calendar is prepared, said Arthur A. Ohnimus, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each Member of the Assembly, and one copy of the complete unbound chapters to each Member of the Assembly; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the payment of officers and attaches of the Assembly.

Request for Unanimous Consent

Mr. Stewart asked for, and was granted, unanimous consent to take up House Resolution No. 41, at this time, without reference to committee or file.

Resolution read.

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

AYES—Anderson, Burke, Burkhalter, Butters, Clarke, Coats, Collier, Condon, Connolly, Conrad, Cooke, Davis, Dolwig, Elliott, Erwin, Evans, Fleury, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, McCarthy, McCollister, McMillan, Morris, Moss, Porter, Price, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—48.

NOES—None.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Sections 1098 and 1099 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

And appointed Senators Hulse, Abshire, and Cunningham, as a Committee on Conference to meet a like committee from the Assembly.

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING SENATE BILL NO. 7

The Speaker announced the appointment of Messrs. Sherwin, Stewart, and Moss as a Committee on Conference concerning Senate Bill No. 7.

RESOLUTIONS

The following resolution was offered:

By Mr. Morris:

House Resolution No. 42

Relative to requesting the Assembly Interim Committee on Fish and Game to conduct an investigation

WHEREAS, The press has recently reported that Edwin L. Carty, member of the State Fish and Game Commission, was charged in a federal court with shooting ducks on a baited pond in violation of the Migratory Bird Act; and

WHEREAS, Said charges were based upon an investigation by A. W. Elder, Game Management Agent for the Federal Government; and

WHEREAS, The charges, if true, would indicate that said Edwin L. Carty is not a proper person for the office of Fish and Game Commissioner; and

WHEREAS, It appears possible that the present laws of the State relating to selection of Fish and Game Commissioners might be inadequate; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Fish and Game is hereby requested to investigate the matters contained in the recitals of this resolution and to report thereon to the Assembly not later than March 20, 1950, including in its report recommendations for appropriate legislative action.

Request for Unanimous Consent

Mr. Morris asked for unanimous consent to take up House Resolution No. 42, at this time, without reference to committee or file.

Mr. Caldecott withheld unanimous consent.

House Resolution No 42 ordered referred to the Committee on Rules.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

Speaker Sam L. Collins announced the appointment of Mr. McCarthy to membership on the Interim Committee on Elections and Reapportionment, vice Mr. Berry, resigned; and the appointment of Mr. Davis to membership on the Wildlife Conservation Board to fill the vacancy left by the death of Mr. Heisinger.

ASSEMBLY BILL NO. 7 ORDERED STRICKEN FROM FILE

By unanimous consent, Speaker Sam L. Collins ordered Assembly Bill No. 7 stricken from the file.

MOTION THAT ASSEMBLY BILL NO. 28 BE STRICKEN FROM FILE

Mr. Caldecott moved that Assembly Bill No. 28 be stricken from the file.

Motion carried.

MOTION THAT SENATE BILLS NOS. 3 AND 4 BE STRICKEN FROM FILE

Mr. Fleury moved that Senate Bills Nos. 3 and 4 be stricken from the file.

Motion carried.

Above bills ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Bill No 2

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

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Request for Unanimous Consent to Take Up Consideration of Senate Amendments to Assembly Bill No. 2

Mr. Anderson asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Bill No. 2, at this time.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 2—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 2?

Amendment No. 1

On page 5 of the printed bill, as amended in the Assembly on December 20, 1949, strike out lines 9 to 13, inclusive.

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 2 by the following vote:

AYES—Anderson, Bennett, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Price, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—61.

NOES—None.

Assembly Bill No. 2 ordered enrolled.

MOTION THAT ASSEMBLY BILL NO. 31 BE STRICKEN FROM FILE

Mr. Stanley moved that Assembly Bill No. 31 be stricken from the file.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Concurrent Resolution No. 10

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 10—Relative to the disposition and use of furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

Request for Unanimous Consent

Mr. Waters asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to the disposition and use of furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

Resolution read, and ordered temporarily passed on file.

MOTION THAT ASSEMBLY BILL NO. 9 BE STRICKEN FROM FILE

Mr. Hagen moved that Assembly Bill No. 9 be stricken from the file.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Mr. Brown:

House Resolution No. 43

Relative to an investigation and report by the Assembly Interim Committee on the Judicial System and Judicial Process on the subject of legislation relating to sex offenses

WHEREAS, One of the subjects submitted to the Legislature at this special session is to consider and act upon legislation relating to sex offenses; and

WHEREAS, It is necessary that the Assembly be fully informed on all facts and matters relating or pertaining to this subject in order that it may give proper consideration to the numerous measures pending before it; now, therefore, be it

Resolved by the Assembly of the State of California, As follows:

1. The Assembly Interim Committee on the Judicial System and Judicial Process (created by H. R. No 232, 1949 Regular Session) is authorized and directed to ascertain, study, and analyze all facts relating to the subject of this resolution and particularly all pending and proposed measures relating to sex offenses that are introduced during this special session, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and shall report thereon to the Assembly prior to the final adjournment of the 1951 Regular Session or may report thereon to the Assembly at any extraordinary session called prior to the 1951 Regular Session, the Proclamation of which includes the subject of this resolution, including in the reports its recommendations for appropriate legislation.

2 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Assembly Contingent Fund payable from any money appropriated for the contingent expenses of the Assembly for the 1949 First Extraordinary Session of the Legislature for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and ordered referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

House Resolution No. 33
House Resolution No. 34
House Resolution No. 43

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

DICKEY, Chairman

Above resolutions ordered on file for adoption.

REQUEST FOR UNANIMOUS CONSENT

Mr. Brown asked for, and was granted, unanimous consent to take up House Resolution No. 43, at this time, without reference to file.

CONSIDERATION OF HOUSE RESOLUTION NO. 43

By Mr. Brown:

House Resolution No. 43

Relative to an investigation and report by the Assembly Interim Committee on the Judicial System and Judicial Process on the subject of legislation relating to sex offenses

WHEREAS, One of the subjects submitted to the Legislature at this special session is to consider and act upon legislation relating to sex offenses; and

WHEREAS, It is necessary that the Assembly be fully informed on all facts and matters relating or pertaining to this subject in order that it may give proper consideration to the numerous measures pending before it; now, therefore, be it

Resolved by the Assembly of the State of California, As follows:

1. The Assembly Interim Committee on the Judicial System and Judicial Process (created by H. R. No. 232, 1949 Regular Session) is authorized and directed to ascertain, study, and analyze all facts relating to the subject of this resolution and particularly all pending and proposed measures relating to sex offenses that are introduced during this special session, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and shall report thereon to the Assembly prior to the final adjournment of the 1951 Regular Session or may report thereon to the Assembly at any extraordinary session called prior to the 1951 Regular Session, the proclamation of which includes the subject of this resolution, including in the reports its recommendations for appropriate legislation.

2. The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Assembly Contingent Fund payable from any money appropriated for the contingent expenses of the Assembly for the 1949 First Extraordinary Session of the Legislature for the expenses of the Committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

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

AYES—Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Erwin, Evans, Fletcher, Gaffney, Grant, Grunsky, Hagen, Hahn, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Price, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—50.

NOES—None.

GREETINGS OF THE SEASON EXTENDED TO ALL MEMBERS, OFFICERS AND ATTACHES

Speaker Sam L. Collins, expressed, on behalf of Mr. Maloney and himself, best wishes and the greetings of the season to all members, officers, and attaches of the Assembly.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December, 21, 1949

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

Assembly Concurrent Resolution No. 20

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

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Request for Unanimous Consent to Take Up Consideration of Senate Amendments to Assembly Concurrent Resolution No. 20

Mr. McCollister asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Concurrent Resolution No. 20, at this time.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 20—Relative to the recess of the 1949 (First Extraordinary) Session of the Legislature.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Concurrent Resolution No. 20?

Amendment No. 1

On page 1 of the printed measure, as amended in the Assembly the second time on December 20, 1949, strike out lines 3 and 4.

Amendment No. 2

On page 1 of said measure, strike out lines 12 to 15, inclusive, and insert "Session of the Legislature of the State of California, which convened at 12 noon on the twelfth day of December, 1949, pursuant to a Proclamation issued by the Governor of the State of California under date of December 7, 1949 shall adjourn sine die at 9 p.m., December 21, 1949."

Amendment No. 3

In line 1 of the title of the printed measure, strike out "recess", and insert "adjournment sine die".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Concurrent Resolution No. 20 by the following vote:

AYES—Brown, Burke, Butters, Caldecott, Clarke, Coats, Collier, Connolly, Conrad, Cooke, Davis, Dickey, Dolwig, Doyle, Erwin, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hinckley, Hoffman, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, Meyers, Porter, Price, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—41.

NOES—Anderson, Condon, Crowley, Dunn, Elliott, Evans, Geddes, Hagen, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, McMillan, Morris, and Rumford—16.

Assembly Concurrent Resolution No. 20 ordered enrolled.

Explanations of Vote

This session failed to take action on very important matters involving the public welfare.

As a minimum immediate pension program—the responsible relatives' law should be repealed; persons 63 and 64 years of age continued on assistance; other liberalizations of Article XXV retained; and administration of the program kept with the State.

An act continuing child care centers should be passed.

Legislation dealing with unemployment and unemployment relief should be enacted.

A special session including these matters should be called at an early date.

EDWARD E. ELLIOTT

Explanation of "No" vote on Assembly Concurrent Resolution No. 20:

We should not adjourn until we have finished the job.

I believe we should stay here until the Governor broadens his call to allow us to pass a jobs program, continue child care centers beyond June, 1950, protect gains made in old age pensions, and grant some tax relief to small home owners.

Since we failed to do this I shall strive to have the Governor call another session to consider these really urgent matters.

AUGUSTUS F. HAWKINS

I voted against Assembly Concurrent Resolution No. 20 because I believed that until the Legislature faces the real issues arising from the passage of Proposition No. 2, that is, what can be done about the elimination of 40,000 aged persons from the pension rolls; that until we take care of unemployment, at least to the extent of appropriating money to those distressed areas, where indigent relief for the unemployed has been and will be further curtailed; that until we take care of child care centers, we should stay in session. I think that the matters, excluding the aid to the schools, that we have been called into session upon are not particularly urgent or important, in comparison with the real issues facing the people of this State

ROBERT L. CONDON

The failure of the Legislature to recognize certain serious problems of the people, such as unemployment, the elimination of approximately 40,000 needy aged, and the expiration of the child care center program on June 30, 1950, prompted me to vote "No" on adjournment.

JOE C. LEWIS

FURTHER CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to the disposition and use of furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

Resolution read.

Motion to Amend

Mr. Waters moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed measure, strike out "all", and insert "such".

Amendment No. 2

On page 2, line 9, of said bill, strike out "offices.", and insert "offices," as are found necessary by the State Department of Social Welfare, with the approval of the State Department of Finance, for the proper and efficient administration of such aid:"

Amendments read.

Demand for Previous Question

Messrs. McCarthy, Condon, Luckel, Thompson, and Price demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments offered by Mr. Waters to Senate Concurrent Resolution No. 10.

Amendments adopted.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 52—An act to amend Sections 4501, 4532, 4533, and 4534 of, and to add Sections 4501.5 and 4530.5 to, the Elections Code, relating to influencing, or attempting to influence, legislation by means of campaign expenditures.

Bill read third time.

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

AYES—Anderson, Brady, Brown, Burke, Butters, Caldecott, Clarke, Coats, Collier, George D Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fleury, Gaffney, Grant, Grunsky, Hagen, Hawkins, Hoffman, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Porter, Price, Rumford, Smith, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—49

NOES—Stanley—1.

Bill ordered transmitted to the Senate.

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

Assembly Joint Resolution No. 11: By Mr. Hollibaugh—Relative to repeal of federal excise taxes imposed during World War II.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 44

Resolved by the Assembly of the State of California, That each and every person heretofore employed by the Assembly is hereby stricken from the list of Assembly attaches, and the names stricken from the pay roll of the Assembly, to take effect upon the completion of work on Wednesday, December 21, 1949, save and except Arthur A. Ohnimus, Chief Clerk, and those who are certified to the Controller by the Chief Clerk.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 44, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Rumford:

House Resolution No. 45

Resolved, That the Speaker appoint a Committee of Five to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Rumford asked for, and was granted, unanimous consent to take up House Resolution No. 45, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. McCollister:

House Resolution No. 46

Resolved, That the Speaker appoint a Committee of Five to wait upon his Excellency, the Governor of the State of California, and inform him that the Assembly has concluded its labors, is ready to adjourn, and awaits his further pleasure.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up House Resolution No. 46, at this time, without reference to committee or file.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 33

By Messrs. Meyers, Connolly, Gaffney, George D. Collins, Brady, McCarthy, and Maloney:

House Resolution No. 33

Congratulating Phil S. Davies

WHEREAS, Phil S. Davies has by unanimous vote of the San Francisco Board of Supervisors been elected to the Board of Directors of the Golden Gate Bridge and Highway District; and

WHEREAS, Phil S. Davies has long been a leader in San Francisco business and civic affairs, having served as a director for the Council for Civic Unity and the North Central Improvement Association. was a member of the 1930 delegation to the National Democratic Convention, a director of the Golden Gate International Exposition and a director of the Civilian Production Administration of Northern California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly congratulate Phil S. Davies upon his election to the Board of Directors of the Golden Gate Bridge and Highway District, and extend to him good wishes for continued success; and be it further

Resolved, That the Chief Clerk of this Assembly transmit a suitably prepared copy of this resolution to Phil S. Davies.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 34

By Messrs. Thomas and Thompson:

House Resolution No. 34

Relating to commending and congratulating the University of Santa Clara and its football team upon being invited to oppose the University of Kentucky in the annual football classic at the Orange Bowl, Miami, Florida, on January 2, 1950

WHEREAS, The football team of the University of Santa Clara, through its victories and achievements against strong and superior forces on the field of contest during the season of 1949, has gained recognition throughout the Nation as an exemplar of the finest in sportsmanship and athletic ability among the teams of our Nation's universities and colleges; and

WHEREAS, The University of Santa Clara has brought honor to itself and to our State, and to the universities and colleges of our State, by its being found worthy to oppose the formidable and nationally famous team of the University of Kentucky in the annual Orange Bowl classic at Miami, Florida, on the second of January, 1950; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend the members of the varsity football team of the University of Santa Clara for the excellence of their sportsmanship and abilities, and that the Members of this Assembly extend heartiest congratulations to the University of Santa Clara, its faculty and administrative officers to Mr. Leonard Casanova, head football coach, and his assistants on the coaching staff, Mr. Herman Meister and Mr. Jack Roche; to the members of the varsity football team, and to the students of the University, upon the singular honor which has been bestowed upon them; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Reverend William Gianera, S.J., President of the University of Santa Clara, to Mr. Leonard Casanova, Mr. Herman Meister, and Mr. Jack Roach, members of the coaching staff; Mr. Henry Schmidt and members of the training staff, and to each member of the varsity football team of the University of Santa Clara.

Resolution read, and adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1949

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

Senate Joint Resolution No. 3

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Joint Resolution No. 3—Relative to the erection of a dam on the Feather River near Oroville, California.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 21—Relative to finding that an economic emergency exists in this State.

Resolution read.

Point of Order

Mr. Caldecott arose to the following point of order: That Mr. Lewis has exceeded his time.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Roll Call Demanded

Messrs. Hawkins, Elliott, and Lewis demanded a roll call.

The roll was called, and Assembly Concurrent Resolution No. 21 refused adoption by the following vote:

AYES—Anderson, Brady, George D. Collins, Condon, Cooke, Crowley, Davis, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Hagen, Hawkins, Lewis, McMillan, Meyers, Porter, Rumford, and Thomas—21.

NOES—Burke, Butters, Caldecott, Clarke, Collier, Connolly, Conrad, Dolwig, Erwin, Geddes, Grant, Grunsky, Hinckley, Kirkwood, Levering, Lindsay, Lowrey, Luckel, Sherwin, Smith, Stanley, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—26

APPOINTMENT OF SELECT COMMITTEES

Pursuant to the provisions of House Resolution No. 45, Speaker Sam L. Collins announced the appointment of Messrs. Geddes, Hollibaugh, Burke, McCollister, Dunn, and Doyle as said Select Committee to wait upon the Senate.

Pursuant to the provisions of House Resolution No. 46, Speaker Sam L. Collins announced the appointment of Messrs. Kirkwood, Waters, McCarthy, Evans, and Elliott as said Select Committee to wait upon the Governor.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: The Committee on Conference concerning:

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of, and to add Sections 1098 and 1099 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

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 be further amended as follows:

Amendment No. 1

On page 7, of the amended bill, strike out lines 4 to 8 inclusive.

Amendment No. 2

On page 9, of the amended bill, strike out all of line 23 following the word "voluntary" and all of lines 24, 25, 26 and 27 and insert in lieu thereof a period.

HULSE
CUNNINGHAM
ABSHIRE
Senate Committee on Conference

SHERWIN
MOSS
Assembly Committee on Conference

Report read.

Point of Order

Mr. Hollibaugh arose to the following point of order: That Amendment No. 1 in the report of the Committee on Conference concerning Senate Bill No. 7 is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Request for Unanimous Consent That Members Be Authorized to Return Conference Report for Correction in Amendment

Messrs. Sherwin and Moss asked for, and were granted, unanimous consent that they be authorized to return the report of the Committee on Conference concerning Senate Bill No. 7 to the Senate for correction of Amendment No. 1 contained therein.

Further Consideration of Report of Committee on Conference Concerning Senate Bill No. 7

Consideration of Amendment No. 1, as Corrected

Amendment No. 1

On page 8, of the amended bill, strike out lines 4 to 8, inclusive.

Amendment read, as corrected.

The question being on the adoption of the report, as corrected.

The roll was called, and the report of the Committee on Conference refused adoption by the following vote:

AYES—Brown, Caldecott, Coats, Collier, George D. Collins, Connolly, Conrad, Davis, Fleury, Gaffney, Grunsky, Hagen, Hinckley, Kirkwood, Lincoln, Maloney, McCarthy, Meyers, Moss, Rumford, Sherwin, Tomlinson, and Waters—23.

NOES—Brady, Burke, Butters, Clarke, Condon, Cooke, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Geddes, Grant, Hawkins, Hollibaugh, Levering, Lowrey, Luckel, McCollister, McMillan, Morris, Porter, Price, Stanley, Stewart, Thomas, Thompson, Weber, and Mr. Speaker—31.

Point of Order

Mr. Hollibaugh arose to the following point of order: That the hour of 9 o'clock p.m. having arrived, pursuant to the provisions of Assembly Concurrent Resolution No. 20 further business is not in order.

Ruling by Speaker

The Speaker ruled the point of order not well taken.

Appointment of Second Committee on Conference Concerning Senate Bill No. 7

The Speaker announced the appointment of Messrs. Kirkwood, Hollibaugh, and Erwin as a Second Committee on Conference concerning Senate Bill No. 7.

Request for Unanimous Consent to Expunge Record, and Rescind Action on Report of Committee on Conference on Senate Bill No. 7

Mr. Stanley asked for unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, refused adoption to the report of the Committee on Conference concerning Senate Bill No. 7.

Mr. Brady withheld unanimous consent.

REPORTS OF SELECT COMMITTEES

The Select Committee appointed to wait upon the Senate reported that it had performed its duties.

The Select Committee appointed to wait upon the Governor reported that it had performed its duties.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Assembly Journals for Monday, December 19, 1949; Tuesday, December 20, 1949; and Wednesday, December 21, 1949, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 12—Relative to the creation of a Joint Legislative Committee on Lobby Regulation and defining the powers and duties of the committee;

Assembly Concurrent Resolution No. 13—Congratulating Judge Edward F. O'Day of the San Francisco Municipal Court;

Assembly Concurrent Resolution No. 14—Relative to the Honorable Bartley W. Cavanaugh;

Assembly Concurrent Resolution No. 16—Relative to the Pepperdine College victory in the Los Angeles Invitational Basketball Tournament;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 8 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 17—Relative to the adoption of Assembly Constitutional Amendment No. 84 at a special election held November 8, 1949;

Assembly Concurrent Resolution No. 18—Relative to the leasing of the federal prison at Terminal Island, California, for the early establishment of facilities for the medical facility of the Department of Corrections as provided for in Part 3, Title 7, Chapter 8 of the Penal Code;

Assembly Concurrent Resolution No. 20—Relative to the adjournment sine die of the 1949 (First Extraordinary) Session of the Legislature;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 8 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 8—Relative to the erection of a dam on the Feather River near Oroville, California;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-first day of December, 1949, at 8 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 2—An act to add a new chapter to be numbered 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation before the Legislature;

Assembly Bill No. 4—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to expenditures to influence legislation;

Assembly Bill No. 5—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1949, at 8.30 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 13—An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 22—An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor and declaring the urgency thereof, to become effective immediately;

Assembly Bill No. 25—An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for layoff of employees of county social welfare departments, specifying the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1949, at 8.30 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 27—An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 29—An act to add Section 9056 to the Government Code, relating to the solicitation and acceptance of fees to prevent the enactment of legislation;

Assembly Bill No. 47—An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1949, at 8.30 p.m.

GRUNSKY, Vice Chairman

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 58

Respectfully reports the same back without further action.

STEWART, Chairman

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Constitutional Amendments, to which were referred:

Assembly Bill No. 56
Assembly Bill No. 57
Assembly Constitutional Amendment No. 1

Respectfully reports the same back without further action.

CROWLEY, Chairman

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Education, to which were referred:

Assembly Bill No. 34
Assembly Bill No. 41

Respectfully reports the same back without further action.

DUNN, Chairman

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Judiciary, to which were referred.

Senate Bill No. 19
Senate Bill No. 20
Senate Bill No. 21
Senate Bill No. 24
Senate Bill No. 16

Respectfully reports the same back without further action.

BROWN, Chairman

Above reported bills ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Judiciary, to which were referred.

Assembly Bill No. 17
Assembly Bill No. 18
Assembly Bill No. 39

Respectfully reports the same back without further action.

BROWN, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 3
Assembly Bill No. 8
Assembly Bill No. 14
Assembly Bill No. 15
Assembly Bill No. 16
Assembly Bill No. 19
Assembly Bill No. 20
Assembly Bill No. 21
Assembly Bill No. 23
Assembly Bill No. 26
Assembly Bill No. 33
Assembly Bill No. 40
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 45
Assembly Bill No. 46
Assembly Bill No. 49
Assembly Bill No. 50
Assembly Bill No. 61
Assembly Bill No. 62
Assembly Bill No. 63
Assembly Bill No. 64
Assembly Bill No. 66
Assembly Bill No. 67

Respectfully reports the same back without further action.

BROWN, Chairman

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 65

Respectfully reports the same back without further action.

NIEHOUSE, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 24
Assembly Bill No. 36
Assembly Bill No. 48
Assembly Bill No. 51
Assembly Bill No. 55

Respectfully reports the same back without further action.

NIEHOUSE, Chairman

Committee on Agriculture

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1949

MR. SPEAKER: Your Committee on Agriculture, to which was referred:

Assembly Joint Resolution No. 7

Respectfully reports the same back without further action.

CLARKE, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 6
Assembly Bill No. 10
Assembly Bill No. 11
Assembly Bill No. 35
Assembly Bill No. 59
Assembly Bill No. 60

Respectfully reports the same back without further action.

SHERWIN, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 16
House Resolution No. 17
House Resolution No. 20
House Resolution No. 32
House Resolution No. 42

Respectfully reports the same back without further action.

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Concurrent Resolution No. 15
Assembly Joint Resolution No. 11
House Resolution No. 18
House Resolution No. 29
House Resolution No. 35

Respectfully reports the same back without further action.

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

Senate Joint Resolution No. 3

Respectfully reports the same back without further action.

DICKEY, Chairman

Above reported resolution ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

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

Assembly Joint Resolution No. 4

Respectfully reports the same back without further action

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 11
Assembly Concurrent Resolution No. 19

Respectfully reports the same back without further action.

DICKEY, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action:

Assembly Joint Resolution No. 9
Assembly Concurrent Resolution No. 8

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: I am directed to inform your honorable body that the following bill died on the Senate file:

Assembly Bill No. 52

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1949

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to adopt First Conference Committee report on

Senate Bill No. 7—An act to add Chapter 8, comprising Sections 9900 to 9929, inclusive, to Part 1, Division 2, Title 2, of and to add Section 1098 to, the Government Code, relating to the Legislative and Executive Departments of the State Government, including the regulation of lobbying and other attempts to influence legislation, and the conduct and practices of public officers and employees.

And appointed Senators Miller, Mayo, and Donnelly, as a Second Committee on Conference to meet a like committee from the Assembly.

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committee would hold a meeting:

Today, at 7.20 p.m.—

Rules.

TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT WHICH HAS BEEN APPROVED BY BOTH HOUSES OF THE LEGISLATURE, TOGETHER WITH THE YEAS AND NAYS TAKEN THEREON

Pursuant to the provisions of Article XVIII, Section 1, of the Constitution of the State of California, the following proposed constitutional amendment, two-thirds of all the members elected to each of the two houses of the Legislature having voted in favor thereof, is hereby entered on the Journal, together with the yeas and nays taken thereon:

Senate Constitutional Amendment No. 1

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 6 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its extraordinary session commencing on the twelfth day of December, 1949, two-thirds of the members elected to each of the houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 6 to Article XVI thereof, to read:

SEC. 6. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of one hundred million dollars ($100,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1949 (Article 5B added to Chapter 6 of Division 4 of the Military and Veterans Code by Chapter 1267 of the Statutes of 1949) authorizing the issuance and sale of state bonds in the sum of one hundred million dollars ($100,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1949 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

Yeas and Nays on Senate Constitutional Amendment No. 1

Excerpt from Senate Journal for December 20, 1949, page 114

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

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Way, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Excerpt from Assembly Journal for December 21, 1949, page 376

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis,

Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—73.

NOES—None.

Resolution ordered transmitted to the Senate.

APPOINTMENT OF MEMBER TO JOINT INTERIM COMMITTEE

Speaker Sam L. Collins announced the appointment of Mr. Hinckley as a member of the Joint Interim Committee on Agriculture and Livestock Problems to fill the vacancy created by the death of Mr. Heisinger.

APPOINTMENT OF JOINT LEGISLATIVE COMMITTEE ON LOBBY REGULATION

Pursuant to the provisions of Assembly Concurrent Resolution No. 12, Speaker Sam L. Collins announced the appointment of Messrs. Hawkins, Kirkwood, and Erwin as members of such Joint Legislative Committee on Lobby Regulation.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Tomlinson, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Esther Davis of Santa Barbara and Mrs. Warren Conrad of Sacramento.

On request of Mr. Kilpatrick, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Anne Beeman of Los Angeles.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. William W. Beeman and the Misses Georgeen and Nancy Morrison of Sacramento.

On request of Mr. Meyers and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Lawrence Mana of San Francisco.

POINT OF ORDER

Mr. Hollibaugh arose to the following point of order: That the hour of 9 o'clock p.m. having arrived, pursuant to the provisions of Assembly Concurrent Resolution No. 20 further business is not in order.

Ruling by Speaker

The Speaker ruled the point of order well taken.

ADJOURNMENT SINE DIE

At 9 p.m., on Wednesday, December 21, 1949, in accordance with the provisions of Assembly Concurrent Resolution No. 20, the Honorable Sam L. Collins, Speaker of the Assembly, announced that the time for final adjournment of the 1949 First Extraordinary Session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned sine die.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

RECAPITULATION OF ASSEMBLY MEASURES

ASSEMBLY BILLS APPROVED BY THE GOVERNOR, CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

The following Assembly bills were approved by the Governor, chaptered, and filed with the Secretary of State. Unless otherwise specified, all bills become effective 90 days after adjournment sine die of the Legislature, or on March 22, 1950.

A B. No.	Chapter	A. B No.	Chapter	A B No	Chapter
1	1	25	10	38	16
5	4	27	11	47	6
13	13	29	5		
22	14	37	15		

Number of Assembly bills approved by the Governor—10

ASSEMBLY BILLS POCKET VETOED BY THE GOVERNOR

2, 4

Total 2

ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	1	Crichton et al.	Adjournment in respect to memory of Assemblyman Samuel L Heisinger	Dec. 14
2	2	Maloney et al	In respect to the memory of Helen Regina Gaffney	Dec. 14
3	3	Gaffney et al	Relative to passing of Richard J Welch	Dec 14
4	16	Beck et al	Providing instruction for school children to meet dangers resulting from sex offenses	Dec 21
5	7	Grant and Fletcher	Approving amendments to the charter of the City of Long Beach	Dec 17
6	8	Smith	Approving amendments to the charter of the City of Glendale	Dec. 17
7	4	George D. Collins et al	Approving amendments to the charter of the City and County of San Francisco	Dec 15
9	9	Cloyed et al	Approving the charter of the City of Chula Vista	Dec 17
10	12	Brown	Approving the charter of the City of Modesto	Dec 20
12	24	Erwin et al	Creating Joint Legislative Committee on Lobby Regulation	Dec 21
13	25	Meyers et al.	Congratulating Judge Edward F. O'Day of the San Francisco Municipal Court	Dec. 21
14	26	Dickey	Relative to the Honorable Bartley W Cavanaugh	Dec 21
16	27	Hahn	Congratulating Pepperdine College on their victory in Los Angeles Invitational Basketball Tournament	Dec 21
17	28	Maloney	Adopting Assembly Constitutional Amendment No 84 at special election held November 8, 1949	Dec 21
18	29	Thomas	Leasing of Federal Prison at Terminal Island, California, for Medical Facility of the Department of Corrections	Dec 21
20	30	McCollister	Adjournment of 1949 (First Extraordinary) Session of the Legislature	Dec 21

Total 16

ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	17	Maloney et al.	Memorializing the President of the United States, the Vice President of the United States, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard	Dec 21
2	18	Maloney et al.	Designating the year 1950 as the year for observance of an American Free Enterprise Centennial	Dec. 21
3	19	Fletcher et al	Memorializing the President, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the Long Beach Naval Shipyard	Dec. 21
5	20	Niehouse et al	Memorializing Congress to enact legislation providing for distribution of funds belonging to California Indians	Dec. 21
6	21	Dickey	Continuing payment of non-resident fees by Veterans Administration to the Hastings College of Law, San Francisco, California	Dec. 21
8	23	Coats et al.	Relative to erection of a dam on the Feather River near Oroville, California	Dec. 21

Total 6

SENATE BILL REMAINING IN SECOND CONFERENCE COMMITTEE

7

Total 1